DRUŠTVO ZA NENASILNO KOMUNIKACIJO
association for nonviolent communication

REPUBLIC OF SLOVENIA

ALTERNATIVE REPORT

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

November 2019

Association for non-violent communication
Association SOS Help-line for women and children – victims of violence

Republic of Slovenia Alternative Report for consideration by Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)

Ljubljana, 2019

Contacts

Katja Zabukovec Kerin, Association for non-violent communication
Tel.: +386 1 43 44 822
E-mail: katja.zabukovec@guest.arnes.si
Address: Vojkova cesta 1, 1000 Ljubljana, Slovenia
https://www.drustvo-dnk.si/

Špela Veselič, Association SOS Help-line for women and children – victims of violence
Tel.: +386 1 54 43 513
E-mail: spela.veselic@drustvo-sos.si
Address: P. O. Box 2716, 1001 Ljubljana
https://drustvo-sos.si/

Participating non-governmental organizations

Društvo za nenasilno komunikacijo (*Association for non-violent communication*)

Društvo SOS telefon za ženske in otroke – žrtve nasilja (*Association SOS Help-line for women and children – victims of violence*)

Društvo Ključ – center za boj proti trgovini z ljudmi (*Society Ključ – Centre for Fight against Trafficking in Human Beings*)

Pravno-informacijski center nevladnih organizacij – PIC (*Legal-informational Centre for NGOs*)

Združenje proti spolnemu zlorabljanju/Združenje za moč (*Association against sexual abuse/ Association for Power*)

Signatory organizations

Zavod Karitas Samarijan (*Karitas Samarijan Institute*)

Center za socialno delo Spodnje Podravje (*Center for social work Spodnje Podravje, Women's Shelter Ptuj*)

Društvo Ars Vitae, Svetovalnica Kapljica – pomoč žrtvam nasilja (*Society Ars Vitae, Counseling Office Drop – help for Victims of Violence*)

Društvo varnega zavetja. Varna hiša Pomurja (*Society of safe Shelter of Pomurje, safe house for women and children victims of domestic violence*)

Društvo za pomoč ženskam in otrokom žrtvam nasilja, Varna hiša Gorenjske (*Organisation for Helping Women and Children Victims of Violence – Gorenjska region shelter*)

Prvi pomurski materinski dom s svetovalnico (*First Maternity and Counseling Home in Pomurje, Škofijska Karitas*)

Regionalna varna hiša Celje (*Regional Safe House Celje*)

Zavod Pelikan – **Karitas, Materinski dom** (*Institute Pelican – Caritas, Mother's Home*)

Abbrevations

CEDAW – Convention on the Elimination of all Forms of Discrimination Against Women
CEDAW Committee – Committee on the Elimination of Discrimination against Women
CoE – Council of Europe
DV – domestic violence
DVPA – Domestic Violence Prevention Act
EIGE – European Institute for Gender Equality
GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence
ISTANBUL CONVENTION – Council of Europe Convention on preventing and combating violence against women and domestic violence
MDT – multidisciplinary team
NGOs – non-governmental organizations
NIJZ – National Institute of Public Health
RS – Republic of Slovenia
SV – sexual violence
SWC – social work centres
VAW – violence against women

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I. Introduction

Human Rights Mechanisms

The *Council of Europe's Convention on preventing and combating violence against women and domestic violence* (Istanbul Convention) was signed by the Republic of Slovenia (RS) on the 8th of September 2011 and ratified by the National Assembly on the 19th of December 2014.

Slovenian non-governmental organizations (NGOs) working in the field of combating violence against women (VAW) are aware, that the Istanbul Convention is currently the latest and most comprehensive document on combating and preventing VAW and domestic violence (DV). That is why we are fully committed to implement all the provisions of the Istanbul Convention within the national legislation and in our day-to-day activities.

RS is also one of the Contracting States of the *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW). Despite the fact that the only recognised VAW in CEDAW are women trafficking and forced prostitution, Slovenian NGOs are well aware the Committee on the Elimination of Discrimination against Women (CEDAW Committee) has without a doubt put VAW at the core of their work. The core issue is the violation of equality between the genders and gender-based discrimination, that women are exposed to because they are women. Slovenian NGOs, as well as the CEDAW Committee, see the prevention of discrimination against women and VAW, protection of victims, investigation of violations, sanctioning of those responsible and enabling access to effective legal recourses and compensation, as the responsibility of the State. Having followed the CEDAW Committees guidelines to RS closely in the past, we wish to additionally inform the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) regarding these recommendations. Especially as we note that the recommendations to the State have been repeated many times, which clearly demonstrates the RSs attitude towards human right mechanisms, and the subject at hand – VAW.

The CEDAW Committee has voiced their concerns in regards to the incidence of VAW and DV as early as 2003. They were especially concerned about the **lack of systematic research and data** on VAW, specifically on DV.[1] That is why the CEDAW Committee following their General recommendation Nr. 19 has called for higher attention from RS to the adoption of comprehensive measures to combat VAW in family and society at large, including quantitative and qualitative research and databases.[2]

RS must take measures to ensure that qualified and competent public servants are working in the field of VAW, especially law officials, judicial, medical and social workers.[3]

[1] United Nations. General Assembly. 2003. *Report of the Committee on the Elimination of Discrimination against Women. 4. Second and third periodic reports. Slovenia, points 184.–228*. A/58/38. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=A%2f58%2f38(SUPP)&Lang=en (9. 7. 2019).
[2] Ibid., point 7.
[3] Ibid.

The CEDAW Committee reiterated their concern over the incidences of VAW and girls, the number of women killed by their intimate partners and a lack of a comprehensive national strategy and program to combat all VAW and girls in 2008.[4] They again **urged RS to deal with the problem of gender-based violence comprehensively**, in accordance with the Committees General Recommendation Nr. 19. They recommended to RS to develop a comprehensive strategy or action plan for the prevention and elimination of all forms of VAW and girls and to develop an effective national mechanism to coordinate, oversee and determine the effectiveness of these measures. It also recommended that all murders of women by their intimate partners be analysed and appropriate measure be taken to protect women from intimate partner violence (IPV) based on the findings of the analysis. It asked of RS to prepare a report on the implementation of the Domestic Violence Prevention Act (DVPA), in regards to the incidences of VAW for its next periodic report.[5]

In their Fifth and Sixth Periodic Report on implementation of CEDAW measures that RS prepared in 2013, RS reported the number of murders in a family from 2008 and 2012, and the information, that the majority of these victims were women. The analysis of the effects of DVPA and the analysis of murders of women by their intimate partners are not mentioned.[6]

In 2015 the CEDAW Committee voiced their concern again, as RS was not able to fully prohibit all VAW, in public and private life, due to lenient sentencies for perpetrators of DV issued by the courts, due to a non-existence of a national mechanism to coordinate, oversee and determine the effectiveness of the measures taken to combat VAW and the lack of access to statistical databases.[7] Based on this report the CEDAW Committee has again alerted RS to their General Recommendation Nr. 19 and asked of RS to:

- adopt a national program for the period from 2015 to 2020;
- ensure thorough investigation and prosecution of any VAW, including DV and sexual violence (SV) and appropriate sanctions for perpetrators, corresponding to the severity of the crime;
- establish a permanent mechanism for coordination, oversight and determination of the effectiveness of the measures taken to combat VAW, with sufficient human, technical and financial resources;
- ensure an effective enforcement of restraining orders, effective legal actions and appropriate compensation for victims;
- ensure an overarching mechanism for systematic statistical data gathering and analysis, based on gender, age and relationship between perpetrator and victim, on

[4] Committee on the Elimination of Discrimination against Women. 2008. *Concluding observations of the Committee on the Elimination of Discrimination against Women: Slovenia.* CEDAW/C/SVN/CO/4, point 23. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSVN%2fCO%2f4&Lang=en (9. 7. 2019).

[5] Ibid., point 24.

[6] Veselič, Špela and Katja Matko. 2014. *Analiza usklajenosti nacionalnih standardov, zakonodaje in javnih politik s Konvencijo Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima,* pg. 40. Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.

[7] Committee on the Elimination of Discrimination against Women. 2015. *Concluding observations on the combined fifth and sixth periodic reports of Slovenia.* CEDAW/C/SVN/CO/5–6, point 19. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSVN%2fCO%2f5-6&Lang=en (9. 7. 2019).

law suits, investigations, prosecution, convictions and sanctions for the perpetrators of VAW;
- provide training judges, lawyers, police and other law enforcement agencies to enforce measures stipulated in the Criminal Code on the subject of DV.[8]

In 2016, similar recommendations were made by the United Nations Human Rights Committee.[9]

General remarks regarding VAW and DV in RS

Tolerance towards VAW and violence against children – so towards DV is still high in RS. The number of recorded offences of DV is declining, which is especially concerning. On the other hand, there is no decline in the number of registered capital offences, where DV is often the first registered offence.

Various types and forms of VAW are addressed unequally. Verbal, psychological and SV are considered less serious. Only physical violence is a sign for institutions that *actual* violence has occurred, as is shown throughout the pre-trial and trial criminal proceedings. The victims report that they often feel powerless and that **the response from the institutions, that they cannot act until something concrete happens**, puts them in great distress. Only a small number of victims reach out to institutions again, after receiving such an answer when reporting DV for the first time.

There is no focus on SV experienced by women from their intimate partners and it rarely receives any attention. Criminal offences against sexual integrity are taboo, as is reporting these offences, which represents a big obstacle for victims.

The Criminal Code needs revisions when it comes to defining criminal offences against sexual integrity, especially in view of SV against women perpetrated by their intimate partners (e.g. circumstances for prosecuting marital rape are different from circumstances for prosecuting rape in other circumstances), especially considering the use of force in these crimes and the subsequent unequal treatment of victims. Criminal offences against sexual integrity must be defined within the **concept of consent and in accordance with the model "yes means yes"**. Slovenia must clearly define sexual intercourse without consent as rape. Additionally, RS must clarify that the absence of the word "no" or silence, does not constitute consent. The defining moment when considering consent is a person saying "yes", not a person saying "no".[10]

Furthermore, changes must be made in defining sexual harassment, offences against sexual integrity respectively, which are defined by the Criminal Code as criminal acts only if perpetrated by a person abusing their position (e.g. superior in the workplace).

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[8] Ibid., point 20.

[9] Human Rights Committee. 2016. *Concluding observations on the third periodic report of Slovenia*. CCPR/C/SVN/CO/3. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSVN%2fCO%2f3&Lang=en (9. 7. 2019).

[10] *Poziv k spremembi defiicij kaznivih dejanj zoper spolno nedotakljivost.* Available at: https://www.amnesty.si/media/uploads/files/Dopis-spremembe-KZ-spolno-nasilje-NVO-FSD.pdf (10. 11. 2019).

The treatment of **arranged marriages** is also problematic. RS institutions are ill equipped to recognize and identify the problems of arranged marriages. Due to the closed communities, in which these violent acts against women and girls occur, the information about arranged marriages rarely reach NGOs in time to stop the marriages from taking place if at all.

In Slovenia arranged marriages happen in some Roma and some other communities. They take place nationally, and internationally as well. The victims are usually underage, especially the so called "brides". It is fair to say, **that arranged marriages are overlooked by our society**, as they are tolerated by the institutions entrusted to protect children. Until recently we have heard from responsible institutions, that arranged marriages are "part of the Roma culture". When prosecuting arranged marriages, the Penal Code is not being considered as it states that sexual assault on a person younger than 15 years is a crime. Enforcing this stipulation could bring an end to these practices.

There is also a lack of **systematic care of children, victims of human trafficking** (including children victims of arranged marriages). The current system of Crisis Centres enables children to retreat from an endangering situation for up to 3 weeks, but the location of these Centres is public knowledge and they do not provide a permanent solution for a person forced into marriage. In addition, staff working at the Centres are not additionally trained to deal with these cases.

Media reporting about VAW and DV is »not continuous, public awareness is mainly related to individual actions, reporting about violence is always connected to a concrete case (especially femicide). The reporting of DV is problematic, as it is inappropriate, unprofessional, incorrect and sensationalist, thus creating a skewed picture of violence, experienced by women and children in their private life.«[11]

[11] Podreka, Jasna. 2018. In Zabukovec Kerin, Katja and Katja Matko. 2018. *Pregled stanja na področju preprečevanja nasilja v družini in nad ženskami – težave, s katerimi se žrtve srečujejo na poti iz nasilja ter predlagani cilji in ukrepi za Resolucijo o nacionalnem programu preprečevanja nasilja v družini in nasilja nad ženskami*. Ljubljana: Društvo za nenasilno komunikacijo and Društvo SOS telefon za ženske in otroke – žrtve nasilja.

II. Integrated policies and data collection

II.A Gender sensitive approach

There is no definition of gender in any of the legal and policy documents in RS (e.g. in Resolutions and Action Plans).[12]

The **gender-blindness of legal and policy documents** was pointed out by the representatives of the NGOs and academics met during the CoE fact finding mission in Ljubljana (13 – 14 June 2018). These documents in Slovenia focus on DV and not on VAW. That avoids a gender - based approach of the violence by equalling its prevalence and effect to all members of a family. The Slovenian legal and policy framework on DV fits into the Degendered Domestic Violence Frame.[13] This frame treats DV mostly as a human rights and criminal justice issue but not as a specific gender equality problem, avoiding the structural gender inequality causes of violence. Although gender neutral definitions of DV are not necessarily against the Istanbul Convention, they might indicate a lack of gender perspective or gender-based understanding of violence.[14]

The discussions on violence often revolve around violence against children. This is both a crucial and underestimated topic that needs to be addressed accordingly. However, mixing VAW and DV with violence against children or children's sexual exploitation deters the adoption of a gendered approach of VAW and DV and risks to shift the attention from women to children. As reported in various meetings with the involved authorities' and institutions' representatives, the inter-institutional cooperation appears to be better functioning in cases of violence against children or when children are involved or witness the violence against their mothers. This shows a disbalanced consideration of cases of violence against children or women, where the latter are again underestimated and in the 'back plan'.[15]

II.B Strategies/action plan(s) and other relevant policies

Forms of violence covered in legislation of RS are physical, sexual (sexual abuse and rape), psychological, economic and stalking.

[12] Veselič, Špela and Katja Matko. 2014. *Analiza usklajenosti nacionalnih standardov, zakonodaje in javnih politik s Konvencijo Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima.* Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.

[13] Krizśan, Andrea, Maria Bustelo, Andromachi Hadjiyanni, and Fray Kamoutsi. 2007. "Domestic Violence: A Public Matter." In Mieke Verloo (ed). Multiple Meanings of Gender Equality: A Critical Frame Analysis of Gender Policies in Europe, 141-185. Budapest: CEU. In Danaj, Ermira and Špela Veselič. 2018. *Recommendations for the development of the Slovenian national programme on preventing and combating domestic violence and violence against women. Challenges, gaps and best practices report*, pg. 13–14. Strasbourg: Council of Europe.

[14] GREVIO. 2017. Baseline evaluation report Denmark. In ibid., pg. 14.

[15] Ibid., pg. 14.

Human rights of victims

In RS DVPA »defines the concept of domestic violence, the role and tasks of state authorities, holders of public authority, public service providers and other service providers in the area of social security, healthcare and education, authorities of self-governing local communities (hereinafter: authorities and organizations) and non-governmental organizations in dealing with domestic violence, and lays down the measures for protecting the victims of domestic violence.«[16] The rights of victims according to the DVPA are:

- to choose a Companion (to accompany the victim in violence-related procedures, with the intent to protect her integrity, help in finding solutions and offers psychological support);
- to choose an Advocate (a proponent, who in accordance to special legislation protects the victims interests in all procedures and processes);
- that the identity of the victim and perpetrator are protected, so that the public cannot access the personal information of the victim;
- to receive free legal aid, after a danger assesment is issued by the SWCs.

In implementing the law, the rights of the victims are most often not understood by law enforcement. The DVPA states the instances in which the victim can be accompanied by a Companion, who supports the victim. But in practice it is often the case that the presence of **Companion** is rejected while the victim is being interviewed by the police or in court proceedings, even when providing a written statement and/or authorisation by the victim. How free legal aid is considered and offered also varies from case to case. Victims are sometimes being refused police protection when entering the residence to collect personal belongings, in cases where the victim did not previously report the violence. Misuse of these measures, that are supposed to protect the victim and offer security, often cause additional psychological and emotional, as well as financial, distress to the victims.[17]

With the changes implemented in the DVPA-A in 2016,[18] the RS partially implemented the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.[19] In 2019 additional provisions of the Directive were implemented by amendments to the Criminal Procedure Act.[20] Slovenian NGOs consider these provisions of the Directive, which are extremely important for the victims, to

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[16] *Zakon o preprečevanju nasilja v družini*. Official Gazette of the RS, 16/08. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5084 (9. 7. 2019).

[17] Veselič, Špela and Katja Matko. 2014. *Analiza usklajenosti nacionalnih standardov, zakonodaje in javnih politik s Konvencijo Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima*, pg. 44. Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.

[18] *Zakon o spremembah in dopolnitvah Zakona o preprečevanju nasilja v družini (ZPND-A)*. Official Gazette of the RS, 68/16, 4th of November 2016. Available at: https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2016-01-2931?sop=2016-01-2931 (9. 7. 2019).

[19] *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*. Official Journal of the European Union No. L 315/57, 14th of November 2012. Available at: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF (9. 7. 2019).

[20] *Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku (ZKP-N).* Official Gazette of the RS, 22/19, 5th of April 2019. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7508 (9. 7. 2019).

be implemented only partially and un-holistically into Slovenian judicial rules, with major delays in the implementation.

Effectiveness of the policies and holistic approach to violence

One of the biggest flaws in combating VAW and DV in RS is not using a holistic and integrated approach to violence, which should be the basis when combating gender-based violence. Individual, institutional and systemic factors which are the underlaying cause and effect of VAW must be considered. The Istanbul Convention suggests an integrated approach, based on human rights and »the three Ps approach: prevention, protection and prosecution«, leaning on due diligence of the State.[21] RS faces grave issues in securing and providing prevention measures, as they are shut out of almost all RS annual budget plans and funding.

II.C Financial resources allocated to the implementation

Slovenian NGOs note difficulties in providing financial resources to ensure viable programs combating VAW. One of the biggest issues is **a lack of financial resources for prevention**, as they are practically non-existent, not being systemically budgeted by RS at all. There is also **no research funding**. Financial resources for social security programs are allocated by RS, but there is no stipulation how much of these resources are to be allocated to programs combating VAW.

II.D Work of NGOs and other civil society actors and measures taken to ensure effective co-operation

The role of the NGOs has been crucial in the fight against VAW and DV. It was due to NGOs work since the end of the 80s and beginning of the 90s that DV started to become visible to society. NGOs have pushed not only towards the visibility of DV but also towards a stronger response and sanctioning of perpetrators. It is a positive point that NGOs are part of the current Interdisciplinary working group tasked with drafting the new *Resolution on the prevention of domestic violence and violence against women*. Also, there appears to be a good collaboration between NGOs and the Ministry of Labour, Family, Social Affairs and Equal Opportunities and between the Police, NGOs working on VAW and DV and the statutory social services – social work centres (SWC). However, there are some differences when it comes to national and local level. At the local level, local NGOs report not cooperating so well with the SWCs and often the cooperation is mostly based on personal relationships. These differences between the national and local level are also shown in the uneven distribution of NGOs working on VAW and DV in Slovenia, as most of them are based in Ljubljana or other major urban centres.[22]

Assistance offered by NGOs

[21] Veselič, Špela in Katja Matko. 2014. *Analiza usklajenosti nacionalnih standardov, zakonodaje in javnih politik s Konvencijo Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima*, pg. 11. Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.

[22] Danaj, Ermira and Špela Veselič. 2018. *Recommendations for the development of the Slovenian national programme on preventing and combating domestic violence and violence against women. Challenges, gaps and best practices report,* pg. 18–19. Strasbourg: Council of Europe.

NGOs offer help and assistance to victims when facing problems caused by violence. They play a crucial role in developing support programs, legislature and policies in the field of VAW, violence against children and DV. The NGOs offer:

- confidential, anonymous and free phone counselling for persons, experiencing violence;
- personal counselling and other psychosocial help for persons, experiencing violence;
- safe accomodation in Safe houses and/or Crisis centres for persons, experiencing violence;
- placement in Maternity homes for women with children and pregnant women, in social and economic need;
- self-help groups for people experiencing violence;
- Companions and Advocates for persons, experiencing violence;
- counselling for perpetrators and training of social skills for men perpetrating VAW;
- socialising – individual help for children and minors, who experience violence;
- counselling, crisis placement and helping with repatriation of human trafficking victims;
- help and support to human trafficking victims in social and work re-integration;
- workshops in primary and secondary schools;
- education, information and raising awareness with professional, interested and general public;
- organization of various social campaigns, cooperation with media, publishing written materials etc.[23]

In 2003, the CEDAW Committee praised RS for the importance of women's rights NGOs. But it also voiced concern, as **RS places too much responsibility in the NGOs, especially when implementing CEDAWs measures**.[24] CEDAW recommended to RS to regularly and structurally include NGOs in policy making and implementing CEDAWs measures, but also reminded RS that one of the responsibilities as a Contracting State is to ensure that the Convention and CEDAW measures are wholly integrated by the Government.[25]

As we know that the situation has not changed, we cite the concerns of the CEDAW Committee and their recommendations, which also directly apply to the implementation of the Istanbul Convention.

Despite a national system for financing NGOs public social security programs, the NGOs face **grave financial and personnel shortage**. Financial resources for public social security programs in the field of violence provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities and other benefactors (especially City of Ljubljana) have increased substantially in the last 15 years. The increase is due to informing and educating the general public, authorities and organizations, raising awareness, expanding the programs and making

[23] Horvat, Dalida. 2014. In ibid., pg. 48.
[24] United nations. General Assembly. 2003. *Report of the Committee on the Elimination of Discrimination against Women. 4. Second and third periodic reports.* Slovenia, point 220. A/58/38. Avaliable at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=A%2f58%2f38(SUPP)&Lang=en (9. 7. 2019).
[25] Ibid., point 221.

them accessible, enabling more victims and perpetrators to be included. The problems which they face and require help with, are multi-layered thus prolonging their inclusion in the programs. Due to better awareness and a more professionalized NGOs approach the expectations placed on NGOs by the users and general public are growing, and this is in fact being met by the NGOs, by cooperation and expansion of various programs. This and the increase of funding makes it hard for the co-funders to understand, that the NGOs are still gravely underfunded und understaffed. Many NGOs are becoming some sort of **»knowledge gathering pools«** used by staff members to gain expert knowledge and experience, then leave the positions for higher income and better working conditions (option of promotions, further education, job security, stable income, modern infrastructure etc.) in the public sector. This drain of human resources is a huge burden on the NGOs and some are struggling to stay afloat. There seems to be an unrealistic expectation placed on NGO staff to work for less (or for free even) and be driven only by ethics. On the other hand, the demands of the co-funders and oversight institutions are ever higher (rightfully so), but unable to be met by NGOs as the demands are often incompatible with each other. There is a growing concern amongst NGOs **that due to the lack of time and capacity for activist work** in these harsh working conditions, NGOs will become only cheap service providers for RS, and no longer function as advocates for victims and the driving force for change.

II.E Body(ies) established or designated in application of Article 10

In order to implement Article 10 of the Istanbul Convention, on the 7th of April 2016 the Government of RS established an **Inter-ministerial working group to monitor the implementation the Istanbul Convention.** The Inter-ministerial working group is responsible for coordinating, implementing, monitoring and evaluating policies and measures for preventing and combating all form of violence as stipulated in the Istanbul Convention. Their tasks are to:

- monitor the implementation of the provisions of the Istanbul Convention;
- ensure that the various measures adopted under the Istanbul Convention are appropriately coordinated in accordance with the powers and responsibilities granted by the Constitution and legislature to authorities and organizations and that they in turn pursue the goal of rightful operation of RS and other related institutions working within the Istanbul Convention;
- ensure that general or statistical data and information is collected and analysed in a centralized manner and results disseminated;
- monitor nationally and locally the ways and effects of policies and measures taken to prevent and combat all forms of violence adopted under the Istanbul Convention;
- ensure the scientific evaluation of a policy or measure, to make sure the needs of victims of violence are meet, their intended purpose on a national and local level is fulfilled and to ascertain possible unintentional consequences;
- report on legislature and other measures implementing the Istanbul Convention, submitted to GREVIO.[26]

[26] Medresorska delovna skupina za spremljanje izvajanja Konvencije Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima (Istanbulska konvencija). Available at: https://www.gov.si/zbirke/delovna-telesa/medresorska-delovna-skupina-za-spremljanje-izvajanja-konvencije-sveta-evrope-o-preprecevanju-nasilja-nad-zenskami-in-nasilja-v-druzini-ter-o-boju-proti-njima-istanbulska-konvencija/ (17. 7. 2019).

Working within the Inter-ministerial working group are representatives of all RS ministries and government bodies working under the Istanbul Convention and representatives from SWCs and NGOs. Coordination of the Group falls under the jurisdiction of the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

II.F Collection of relevant data

In 2009 RS adopted its first **Resolution on the 2009-2014 national programme on prevention of family violence**[27] which determined the objectives, strategies, activities and key policy makers to prevent and reduce DV. Among the strategies was also the creation of a **comparable registration methodology**: collecting data on victims and perpetrators of violence as well as data on the type of violence and treatment needs to be established. Key tasks were:

- to establish a comparable registration methodology of acts of violence and integrity of records;
- to document acts of violence according to the content of relationships and gender, since this sort of data collection would be more transparent and would ease the research of this issue;
- to present to the public once a year the entire statistics of acts of violence;
- to supplement the education and training programmes of all individuals who participate in pre-trial criminal and criminal procedure.[28]

Nevertheless, **there is still no comparable methodology** in RS for recording violent acts, victims, perpetrators, their gender and relationship. There is no correlation between records. According to the Ministry of Labour, Family, Social Affairs and Equal Opportunities SWCs collect data on victims and perpetrators of DV (Social database, app. 2.000 victims per year).[29] But we are aware that this data is incomplete, and in raw form. In some areas, only police statistical data about the number of criminal charges submitted can be used.

This data is also inaccurate, as it includes violent acts that not only occurred, but were also reported to the authorities and were recognized by them as such. Still vague is data on public order offences (misdemeanors) issued by police in cases of violence. Data from the 2018 Annual Police Report[30] shows that the most common misdemeanor under the Law on Public Order and Peace was provoking or inciting to fight, with the most common places of disturbance being the street, road and square. A conclusion might be drawn that police does not treat DV as a public order offence as much anymore. The data on children as victims of DV is also unclear, as children witnessing violence of one parent against the other and children

[27] *Resolution on the 2009-2014 national programme on prevention of family violence*. Official Gazette of the RS, 41/2009, 1st of June 2009. Available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/resolution_prevention_family_violence_09_14.pdf (17. 7. 2019).

[28] Ibid., point 3. 3. 3.

[29] Veselič, Špela. 2018. *Council of Europe fact finding mission – Summary of the main gaps and challenges in the field of violence against women and domestic violence in Slovenia with recommendations. Report*. Personal archive.

[30] Republika Slovenija. Ministrstvo za notranje zadeve. Policija. 2019. *Letno poročilo o delu policije za leto 2018*. Available at: https://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPoro%C4%8Dilo2018.pdf (17. 7. 2019).

victims of sexual abuse, as is often the case in DV, are often not treated as a separate criminal offence and are not recorded as such, as they are more often than not included only as additional information and support for the Prosecutor and the Courts.

The study on data collection was conducted in 2013 as the **country report** in a wider project financed by European Institute for Gender Equality (EIGE). Main findings of the study are:

- Legal national documents do not provide a clear definition of VAW. Most of the documents and national plans are on the DV and VAW is seen as part of it.
- Databases do record VAW incidents (physical and sexual abuse, rape) separately. Some of databases even do not use gender as a variable for data collection (like SWCs). It is an impression that DV is understood as gender neutral concept.
- Databases are not connected, and they do not correspond to each other. They are prepared to be used in a particular sector (police, justice system, SWCs) and not to monitor the incidents of VAW.
- Sectors do not share information, apart from what is publicly accessible (yearly reports or web pages).
- Most of databases are more or less focused on monitoring the performance of the employees and not so much to get information on incidents.
- Statistical Office of the RS is the main statistics producer on the national level, which is collecting data about offenders, but not on the victims, also not on the VAW specifically. Office is not connected to other databases, only with the justice system, from where they get data on offenders. Statistical Office recently initiated a set of meetings with relevant experts in relation to VAW in order to get feedback on the questionnaire on VAW. There is no information on the proceedings to these meetings.
- It is very difficult to get any information on codes each of databases are using for VAW. That is partly explained with security reasons, although it is difficult to understand how the security can be endangered with knowing the codes. Codes are also specific for each sector.
- There are no data collected on VAW in health system. Although there is an awareness of the problem, there is no activities to improve data collection.
- There are four major databases: iK-vpisnik in Criminal justice, ITSPol at the Police, IS-CSD1 (just physical abuse) in Social protection and SI-STAT for the state statistical office (collecting data on physical and sexual abuse and rape).
- All databases are computerized, and all statistical products are well established, regularly monitored and evaluated.
- Administrative data sources are not related to each other. Each system has its own database that can't be shared because of different reasons. One refers to programs that were developed inside each of the system and are not compatible. They are stored on different servers and were developed by different IT technologists. The second reason is that they record different incidents, so they are incompatible. While police are recording a crime, justice is recoding court procedures and social protection is recording mostly services that are offered to victims and perpetrators. State statistic is gathering data from prosecution and from courts. Statistical office is sending questionnaires to regional and district courts. Office once a year gets information from Prosecution about the accused persons in an electronic form. From those two sources they get information about the perpetrators, accused, convicted and indicted. The third reason is that there are no unified definitions of violence and the understandings

of violence differ. None of the bases are actually interested in VAW but they record violent acts in the family. In social protection they even do not record data on gender, so it is only possible to get information on that by the ID number but that is more complicated. Because of all that they can't link databases.

- Each field has its own regulations on data collection that does not regulate forms of violence but apply to all data collections in the field. Overall regulation is made by the Information Commission, which is responsible for protection of the personal integrity (regulations available in English). According to that all other fields are obliged to determine which data they will collect and how the collections relates to the rules issued by the Information Commission.
- All institutions that are collecting data established special department that is dealing with data collection, usually called center for informatics or similar.
- Ministry of labour, family, social affairs and equal opportunities has a department for informatics that is responsible for planning, establishing, maintaining and developing databases.
- Supreme court also has a Centre for informatics as a part of the Evidence department. It is responsible for the development and maintenance of data bases. They are also responsible for training and education on the use of data bases.
- The IT and telecommunication office at the General Police Directorate is responsible to prepare, draw up and oversee the implementation of medium-term and annual plans for the development and purchase of software and hardware for the Police information and telecommunication system, as well as electronic equipment and technical security systems.
- The Statistical Office is responsible for the state statistic and is regulated by the law.[31]

II.G Information on any population-based survey(s) conducted on violence against women

The whole chapter of the Resolution on the 2009-2014 national programme on prevention of domestic violence was dedicated to research with following strategies: national research strategy on DV and its periodical implementation every five years; establishing a national database and comparable indicators; analysis of the prevention and treatment system and manifestations of violence in the private sphere and partnerships.[32]

Two comprehensive studies about DV and VAW have been conducted in Slovenia. The 2006 study Domestic Violence in Slovenia represents results of a phone survey of 1.006 subjects, studying various elements of violence.[33] The National Survey in the Private Sphere and Relationships includes results of a postal survey and responses from 752 adult women.[34]

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[31] Leskošek, Vesna. 2013. *National report on administrative data collection on violence against women: Slovenia*. London: Matrix Insight Ltd.

[32] *Resolution on the 2009-2014 national programme on prevention of family violence*. Official Gazette of the RS, 41/2009, 1st of June 2009. Available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/resolution_prevention_family_violence_09_14.pdf (17. 7. 2019).

[33] Sedmak, Mateja and Ana Kralj. 2006. Nevarna zasebnost – nasilje v družinah v Sloveniji. *Družboslovne razprave.* 22/53, 93–110.

[34] Leskošek, Vesna, Mojca Urek and Darja Zaviršek. 2010. *Nacionalna raziskava o nasilju v zasebni sferi in v partnerskih odnosih. Končno poročilo.* Ljubljana: Inštitut za kriminologijo.

No periodic researches are prepared, national database and comparable indicators are not established.

III. Prevention

III.A Campaigns and programmes

Prevention programmes and programmes for raising awareness are still insufficiently funded. Aware of the importance of prevention, NGOs try to organize awareness campaigns for the (general) public at least during the **international days for the elimination of VAW**[35] every year. There have been quite a few high profile campaigns in 2018, eg. a design contest Plaktivat on the topic of "No Excuse", an expert conference "Contacts and custody of a child after a breakup due to domestic violence" and many others.

Financial support should be provided for the development and implementation of different prevention programs with a common goal of informing, raising awareness and preventing various types of violence, with an emphasis on coordinated community response. The prevention should aim at all organizations that come into contact with potential victims and perpetrators of violence (health services, youth organizations, NGOs, sports clubs, etc.).[36]

III.B Steps that authorities have taken to include teaching material in formal education curricula at all levels of education, and/or in non-formal education

The Resolution on the National Program for the Prevention of Domestic Violence 2009-2014 provided for a strategy of preventive action in education. The programme could sensibly address the issue of gender equality and other topics within the Istanbul Convention. The resolution states that, in particular, **prevention in the field of education is left to the individual discretion** of kindergarten or school management staff and educators as to whether or not the issue of violence in kindergartens and schools will be addressed. Specifically primary school children should be helped to build a healthy foundation for quality interpersonal relationships in which there is no room for violence. The section on Strategy for Preventive Action in Education states that it is necessary to ensure that the ethical guidelines of kindergartens and schools, as well as the manner of operation in these institutions, is constructed to encourage prosocial behavior in which non-violent communication and constructive conflict resolution will become the self-evident practice and manner of operation of all those involved in education. The key tasks set out in the resolution are:

- to include content that will contribute to overcoming stereotypes and prejudice; content related to the issue of violence, training of social skills and knowledge of non-violence and peaceful conflict resolution in the curricula of kindergartens, primary and secondary schools;
- to include non-violence and peaceful conflict resolution programmes in further professional development programmes;
- to include programmes to raise awareness of DV in teacher education programmes;

[35] Zabukovec Kerin, Katja and Katja Matko. 2018. *Pregled stanja na področju preprečevanja nasilja v družini in nad ženskami – težave, s katerimi se žrtve srečujejo na poti iz nasilja ter predlagani cilji in ukrepi za Resolucijo o nacionalnem programu preprečevanja nasilja v družini in nasilja nad ženskami*. Ljubljana: Društvo za nenasilno komunikacijo and Društvo SOS telefon za ženske in otroke – žrtve nasilja.
[36] Ibid.

- to include contents on the prevention, recognition and dealing with DV in the educational programmes for health professionals at secondary, higher and university level.[37]

At the end of 2009, the minister for education adopted the Rules on the Treatment of Domestic Violence for Educational Institutions. It focuses on two principles: **zero tolerance for violence and continuous work on prevention** (both on programmes and in taking preventive factors into account).[38]

The quantity of violence related topics and the way of presenting these topics to students is a matter of each school's or educator's discretion. Thus, a lot depends on the competence of individuals working in the field of education.[39] As Doroteja Lešnik Mugnaioni, a collaborator of the project of *Leadership and Management of Innovative Learning Environments* at the School for Principals,[40] points out, the situation in the educational institutions has not improved, since the selection of preventive activities depends entirely on the assessment of the management and counseling services of educational institutions on what the perceived problems and the bottlenecks in preventing them are; in how it would be reasonable to address them; and who would be the appropriate provider of these preventive activities.

Some educational institutions follow a long-term vision with prevention, and therefore annually upgrade the educational plan and existing activities (especially through involvement in various projects in the field of education), while some educational institutions act more spontaneously and thus opt for preventive activities as they go. By all means, educational institutions have an autonomous role in the field of teaching gender equality, constructive conflict resolution, developing a culture of tolerance and nonviolence and similar topics, since the state **did not adopt any binding documents on mandatory preventive content** and suitable providers of these contents, as well as no financial frameworks for the implementation of prevention. There are only guidelines or recommendations in this area. Furthermore, the state did not define how the prevention activities should be evaluated in the educational institutions, which would provide insight into the effectiveness of the selected approaches and models. With regard to all the above mentioned aspects of the implementation of prevention, the educational institutions are largely left to their own judgment and choice.

A survey by the School of Principals confirmed as early as in 2009 that **the state does not have a national binding policy** (protocols, rules) which would impose substantive and professionally appropriate ways of prevention in the field of violence, conflict resolution, gender equality, prevention of discrimination, etc. for educational institutions.[41]

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[37] Veselič, Špela and Katja Matko. 2014. *Analiza usklajenosti nacionalnih standardov, zakonodaje in javnih politik s Konvencijo Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima.* Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.

[38] Rustja, Erika. 2014. In ibid.

[39] Ibid., pg. 59.

[40] Lešnik Mugnaioni, Doroteja. 2019. *Correspondence with a collaborator on the project of Leadership and Management of Innovative Learning Environments at the School of Principals*. Ljubljana, 23rd of July 2019.

[40] Lešnik Mugnaioni, Dora, Andrej Koren, Vinko Logaj and Mateja Brejc. 2009. *Nasilje v šoli: opredelitev, prepoznavanje, preprečevanje in obravnava.* Kranj: Šola za ravnatelje.

[41] Ibid.

The research showed that in the framework of preventive activities in public educational institutions (no data from private educational institutions were obtained), external contractors performed lectures, workshops, performances and other activities for children/pupils, parents and educators with diverse professional, conceptual and ethical approaches. It was recognized that the definitions, attitudes and proposals for solving the perceived problems in ensuring gender equality and children's rights, prevention of DV, peer violence, etc. were different.[42]

The Management of Innovative Learning Environments project by the School for Principals (to be completed in 2019) was partly occupied with **training of a group of principals** in counseling colleagues on various aspects of the management of educational institutions. Fifteen "expert" principals were trained for the purpose of counseling in the field of violence prevention, and provided counseling in the regional working groups of principals in 2019. At these consultations, it became clear that principals usually formulate preventive programmes in the educational institutions without firstly analysing the situation or evaluating past activities. It was also revealed that their responses to perceived cases of violence, cyberbullying, class conflict, etc. are late and often ineffective. Discussions in regional working groups of principals have shown, that there are no common guidelines in the field of prevention, and that individual assessment of management and counseling services in the educational institutions was crucial. In some respects, this is positive, since the educational institution can thus focus on specific and concrete issues and locally perceived problems, while taking into account the socio-economic context of the environment of the educational institution when planning prevention. At the same time, in the absence of a definite national strategy and binding documents regarding the prevention and treatment of violence in the educational institutions, this approach allows for too much subjectivity and unprofessionalism in the selection of preventive activities at school.[43]

III.C The categories of professionals who receive initial training

The DVPA defines the role of legal bodies and organizations, as well as NGOs in Article 10,[44] which also stipulates the education of all experts:

Article 10
(The role of authorities, organizations and non-governmental organizations)

(1) As part of their tasks and authorisations pursuant to laws and other regulations, authorities, organizations and non-governmental organizations shall be bound to consider instances of violence on a priority basis, and to provide mutual information and assistance intended to prevent and identify violence, as well as eliminate the causes and offer assistance to the victim in establishing safe living conditions.
(2) The minister competent for family affairs shall prescribe in detail the procedures for providing mutual information and assistance referred to in the preceding paragraph.
(3) The ministers competent for the operation of the police, health organizations, social security and educational institutions shall determine with the consent of the minister competent for family affairs the rules and procedures to ensure the concerted action of authorities and organizations and which must be

[42] Ibid.
[43] Ibid.
[44] *Zakon o preprečevanju nasilja v družini*. Official Gazette of the RS, 16/08. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5084 (9. 7. 2019).

considered by the authorities and organizations from the above-mentioned areas in dealing with instances of violence.
(4) Professional staff in authorities and organizations who under the rules and procedures referred to in the preceding paragraph perform tasks in the field 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 victimisation in the extent defined by the competent ministers referred to in the preceding paragraph.
(5) Responsible persons at authorities, organizations and non-governmental organizations shall provide training for all professional staff who deal occupationally with the victims or perpetrators of violence.
(6) Judges and state prosecutors who deal occupationally with victims or perpetrations 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.

Despite legal provisions, education and training in the field of DV **is neither regular, systematic or compulsory** for professionals. We continue to notice that **many stereotypes and prejudices** persist in different institutions dealing with victims of violence. Furthermore, minimization, denial and rationalization of DV occurs due to ignorance. Recently, we have noticed an alarming trend with public servants where they believe many reports of DV are in fact fabricated and false. They believe women report violence for the benefits they could claim and out of revenge on their ex-partner. The history of violence is not taken into account when regulating contact with children, although violence often continues during contacts, towards and through children. Violence is often perceived as conflicts and disagreements between parents. In such cases of unacceptable **mistaking violence for conflict**, SWCs, for example, focus their efforts only on "improving the relationship between parents in the interest of the children" and not on stopping the violence. Parents are thus involved in co-parenting workshops or referred to partner therapy, despite women constantly describing and highlighting the violence they suffer from their (former) partner.[45]

Regarding forced marriages, the Office for Nationalities organized numerous consultations and roundtable discussions on **forced and premature marriages** in 2018 (and continues to do so in 2019), yet many professionals (in education, health, social welfare, etc.), who are the first and sometimes only people to come in contact with potential and actual victims, still do not intervene when cases occur. That is either due to the lack of knowledge and practical training, or due to the still present stigmatization and normalization of such abuse within the Roma community.

We further note that institutions still invite and host lecturers, who publicly advocate violence against children, minimize VAW, or recognize only physical violence.[46]

Furthermore, we note a **lack of court experts, properly trained** on VAW, violence against children, DV, SV and sexual abuse. Appropriate professional training and supervision of their work should be regulated. Data also shows that there are practically no experts in the field of sexual abuse of children, qualified to interview a sexually abused child. Efforts to regulate

[45] Zabukovec Kerin, Katja and Katja Matko. 2018. *Pregled stanja na področju preprečevanja nasilja v družini in nad ženskami – težave, s katerimi se žrtve srečujejo na poti iz nasilja ter predlagani cilji in ukrepi za Resolucijo o nacionalnem programu preprečevanja nasilja v družini in nasilja nad ženskami*. Ljubljana: Društvo za nenasilno komunikacijo and Društvo SOS telefon za ženske in otroke – žrtve nasilja.
[46] Ibid.

video recording of interviews with sexually abused children to prevent the child from being repeatedly exposed to various court testimonies and expert opinions, were hindered.[47]

NGOs note that court experts do not take into account the characteristics and dynamics of DV and the consequences of violence against victims (especially women and their children),[48] which is described in more detail in Chapter V (Substantive Law, Section E1).

III.D Action taken to set up or support programmes for perpetrators of domestic violence

The overall number of existing programmes, their geographical distribution, the implementing institution/entity, their compulsory or voluntary nature, as well as the number of places and the number of perpetrators enrolled annually

There is currently a single programme for perpetrators of violence in Slovenia, which is verified by the Social Chamber of Slovenia and is part of the public network of social welfare programs. The program is implemented by the NGO Društvo za nenasilno komunikacijo (Association for Nonviolent Communication; https://www.drustvo-dnk.si/). It is called the **Way Out of Violence** programme, and it includes two other sub-programs, Social Skills Training for Perpetrators of Violence and Individual Work with Perpetrators of violence. The Way Out of Violence programme is implemented in nine towns in Slovenia. Perpetrators can enter the programme voluntary or they are referred by institutions (SWCs, prosecutors, courts, prisons, probation). The ratio of referred and voluntary programme users is 9 to 1.

Programmes for perpetrators of violence are also offered by other organizations, but they are not part of the public network and are not verified by the Social Chamber of Slovenia:

- Association for the Development of Nonviolent Relationships (ZRNO);
- Social skills training for men, perpetrators of violence, which are carried out in prisons. The programme is implemented to a limited extent, only in certain institutions. Some programme providers were trained by the Association for Nonviolent Communication.
- The programme Nonviolent communication for adolescents - implemented in the Correctional Facility in Radeče. Some programme providers were trained by the Association for Nonviolent Communication.

[47] Ramšak, Anita, Manca Šetinc Vernik and Boštjan Vernik Šetinc (eds.). 2014. *Shadow Report of the NGO Coalition to the Committee on Economic, Social and Cultural Rights in Slovenia. At the 2nd Periodic Report of the Republic of Slovenia to the International Covenant on Economic, Social and Cultural Rights*. Available at: http://www.ekvilib.org/wp-content/uploads/2017/06/sencno-porucilo_EN.pdf (20. 6. 2019).

[48] Veselič, Špela and Katja Matko. 2014. *Analiza usklajenosti nacionalnih standardov, zakonodaje in javnih politik s Konvencijo Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima,* pg. 62. Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.

Referrals to the programme in 2017

	TOTAL	%
SOCIAL WORK CENTER	351	50,14 %
PRISONS	62	8,85 %
THE PROSECUTOR'S OFFICE	104	14,85 %
THE COURT	83	11,85 %
THE POLICE	0	0 %
OTHER NGOs	20	2,85 %
THE SCHOOL	8	1,14 %
COURT SETTLEMENT	1	0,14 %
VOLUNTARY	71	10,14 %
TOTAL	700	100 %

Other NGOs and others who referred users: Association "Up", Project "Man", Fužine Counseling Office, The Slovenian Association for Mental Health (Šent), CZOPD, Ozara MS, HSDMS, therapist, Asylum Home, National Public Health Institute.

Mandatory referrals (referrals by court, prosecutors, prisons): **249 (35.55 %).**
Other Inclusions: 451 (64.45 %).

Referrals to the way out of violence programme in 2018

	SKUPAJ	%
SOCIAL WORK CENTER	348	51,78 %
PRISON	59	8,77 %
PROSECUTOR'S OFFICES	131	19,49 %
THE COURT	65	9,67 %
SCHOOLS, INSTITUTIONS	10	1,48 %
OTHER NGOs	7	1,04 %
VOLUNTARY	36	5,35 %
DISCIPLINE COMMITEE	1	0,14 %
PSYCHIATRIC CLINIC	4	0,59 %
PROBATION		
PARENTS	7	1,04 %
OTHER	4	0,59 %
TOTAL	**672**	**100 %**

Mandatory referrals (referrals by court, prosecutors, prisons): **255 (37.93 %).**
Other Inclusions: 417 (62.07 %).

The measures taken within the framework of these programs to ensure that the safety of, support for and the human rights of women victims are of primary concern and that they are implemented in close coordination with specialist support services for women victims

For the required description of the measures, we will start from the minimum standards for working with perpetrators of violence, advocated and used by the Association for Nonviolent Communication, adapted from Liz Kelly.[49]

- **Ensuring the safety of victims. Involvement with programmes must not further jeopardize the victims.**

[49] Aničić, Klavdija, Tanja Hrovat Svetičič, Tjaša Hrovat, Gregor Lapajne, Gregor Mesič and Robert Miklavčič. 2017. *Working with perpetrators of violence*. Ljubljana: Društvo za nenasilno komunikacijo.

Victims of violence need to be informed about the realistic expectations about the effects of perpetrator programmes. It should be emphasized that the involvement of the perpetrator does not automatically mean an increase in security of the victim, since working on changing violent behavior and beliefs that justify use of violence is a lengthy process. The perpetrator's entrance in a programme often affects the victim's decision to stay in or return to the relationship, which can put them in greater jeopardy. Furthermore, the perpetrators of violence often use their involvement in the programme to put pressure on the victims to persuade them to return to the relationship.

We note that this practice is not followed consistently by professionals and SWCs, and hardly ever by prosecutors and courts.

Experts from the Association for Nonviolent Communication, working with perpetrators of violence, seek to inform all victims, especially those not included in any of the Association's other programmes, about their rights through the institutions providing assistance to the victims. They realistically inform victims about possible impact of the programme on the perpetrator. The document used for this is *Information for Victims of Violence.*

In order to ensure the security, support and respect of the human rights of women that are victims of violence, cooperation of institutions in this field is essential. Cooperation can include exchange of information, joint meetings, multidisciplinary teams (MDTs), coordination of operation, joint planning, sensible division of work between institutions, coordination of further steps, etc. Such practice is not unified in Slovenia.

- **Understanding violence as a consequence of the unequal distribution of social power between the sexes.**

In practice, we observe that professional workers (SWCs, courts) often divide responsibility for violence between the perpetrator and the victim. For example, one judge stated, "Why wasn't she quiet when he was under the influence of alcohol?" And a professional at a SWC said, "She had to have said something to him that made him go mad." Many professionals do not understand the dynamics of violence in intimate relationships, minimizing violence, attributing traditional roles to men and women, where violence is justified by the masculine role and "they both have something to do with it ..." or "it always takes two to fight", sometimes denying violence, as shown for example in this judge's statement, "There is no domestic violence in our region, because people solve such problems in wine cellars."

- **Providers of programmes for perpetrators of DV must complete appropriate training in DV and VAW.**

There are not enough professionals trained to work with perpetrators. Association for Nonviolent Communication is the only NGO with certified programmes for perpetrators of violence. The professionals working in SWCs do work with perpetrators but are usually not specially trained and therefore not so efficient.

Collaboration with Center for education in judicial system in the field of **education of prosecutors and judges** is needed, particularly in cases of revocation of conditional sentences when violating instructions of the conviction. Regular trainings for professionals working in the field of violence on the topic of work with perpetrators is needed as well.

- **Collaboration between providers of programmes for perpetrators of violence and support organizations for victims of violence. All institutions and organizations regularly review the victim's risk assessment**.

In Slovenia, there is no such established, standardized, coordinated cooperation or it is not unified. Cooperation between institutions depends largely on the way a particular professional chooses to work. This means that in certain towns, with certain professionals and consequently with a certain institution, cooperation is good and at a high professional level, and with some experts/institutions there is no such cooperation at all.

In addition to sometimes problematic cooperation with SWCs, District State Prosecutor's Offices and the courts (explained below) problems also arise in cooperation with the newly created probation service (Ministry of Justice Probation Administration – UPRO). Oftentimes, the probation services do not participate in MDTs, or they are not invited to MDT. Additionally, some probation services have rejected requests from the Association for Nonviolent Communication to provide victims with the Information for Victims of Violence document (explained in the first paragraph). The differences in levels of cooperation occure due to different levels of personal involvement of probation services professionals.

Slovenian legislation states that the coordinating institution in the field of DV is a SWC. In our experience, SWCs and individual professionals perform this task very differently. They differ in convening MDTs, informing victims of violence, informing courts of violations of probation, cooperating with other institutions within a coordinated network, referring perpetrators to programmes, etc.

- **Programmes for working with perpetrators of violence through spatial planning and organization of work ensure that no contact is made between the perpetrators and victims of violence. Separate counselors work with perpetrators and victims of violence. Programmes for perpetrators should not include relationship counseling, mediation or addiction treatment.**

In our experience certain SWCs and psycho-therapeutic organizations invite victims and perpetrators of violence to joint counseling, which are therefore conducted by the same professional.

In some cases, courts still refer the perpetrator and the victim to a process of mediation or settlement.

Some court decisions stem from the belief that addiction is the cause of violent behavior. If the perpetrator of violence has additional problems with addiction, it is appropriate to direct him to programmes to help him overcome addiction, but not to eliminate the cause of his violent behavior. Addiction and perpetrating violence are two separate problems that may strengthen each other, but they must be dealt with separately and in such a way that neither is neglected. Professionals and judges should take this into account in their practice.

- **Participation in programmes for perpetrators of violence must not substitute for law enforcement or the penalties imposed. Professionals must determine the suitability of the programme for the user before admitting the user to the programme.**

In many cases there are no direct consequences for the failure to execute court orders, prosecutors instructions from delayed prosecution or the instructions from probation conditions set by the court. Thus, despite the failure to comply with the instructions, the prosecution of the perpetrator of violence is not initiated, suspended sentence is not revoked and the sentence not enforced.

Professionals working on programmes for perpetrators of violence find most difficulty in working with District State Prosecutor's Offices. Despite their initial commitment, they do not provide feedback or provide the victims with the Information for Victims of Violence document at all. They also repeatedly refer persons without checking or knowing if there is an appropriate programme for the particular person (eg. for bullying, women causing violence, parents who are abusive towards children...).

Certain District State Prosecutor's Offices (eg. Maribor) set deadlines that are too short for users to complete the task (ie. complete the Social Skills Training for Perpetrators of Violence programme, which covers one year of user involvement) within postponed prosecution, or assigning them to perform only part of the Social Skills Training for Perpetrators of Violence programme (eg. only 4 meetings out of the scheduled 24).

- **Programs for working with perpetrators of violence must have clearly established protocols for sharing information with other services, especially programs and services that offer assistance to victims of violence.**

A major disadvantage of working with perpetrators is that national standards for dealing with perpetrators of violence are not adopted in Slovenia, as well as standards for the exchange of information with other services, which would systemize practices and provide clear instructions and guidelines in this field.

- **Notifying the (former) partner when the perpetrator finishes the programme prematurely, is excluded from the programme or when there are any other reasons for an increased risk for the victim.**

Slovenian legislation imposes on prisons the obligation to inform the institutions that are in contact with the victim of an early release of a perpetrator who has been serving a prison sentence for DV.

In 2018, we noticed that this practice was not consistently implemented, however the situation has improved in 2019.

- **The programmes cover specific content areas.**

We have recognized the need for more diverse or specific programmes, i.e. for groups co-facilitated by a male and female professional, for closed groups (currently Social Skills Training for Perpetrators of Violence programmes are open-ended, meaning that users are constantly entering and exiting the programme), which would allow for more in-depth work with the users involved, for additional individual work and work with parents outside Ljubljana, etc.

We don’t have programmes for perpetrators of criminal offenses against the sexual integrity of children under the age of 16.

Furthermore, we don’t have our own offices in most of the towns where we carry out the Social Skills Training programme, exceptions being Ljubljana and Koper. We work in the facilities of SWCs, which limits the services we could offer in that area. Moreover, in some of the towns there are no victim support services, which, in our opinion, are a crucial part of violence prevention programmes.

III.E How a gendered understanding of violence against women has been incorporated in these programmes

Gender sensitivity and understanding of VAW is one of the foundations of the Way Out of Violence programme and, consequently, the Social Skills Training programme for Men Who Cause Violence, which are carried out in prisons.

We note that there is still a great deal of misunderstanding of DV among professionals at SWCs and judges. They don't see it as a consequence of the unequal distribution of power between men and women, as a consequence of the mechanisms of patriarchal society and the gender hierarchy where women are subordinated to men in private as well as public life. This means, that judges and other professionals oftentimes think the cause of violence to be the victim’s behavior, perpetrators additional problems and circumstances (eg. addiction, unemployment, etc.), or they understand it as part of the disagreement between partners.

III.F Funding sources and annual amounts for these programmes

In Slovenia, funding for programmes for perpetrators of violence is quite stable and secured for several years from the state and municipal budgets, which in EU is a positive exception. The fact is, however, as noted above, that the resources are not sufficient for quality development of personnel, services, programmes, let alone for the implementation of preventive or awareness-raising activities. Soon, the programme will not be able to accept all referred perpetrators.

III.G Measures taken to evaluate their impact

Public social welfare programmes, co-financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, which also include the programme for perpetrators of violence, carried out by the Association for Nonviolent Communication, are subjected to evaluation process set up by the Social Protection Institute of the RS. We believe that this evaluation is inadequate and does not provide us or the co-financers with results that reflect the reality of the situation and/or results of the programmes. It is just a large additional bureaucratic burden with no useful contribution.

The evaluation uses a quantitative method of data collection and covers the analysis of completed entry, evaluation and exit questionnaires, as well as the evaluation of a professional employee. We believe that many users do not express their true state in these questionnaires. We can also interpret the results obtained in very different, even contradictory ways.

The co-financer only collects data that shows whether the programme is being implemented in accordance with the application to the public tender, not whether the program is successful. Therefore, in the case of the programme for perpetrators of violence, **they do not evaluate whether the programme resulted in the decrease of violence or increased victim safety**. In evaluating safe house programmes, the effectiveness of the programme is evaluated based on financial resources spent on a number of victims. And above all, it is evaluated considering the appropriateness of the ratio between the proportion of direct work with users and all work done within the programme, eg. drafting a paper for the user **without her immediate presence**.

We believe that the only appropriate form of evaluation would be feedback from the user upon their completion of the programme, periodic qualitative interviews with him and/or her, gathering and comparing information from other people affected by violence, evaluations of other institutions, etc.

Since such an evaluation would require a lot of additional work that would not be possible in view of current capacities, it would be necessary to involve an external institution to carry out the evaluations independently.

III.H Information on action taken to set up or support programmes for sex offenders

According to our information, programme that specializes in dealing with perpetrators of SV is only implemented in one or several prisons.

III.I Action taken to encourage the private sector, the information and communication technology (ICT) sector and the media, including social media, to participate in the elaboration and implementation of policies

Experts of the Social Communication Research Centre at the Faculty of Social Sciences in Ljubljana created a report in which they analysed the emergence of DV in Slovenian media in the period from 1985 to 2006. The report states the following conclusions:

- The number of articles on DV increased by almost three times from 1985 until 2005;
- Three quarters of all stories in printed media have been published in the pages of crime and similar topics; violence is mostly reported as an event (for instance, murder, fight, rape) and only exceptionally as an important social problem with wider background information. With this, the media is contributing to greater awareness about DV, but are not enabling and may even be blocking criticism and the questioning of reasons for DV;
- SV hasn’t been sufficiently presented in any of the analysed periods. There also aren’t enough scientific articles on this issue in the public media;
- Individual stories, through linguistic means, frequently legitimate the act of violence (mostly men) of a perpetrator or deal more with the question of guilt (mostly in the case of women) of the victim instead of dealing with the perpetrator, which creates the impression that the victim could’ve influenced the act of violence, while the latter and the reasons for it are not sufficiently analysed;
- A questionnaire conducted among journalists confirms the conclusions obtained by the analysis of articles – since substantially higher values of the average statement

were achieved by otherwise low support of the most obvious myths – that violence is caused by alcohol and drugs, it is connected with low economic status of the family, all family members (not only the perpetrator of violence) need to change in order to stop violence and the woman is also partly to be blamed by not leaving her partner, which is also very frequently reflected in articles on DV.[50]

Experts state some important guidelines for this area. In media reporting on DV, the praxis that DV frequently results from external reasons and not from the perpetrator of DV should be changed. Television broadcasting organisations, especially, should be encouraged to depict positive social values, especially due to their proven strong media influence on the formation of behaviour patterns, sexual roles and, consequently, stereotypical behaviour. Violence shouldn't be shown in television productions for children (cartoons, movies for children). Public awareness on the problem of DV increases the individual's sensitivity to this phenomenon. Special efforts through wider public discussion should be directed towards vulnerable social groups so they will be properly equipped and informed.[51]

Luthar and Jontes wrote in their article that reporting on DV was characterized by being framed by episodes and facts. They appear in both daily newspapers and television news and represent the functions of objectivity and the constituent part of journalistic professional culture, self-representation and ideology. In so called serious journalism, a key feature of reporting is the decontextualization of the problem of violence resulting from the conventional placement of DV in the chronicle. According to their findings, journalistic treatment of DV is based on an isolated event and relies on a standard selection of reliable institutionalized bureaucratic sources that authenticate journalistic discourse as an external voice. In the press, DV is constituted as a problem of individual psychology and individual social pathology, and completely exempt from the structural relations (sexual, class ...) of power. Through individualisation and psychologization in the chronicle, violence is thus placed solely in the sphere of privacy and taken out of the context of social relations - both from gender relations and from class relations. The individualisation of violence and the structural amnesia built into the reporting of violence are therefore linked precisely to the episodic nature of journalistic reporting and the reliance on official sources of information (courts, police).[52]

As for television reporting, the key problem of addressing violence on one hand, as in the press, is the episodic treatment of violence in the news and, on the other hand, the melodramatization and individualization of violence in current documentary journalism. The documentary programme is dominated by unusual events (eg. the problem of violence against men by women) and spectacular cases of violence, ie. the production of "usual unusual" news. Spectacularity and unusualness as a selection criteria result in the neutralization of violence and the constitution of violence as a result of purely individual pathologies. The social background of violence is silenced and repressed in both informative and interpretive genres

[50] *Resolution on the 2009-2014 national programme on prevention of family violence*. Official Gazette of the RS, 41/2009, 1st of June 2009. Point 4. 3. 2. Available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/resolution_prevention_family_violence_09_14.pdf (17. 7. 2019).

[51] Ibid.

[52] Luthar, Breda and Dejan Jontes. 2007. Domestic violence and strategic reporting rituals. *Družboslovne razprave.* 23 (55): 27-48, pg. 45. Available at: http://www.dlib.si/stream/URN:NBN:SI:doc-C0955S9D/422b2c1e-3912-47c0-8e0b-d38ee8ad4d05/PDF (23. 7. 2019).

- both episodic informative reports in news stories and journalistic documentary melodramas.[53]

The authors concluded that in both cases, individual motivation was presented as a source of violence. Personalization of violence in melodramas, so thematizing violence through human stories, is not problematic in itself. The implication that follows is that a unique personal story can always be placed in the context of the institution of the patriarchal family and the structure of gender relations, thus contributing to the understanding of the connection between the private and the public/political. Reporting on VAW and DV has not changed much so far, if anything the situation in this area has worsened over time.[54]

III.J Self-regulatory standards such as codes of conduct for the ICT sector and the media

In 2016, the Association SOS Help-line for Women and Children – Victims of Violence in cooperation with the Slovene Association of Journalists and some other experts, issued a **Handbook for the Media** called "How to Report on Domestic Violence and Violence Against Women".[55]

The guide is intended for journalists reporting on DV and VAW. The first part of the handbook presents the basic characteristics of DV and VAW, and the second part provides practical guidance on appropriate reporting through examples of poor and good reporting practices. Examples are included to help reporters identify inappropriate reporting methods.

[53] Ibid., pg. 45–46.
[54] Ibid.
[55] Matko, Katja and Dalida Horvat. 2016. *How to Report on Domestic Violence and Violence Against Women: Handbook for the Media.* Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja. Available at: http://www.drustvo-sos.si/uploads/datoteke/SOS-prorocnik-za-medije.pdf (24. 7. 2019).

IV. Protection and support

IV.A Action taken to ensure provision of information for victims

The amendment to the Criminal Procedure Act[56] requires the competent authority in pre-trial or criminal proceedings to inform victims upon the first contact on how they will be further notified or informed about:

- free medical, psychological and other help and support;
- assistance and measures under the law, governing the prevention of DV;
- protective and other measures to ensure personal safety under this Act and the law governing witness protection;
- the rights referred to in Article 65 of this Act and the right to free legal aid under the law governing free legal aid;
- the possibilitie for compensation for damage under this Act and the law governing compensation for victims of crime;
- payment and reimbursement of the costs of the injured party under Article 92 of this Act;
- the right to interpretation and translation under this Act;
- the contact person of the competent institution with whom he or she may communicate about the case;
- any other rights or benefits that may be relevant to the injured party.

NGOs note, that victims of violence **do not always receive adequate information** on the assistance network and available help. Informing the victim depends entirely on the individual with whom the victim comes into contact. For example, some police officers recognize the needs of victims of DV and appropriately refer victims to SWCs and NGOs, while some police officers do not even recognize the violence because they believe it to be a part of common conflicts between partners. Some officers simply write down the statement of the victim (and the perpetrator) and do not provide the victim with any information about what will happen next in the process and where the victim can go for help. In cases where the situation is very threatening and urgent, police officers generally provide adequate security for the victim, arrange transportation to the crisis center and inform the SWC.

The Ministry of the Interior and the Ministry of Labor, Family, Social Affairs and Equal Opportunities produced leaflets with basic information on **obtaining a restraining order**, procedures and contact information, however the leaflets are often **not offered to victims** by police officers and are **not visibly** displayed at police stations and SWCs.

Furthermore, victims of violence are frequently not given adequate information about where to go for support and further assistance in courts (not even leaflets). They are also not informed about the possibility of being accompanied to ongoing proceedings regarding violence or about the continuation of the proceedings. In some cases the court **denies** victims their right to be accompanied in criminal proceedings, even though the law provides that right.

[56] *Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku (ZKP-N).* Official Gazette of the RS, 22/19, 5th of April 2019. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7508 (9. 7. 2019).

With the exception of courts, where victims have an assigned interpreter, victims of violence are also not guaranteed to receive information in a language they understand. To **use the services of an interpreter** from the police or SWC, an authorization must be obtained every time. This process is lengthy, and the authorization cannot be obtained for a longer period of time, eg. for the interpreter to accompany the victim of violence to several hearings or counseling 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. However, this is not the case when it comes to non-litigation, ie. procedures for trusting the child in legal guardianship and upbringing, establishing contacts and alimony.

An example from our practice

A woman went to a safe house because of her partner's violence. She wanted to file a lawsuit to establish contact, legal guardianship of children and alimony. To do so, she either had to provide translation of the lawsuit for the opposing party (ie. her former partner, the perpetrator) or provide a court interpreter to translate the lawsuit, or pay an advance for the translation to the court. She also had to provide a written statement about whether her former partner understands Slovene language. The woman had to apply for free legal aid in order to satisfy the court's demands regarding translation.

IV.B Measures for general support services

Financial support services

Financial support services that take the situation of the victim into account are the following:

Financial social aid

In the area of financial support that victims of violence can receive from state institutions, which is mostly assigned by SWCs, problems arise, since in practice obtaining different forms of financial aid **depends on the practice of individual SWCs** or the flexibility/orientation of the individual social worker and their discretion. In some SWCs, employees require that the victim attach to her application for rights from public funds documentation confirming that she has filed for divorce, legal custody of the child, alimony and contacts in court. Some even require confirmation that the case has already been heard and decited on in court. Oftentimes, the perpetrator is still considered a family member, which reduces the amount of benefits to which the victim is entitled, although the victim has moved away from the perpetrator and lives elsewhere. The victim is thus compelled to initiate proceedings, which she has not necessarily decided on or is prepared for.

An example from our practice

A 58 year old woman had been experiencing violence for many years. In 2017/2018, she was staying in a safe house. In order to receive financial social aid, she had to prove that she had filed for divorce and, at the end, attach documents, confirming that the divorce was finalised. Divorce was an extremely difficult decision for this woman. She knew she

didn't want to return to a violent relationship, but she wasn't ready to divorce. Receiving financial social aid allowed her to live independently away from the relationship, but for her it was difficult to accept divorce due to religious and other personal beliefs. In the end, the victim decided to proceed with the divorce, but this decision, into which she was compelled, caused her severe personal distress and pain.

SWCs condition the right to financial support or social security services with the legal status that the victim has in the RS, referring to Article 3 of the Social Assistance Benefits Act.[57]

An example from our practice

Mrs. R. retreated to a safe house. She was granted a temporary residence permit in the RS, which means that under Article 3 of the Social Assistance Benefits Act she was not entitled to receive financial social aid.[58] Nevertheless, she applied for financial social aid and attached a description of the circumstances, urging the SWC to comply with Article 50 of the Foreigners Act[59] which in paragraph 8 states that "victims of human trafficking, illegal employment or domestic violence who have been issued a temporary residence permit and have no means to support themselves, have the right to emergency health care in accordance with the law governing health care and health insurance and to financial aid... "

The SWC rejected her application for financial social aid because it was not evident from the central population register that she was assigned the status of a DV victim, on the basis of which she would have been issued a residence permit. Foreigners Act does not stipulate, that a victim of DV must obtain a temporary residence permit on the basis of his/her victim status as a condition for obtaining financial social aid. The right to financial social aid should be linked to the status of a victim of DV and not to the purpose for which the temporary residence permit was issued. The interpretation of Foreigners Act used in the rejection decision by the SWC (ie. that persons who have been granted a temporary residence permit for the purpose of participating in criminal proceedings are entitled to financial social aid) would indicate the **different treatment of persons who find themselves in the same factual situations** (ie. temporarily residing in Slovenia on the basis of a temporary residence permit and being victims of DV), the only difference between them being the purpose for which they were issued a temporary residence permit.

In this case, the SWC has not announced a final decision yet. When the woman applied for financial social aid, she was informed that the SWC would request for the competent ministry to provide an opinion on the case, which would prolong the decision-making process. In the meantime, she has no income and is dependent on the help she receives at Caritas and the Red Cross and the food packages she is entitled to in the safe house, as she is restricted from finding a job because of her medical condition. In this way, the process of

[57] *Zakon o socialno varstvenih prejemkih*. Official Gazette of the RS, št. 61/10, 40/11, 14/13, 99/13, 90/15, 88/16, 31/18 in 73/18, 26th of July 2010. Available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5609 (9. 7. 2019).
[58] Ibid.
[59] *Zakon o tujcih (ZTuj-2).* Official Gazette of the RS, 1/18 – uradno prečiščeno besedilo, 9/18 – popr. In 62/19 – odl. US, 27th of June 2011. Available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (9. 7. 2019).

regaining power and dignity is slowed down. The risk of returning to a violent relationship is increasing.

SWCs in Slovenia demand that the victims of violence immediately inform the competent SWC with the court's decision on contacts, custody and alimony. As perpetrators generally refuse to pay alimony, which is taken into account in determining the income of the victim and her children regardless, the victim must always initiate new procedures (alimony enforcement, application for the fund etc.), which normally takes a long time and that affects the victim's financial status.

An example from our practice

Mrs. M. L., who was staying at a safe house, had to reapply for financial social aid and child benefits every three months. She had to attach the evidence of her lawsuit to enforce alimony for the child and report on the progress of the procedure to the application. In addition, she had to file a lawsuit against her former partner claiming alimony for herself despite the divorce process being completed and no alimony for the spouse being determined since they were both unemployed at the time of the divorce. After the lawsuit was filed, she found herself in greater danger, as her former partner understood the lawsuit as “another complaint she has filed against him.” He suffered from psychiatric problems of a paranoid nature, which increased his negative reaction. The SWC did not consider any of these circumstances.

Rental subsidy

If the victim has signed a non-profit housing contract or has applied for a rental subsidy and she leaves the perpetrator, meaning that she is staying elsewhere, she is still the one **responsible for paying** the non-profit housing bills or for their possible non-payment. She is also the one who has to renew the application for subsidized rent because, if she does not do so during a time when she is still a party to the contract, and the perpetrator doesn't pay the rent, she risks execution on her own account. The victim must therefore initiate the procedure for appointing a new tenant in court, which takes a long time, since the procedure is also shaped by the procedure for granting custody of the child or children. In practice, however, the non-profit residence remains with the person who gets custody.

A statutory requirement for claiming a rental subsidy is that the beneficiary is the person who applied for the last tender for non-profit housing or one year since the last tender must have already passed for the person to be eligible for the subsidy without the condition listed above. Victims who do not fulfill this condition cannot claim subsidies, not even because of their personal circumstances related to violence.

An example from our practice

A woman retreated to a safe house with her children and initiated a lawsuit for custody, contacts and alimony (litigatory) and later a procedure for the allocation of non-profit housing (non-litigation). The contractual obligations for the non-profit apartment were borne by her, they got the apartment at a time when they still lived with the perpetrator as a family. The litigation process has been going on for more than three years, therefore the non-litigation process with regard to determining the tenant of the apartment, has not been concluded either.

In the meantime, she cannot apply for a rental subsidy for the for-profit apartment she is staying at, as she is already receiving a subsidy for the non-profit apartment that she cannot stay at because the perpetrator is staying there. Therefore, she is renting a for-profit apartment with her children on a minimum wage and child support has yet to be determined. A new tender for a non-profit housing has since been launched, however she could not apply to it, as she is still a signatory to the non-profit housing contract with her former partner. If he fails to pay any of the housing bills, she must pay them, as they are issues to her name and, in the event of his failure to pay them, she is threatened with execution on her own account. She also has to re-apply for a housing rental subsidy every year, explaining to different social workers why she is unable to provide all the necessary documents while requesting that they do not contact her former partner about the documentation. The municipality that owns the apartment does not allow her to rescind the housing contract, since children cannot be left without permanent residence.

An example from our practice

A woman retreated to a safe house. She is the holder of a non-profit housing contract. The contract also lists her former partner, whom she left due to violence and who is still living in the apartment, as a resident. Since her name is the first name, written on the contract, all of the costs related to the apartment turn into her direct responsibility. Therefore, she has to pay them regularly. Her former partner is staying in the apartment for free. She has filed a motion with the court to transfer the apartment, and in the future there is a pending procedure for the permanent solution to her housing problem, that is, a decision on who will retain the right to the apartment. We expect that the court will propose mediation within these proceedings.

Housing services

Seeking shelter from DV victims can go to a crisis center, which can be a problem, since crisis centers are located in only three places in Slovenia (Maribor, Ljubljana and Piran). If the nearest crisis center is occupied, the victim is forced to relocate to one that can be up to 120 km away. The victim may not have the financial capacity to get to the crisis center; she may not be familiar with the region, which can put put her in even more distress; if she has a job or school-aged children, she is forced to either commute or change schools and find a new job closer to the crisis centre, which can be a problem.

She can also retreat to a safe house, but normally only after a preliminary interview, and not on the same day.

Emergency housing units and non-profit housing

Circumstances of DV are taken into account when applying for an emergency housing unit and bring additional points to the tender for a non-profit housing. Victims cannot invoke their circumstances in other tenders or other forms of obtaining more affordable housing solutions.

There is currently a **lack** of non-profit housing and emergency housing units in Slovenia. Due to extremely long queues for non-profit housing, the period of time spent in emergency accommodation units is longer, which contributes to the inadequacy of many victims' living conditions. Some municipalities are unable to handle the financial burden of maintaining nonprofit housing, therefore they sell them, which reduces the number of nonprofit housing units and extends the waiting period.

Emergency housing units are small units with relatively poor living conditions that do not even meet the minimum living standards. They also have a **waiting period** of three to five years, which does not solve the victims' housing problem in the short term. Priority in obtaining emergency accommodation is given to women with children. Thus, women who do not have children and women with adult children are at a disadvantage. At the same time, they are generally economically disadvantaged, with fewer opportunities to obtain financial benefits or employment (age, disability/health problems due to the effects of violence, poorer social network, low pensions/disability benefits…).

Due to housing distress, NGOs are setting up safe accommodation in the form of housing units where women can move after staying in a safe house. The number of such housing units is very limited, but they are a positive temporary solution for women who have experienced violence and are no longer endangered by the perpetrator. This form of support enables them to deal with complex life situations, such as completing the division of property; completing school/university, or arranging their status in the RS if they are foreign citizens, in the long run. There is a lack of such units.

Older victims of violence, who in recent years decide to end the violent relationship much more often, find it even more difficult to deal with housing distress. These are often women, who are retired due to disabilities or due to their many health consequences of experiencing violence for many years. **Their pensions are low**, making it even more difficult for them to go to court; and when they do, the procedures are often overly stressful and too long, especially when dealing with the division of property.

The available housing for pensioners has extremely high censuses, that most victims do not reach with their income. They tend to be less successful when applying for non-profit housing, especially when applying for the first time. The City of Ljubljana offers places in a residential unit in a single dormitory for persons over the childbearing age. Some of the older victims were given a place in this housing unit. Financially, this is a good solution; the dormitory was also renovated a few years ago, so the premises are clean and well maintained. However, our users have expressed that they dislike the fact that the dormitory also houses men, who have

problems with various forms of addiction or behave inappropriately (even violently), so they are often afraid. In that way, they relive past experiences, which puts them in distress. Conflicts and violence are also common among residents, and police have to interfere several times a week.

In smaller municipalities, the chances of obtaining an emergency housing unit or non-profit housing are even slimmer. There are even fewer housing units, housing units tend to be uninhabitable and tenders for non-profit housing are rarer. However, victims have good experiences with working with SWCs in smaller municipalities, as the employees try to present all the options available to the victims and write opinions/recommendations, when they decide to apply.

Legal advisory services

The victim has the **right to claim free legal aid** for legal representation in all proceedings related to violence, based on the risk assessment produced by the SWCs in accordance with the DVPA.

We note, that many problems arise when exercising the right to free legal aid, eg. in proceedings relating to the division of property. In accordance with the DVPA, and also with the NGO's understanding, this right is related to managing the post-violence situation. Nonetheless, victims of violence must often explain and prove that they are entitled to free legal aid in such cases and appeal against the refusal decisions. Further problems arise is criminal proceedings. Most victims want and need the assistance of a lawyer in criminal proceedings, but due to high attorney fees, they cannot afford it (as mentioned, they are not entitled to free legal aid). Although a victim is “just” a witness in criminal proceedings, criminal proceedings can be extremely arduous and stressful for the victim. In addition, due to strong personal involvement (but also for other reasons, such as being able to seek compensation), the victim often wants the trial to end with a conviction. It is therefore essential that victims of violence receive adequate free legal aid within criminal proceedings.

Some lawyers, that can be found on the list for free legal aid, are not doing their job properly. For example, they are communicating with the victims inappropriately, failing to conduct procedures vigorously and are not educated on the procedures for dealing with violence. Thus, secundary victimization can occur.

The procedure for obtaining free legal aid should be simplified. Currently, the victim has to obtain a risk assessment from a SWC and submit a rather complex application for legal aid. The procedure for obtaining free legal aid should be simplified in a way, that the SWC would send the information about the victim, application form and the risk assessment directly to the legal aid service.

The length of the process for deciding whether to grant legal aid is also problematic, as it can take several weeks to issue a decision. Some lawyers refuse to file a motion for action under the DVPA because they believe that the case has no chance of success.

Psychological and psychotherapeutic support services

Due to the complexity of the situations, in which the victims find themselves, and the consequences of experiencing the violence, the victims often need psychotherapeutic help. For many victims, this is unattainable, as waiting times for treatment covered by health insurance are long and the cost of self-funded psychotherapy is very high. Many psychotherapists are also not trained in the field of violence, as they do not address these topics during their studies.

There is a network of **counseling centers** for victims of violence in Slovenia that offer free counseling and psychosocial support to victims. Some have organized self-help groups. The programmes are aimed at women who are experiencing violence and do not require a place in a safe house, or need support and counseling after leaving the safe house. Counseling centers are located in major cities of different regions and cover the whole of Slovenia. In addition to personal, they offer telephone and electronic counseling, which facilitates accessibility.

A major problem we face in Slovenia is still the availability of information and programmes for women in rural areas, older women, women with disabilities, Roma women and refugees.

IV.C Education and training services

Pursuant to Article 10 of the DVPA, the Ministry of Education, Science and Sport, in agreement with the Minister of Labor, Family, Social Affairs and Equal Opportunities, issued **Rules on the Treatment of Domestic Violence for Educational Institutions** in 2009.[60] The rules and protocols adopted have, in our experience, not been put into practice enough. NGOs note that the detected violence is frequently not reported by the educational institutions, although they are obliged to report it ex officio on the basis of an event record. They avoid making any official documents, and information about their activities and observations, prepared at the request of SWC or the police, are often scrupulous and cautious. The records often contain little information to identify the elements of violence. even when they have such information. They also find it difficult to identify what would be important to report to protect the victim.

According to Article 5 of the Rules on the Treatment of Domestic Violence for Educational Institutions, the headmaster or the counseling service should notify the SWC, the police or prosecutor's office on the same day or no later than 24 hours after the event of suspected DV against the child has been detected and recorded. They should also send a written report of the violence, along with a record of the event, to the SWC.[61]

In the experience of NGOs, school responses to perceived violence depend on the employees' understanding of violence and the knowledge they have of violence. Practices vary and depend on each individual educational institution. In our experience, schools often wait too long to report violence. They want to solve the problem themselves within the educational institution first and do not want to involve other bodies and organizations. They still believe that reporting violence will worsen the situation and will further endanger the victims. Often,

[60] *Pravilnik o obravnavi nasilja v družini za vzgojno-izobraževalne zavode.* Official Gazette of the RS, št. 104/09, 18th of December 2009. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV9804 (9. 7. 2019).
[61] Ibid.

educational institutions try to calm and resolve the whole family situation on their own, as they want to maintain good relationships with the parents. They sometimes do not report violence because of the professional confidentiality of the information, although this is not legally justified.

An example from our practice

The headteacher of the school decided to interview the father, who was a perpetrator of violence, herself. He had a restraining order, which included approaching the school, but he constantly violated the respective order. The headteacher was convinced that she would be able to control and change his behavior with her interviewing abilities. She was not successful. Despite his violation of the restraining order, the headteacher did not decide to call the police. She put priority and emphasis on the relationship between the school and the parent, who was a perpetrator of violence, rather than the safety of the victim.

Ways of reporting violence are different in different educational institutions, as are the ways of cooperating with NGOs and other bodies and organizations. In our experience, cooperation is better with those institutions, with which NGOs are more involved, and as a result, these bodies and organizations also have more knowledge and experience in dealing with violence. Reporting violence also depends on the experience of the educational institution with the father causing the violence. Oftentimes, educational institutions are afraid of these fathers, their complaints, lawsuits or threats. At the same time, the lack of support for employees and knowledge of the headteachers leads to denying and ignoring DV and, consequently, to not reporting violence.

In our experience, children experiencing violence often confide in their teachers, who rarely pass on information – meaning that they don't report it to SWCs or the police. Oftentimes they also find themselves in distress, they don't know what to say to the child, how to act, and how to help.

If no restraining order has been issued, the father has the right to take the child from the educational institution, despite of the child showing signs of fear, rebellion or explicitly saying that they do not want to go with the father and that they are scared of the father because of violence. **Often the child's benefits and rights do not outweigh the benefits and rights of the perpetrator of violence.**

According to Article 4 of the DVPA, children and minors hold special protection against violence. Until the educational institutions inform the police or SWCs of their suspicion of violence, the violence cannot be stopped, since the perpetrators are aware that they will be able to continue their behavior without any reaction from the competent authorities.

In our experience, educational institutions most often do not report violence if they have information that violence is being perpetrated by one parent against the other or among other family members of the child. Most often, they do not comply with Article 4 of the DVPA, which stipulates that a child is a victim of violence even if he or she is present in the event of violence against another family member or lives in an environment where violence is committed.

An example from our practice

A father, who was a perpetrator of violence, was coming to pick up his child from school in a drunken state and by car. To the school, this seemed inappropriate, but they did nothing. It took years before they took action.

An example from our practice

We were approached by a high school teacher. He reported that during classes, one of his students experienced violence from her partner in the schoolyard. The school security guard witnessed the attack. Despite the concerns from the security guard, the homeroom teacher and the teacher who approached us, the school did not report the violence because the headteacher decided not to do so. He did not support his employees, who were in distress due to the event, either. The teacher wanted to remain anonymous, fearing the perpetrator.

An example from our practice

We were approached by an anonymous person who said that the school employees, especially the homeroom teacher, noticed that one of the children could be experiencing DV. Although the homeroom teacher repeatedly approached the headteacher with an initiative to report the violence, the headteacher refused to do it. He said that he did not want to get involved in what happened outside of the school.

Multidisciplinary team meetings

In the experience of NGOs, educational institutions regularly attend MDTs. We notice that they often express powerlessness, not knowing what to do in certain cases, wanting to protect the victim, but not knowing how. Inter-institutional victim safety and support planning is therefore all the more important.

An example from our practice

At the MDT meeting a teacher of a victim did not want to provide information about a conversation she had with the victim when the victim confided in her about the violence. She said that it was confidential information. She was unaware of her responsibility to report the information about violence to SWCs and at MDT meetings. The information she later provided was general and scarce. She said that the school did not notice anything special, despite the victim confiding in the teacher about the violence.

An example from our practice

At a MDT meeting, employees of an educational institution reported that for many years they had been noticing the distress of a child, who was a victim of violence. They also reported that the father came to pick up the child from school under the influence of alcohol multiple times and that the child repeatedly refused to go to his father and spoke about the violence multiple times. The SWC was informed after one year of such observation.

An example from our practice

A girl confided in her homeroom teacher about experiencing violence during the past school year. The homeroom teacher did not inform the SWC. The girl's new homeroom teacher came to a MDT meeting in the following school year, along with a school psychologist. She said that she did not receive any information about the girl confiding in anyone from school about experiencing violence. The new homeroom teacher was sent an email about the violence, the hardships and what the girl was experiencing during contact with her father, by the girl's mother to her work email address. The mother also sent a copy of the email to an NGO. At a MDT meeting, the homeroom teacher denied knowing anything about the violence.

Providing information

Article 9b of the DVPA requires authorities and organizations to ensure that victims receive appropriate and timely information about the available support services and legal proceedings in a language they understand. In our experience, educational institutions rarely follow this because they are not informed about it themselves.

Education

Oftentimes employees of educational institutions do not recognize the dynamics of VAW and DV, they do not understand how violence is reflected in a woman's and a child's life and the consequences of violence. Thus, we notice that violence is often overlooked by educational institutions, and the child's behavior which is a result of experiencing violence is described as "problematic" and, with it, the child as well. They often accuse the mother of not taking proper care of the child, too.

Educational institutions do not invest sufficient time and resources in additional education and awareness raising in the area of violence. There is **too little training** for employees, or the training isn't mandatory. There are no continuous training courses.

IV.D Employment services

In cases where the victim of violence is a job seeker with appropriate documentation, the Employment Service of Slovenia considers her status, which means that she does not need to actively seek employment for some time.

In our experience, victims most often face problems with their employers. Whether they will accept the victim's situation with understanding or not (prolonged or repeated sick leave, attending meetings/discussions at institutions, coordinating working hours with caring for the children, inability to work on several shifts or on the weekends because they do not have childcare or would have to pay for it, which is often prevented by their financial situation etc.) depends on their personal orientation and personal attitude towards violence. Women are often forced to quit their jobs or do not have their contracts renewed by their employers, and in many cases, longer or repeated sick leave and other absences have a significant impact on their financial situation.

An example from our practice

A woman accepted a job, despite the extremely low salary. She had a problem with her working hours as she had a hard time picking up her child from school, which was at the other side of town. Her superiors did not understand her problem, they suggested that she enroll her child in a school, closer to her work. This was not acceptable for her since her son had learning and behavioral problems, and the school was understanding about his condition, they even provided him with additional help. At the same time, changing schools would be a difficult ordeal for her son. When she got assigned extra work, it made it all the more difficult for her and it put her under even more pressure. At the same time, her health was deteriorating. There was never any doubt that the employer was satisfied with her work as she was performing well. In the end, she was forced to quit her job because the employer had no understanding for her situation. As a consequence, she was left without the right to unemployment benefits and the right to receive financial social aid for a period of 6 months. Her financial situation deteriorated greatly, and at the same time she was unable to seek employment due to serious health problems. The SWC also had no understanding for her situation. Had she had no savings, she would not have been able to support herself and her son during this time.

IV.E Measures taken to ensure women victims benefit from appropriate health care and social services

In recent years, the education of health professionals has been carried out as part of the international POND project (Recognizing and Treating Victims of Domestic Violence in Health Care Settings).[62] We certainly welcome projects of this kind, aimed at raising competences to help women who are victims of violence. We note that victims of violence often encounter health care staff, from whom they do not get information about where to turn to, what their rights are, and who can support them. Medical staff rarely report violence despite being

[62] *POND*. Available at: www.prepoznajnasilje.si (28. 11. 2019).

bound to do so by law. In health institutions, information material with basic information for victims of violence is rarely available. The problem also arises when the (former) partners have the same family doctor.

An example from our practice

A woman was staying in a safe house. Her former partner, who was violent towards her, had the same doctor. When the doctor learned of her retreat to a safe house, she tried to mediate between the former partners by providing the perpetrator with some confidential information about the victim, while also trying to convince her to return to the former partner, as she had talked to him and he would no longer be violent.

At SWCs, victims of violence can have very different experiences, from very supportive to very unsupportive. The situation is better at SWCs, where employees are additionally trained and have experience with working in the field of violence. Problems arise, when workers within the field interchange and someone with insufficient training on working with violence can start working in the field. Likewise, some centers are very fond of working with other organizations and institutions that are in contact with the victim, and some avoid it.

IV.F Collective complaints mechanisms

We have no information on such mechanisms at a regional or international level.

Complaints about police work

Persons who believe that their human rights and fundamental freedoms were violated in police-led proceedings have the opportunity to appeal. The Ministry of the Interior is responsible for the overall monitoring and control of the resolution of complaints. NGOs often support victims of violence when they feel that police officers have not done their job in accordance with the rules and laws or professionally enough. However, we note that the women do not receive feedback on what happened to their complaint. Normally they are not adequately informed by the police or other institutions about the possibility of complaint against their work, and upon making a complaint, they are not given information on how the procedure will advance.

It should also be noted that victims of violence usually find it very difficult to make complaints about the work of police officers. There are various reasons for this. Most often, when they encounter the police, they are in distress, they have inadequate knowledge of their rights and options. Furthermore, the police is an authority with which they wish to cooperate well for further proceedings. It is therefore difficult to expect that victims will complain about the institution that is supposed to protect them.

Complaints over the work of social work centers

Anyone who is dissatisfied with a professional worker or employee's particular service can complain to the Social Work Centers Council. The complaint should be made within eight days

of the service provided. Anyone who believes that the SWC did not act in accordance with the regulations and has already used other options to assert their rights, may file a proposal for an unexpected inspection at the Social Inspectorate.

Victims find it difficult to complain about the work of a social worker, since they are (often justifiably) concerned that their situation will worsen and there will be no real impact. Smaller centers also do not have the option of replacing a social worker or employee. We find that procedures are executed better when women experiencing violence are accompanied by NGO professionals in the process, which is of concern, since the quality of assistance should not depend on the victim having a companion or advocate.

Human rights complaints

Anyone who feels that his or her human rights have been violated may file a complaint with the Human Rights Ombudsman of the RS.

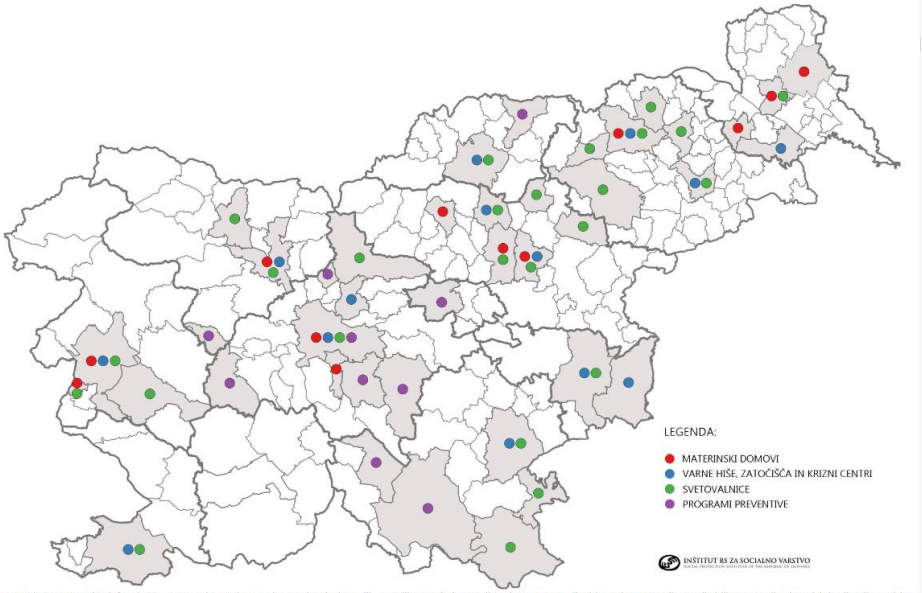
Complaints about personal data breaches

Anyone who believes that the Personal Data Protection Act[63] has been violated, can file a complaint with the Information Commissioner of the RS.

IV.G Specialist women's support services

Number and geographical distribution

Zemljevid 3.1.1: Dostopnost programov za preprečevanje nasilja, ki jih je v letu 2018 preko javnih razpisov sofinanciralo MDDSZ



Opomba: Programi telefonskega svetovanja so dostopni po celotni Sloveniji, zato jih posebej ne prikazujemo na zemljevidu. Pri programih varnih hiš so zaradi tajnosti lokacij prikazani le s
organizacij.

There are 3 **crisis centers** in the RS, namely in Ljubljana, Maribor and Piran. They are intended for women experiencing violence and their children (sons only up to 15 years of age). A crisis

[63] *Zakon o varstvu osebnih podatkov (ZVOP-1).* Official Gazette of the RS, št. 94/07, 5th of August 2004. Available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3906 (9. 7. 2019).

center is a safe space in an undisclosed location where a woman and her children can withdraw to in an acute situation of violence 24 hours a day, throughout the entire year. The crisis center provides an immediate retreat to a safe space, professional assistance, support in arranging the next steps and additional information on other existing forms of help.

Safe houses for women experiencing violence are available in almost all regions in the RS (except primorsko-notranjska and zasavska regions). A safe house is a safe space where women and their children can escape from violence and rearrange their lives with the support of counselors. Women and children can stay in the safe house for up to 12 months. Counseling, advocacy and company to institutions is provided for the victims. Victims are expected to pay a monthly monetary contribution, the height of which depends on the amount of financial social aid that the victims receive. If a woman does not have the resources, she does not pay this contribution.

In total, the safe house programmes consist of 25 units. NGOs consider both the number of available places and accessibility appropriate. Occasionally there is a shortage of places only in the Osrednjeslovenska region.

The total capacity of the safe houses and crisis centers is 94 rooms with 269 beds.

Counseling for women experiencing violence is available in all regions, with the exception of the zasavska and primorsko-notranjska regions.

Maternity homes are intended for mothers with children under the age of 14, pregnant women and single women who are currently in or have experience long-term distress and have no other possibility of accommodation. Maternity homes provide shelter and help with transitional distress as well as longer-term assistance. Due to the lack of available places in safe houses, maternity homes also accommodate women and children who are experiencing violence when they are no longer at risk. Maternity homes are located in public locations, covering 15 units in almost all regions in Slovenia.

The total capacity of safe houses, crisis centers and maternity homes is 166 rooms with 451 beds.

In the area of professional support services, NGOs have noticed **a large increase in the number of counseling centers for women** who are experiencing violence, although most of them do not have a feminist background and do not consider VAW to be gender based. There is also a lack of specialized therapeutic programs for women and children with experience of violence. Programmes are unevenly distributed across the country, and despite decades of NGO warnings, different women who experience violence are still treated differently. Oftentimes the treatment depends on the personal beliefs and orientations of the particular professional.

A problem with regard to the operation of safe houses is also that there is no prohibition at the legislative level of the disclosure of the location of a safe house by a perpetrator of violence. Such disclosure endangers both the women and children in the safe house and the employees.

Number of paid staff per service

45 professionals work in maternity homes across the RS, most of them permanently. A total of 91 professionals work in safe houses and crisis centers, most of them permanently. 86 professionals work in counseling centers for victims of violence, most of them on a permanent basis.

NGOs that provide specialized programmes in the field of violence are mostly understaffed, faced with high fluctuation 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. Due to the complexity of the field, workers are overburdened, which also applies to workers in SWCs. This results in sometimes nadequate help for women experiencing violence.

The accessibility (eg. 24/7 or other)

Crisis centers are accessible every day of the year, 24 hours a day. Safe houses and maternity homes are accessible during business hours on business days, as are counseling centers.

Criteria defining a service as a specialist women's service as well as standards of intervention, protocols, and any guidelines

Many Slovenian NGOs active in the field of VAW follow a feminist approach to the theory of violence as the basis of their work, recognizing that "it is important for providing effective services for women who survived violence, so all work in the field should be based on it."[64] Thus, gender roles and gender hierarchies are taken into account in their work.

Professional starting points for working with adult victims of DV for professionals at SWCs[65] also come from an understanding of VAW as gender-based violence and place emphasis on ensuring victim safety. However, it should be noted that in practice, we still encounter professionals who do not understand VAW in this way, which leads to minimizing and justifying violence and shifting responsibility to the victim. This can increase the risk for the victim and significantly prolongs her recovery.

Different programmes for accommodation of victims also follow different internal acts, instructions and protocols, which may stem from different starting points and beliefs.

The different groups of victims specialist women's service are available for

NGO crisis centers, safe houses and maternity home programmes provide services and accommodation for women experiencing violence **regardless of their personal**

[64] Leskošek, Vesna. 2014. *Razvoj dela na področju nasilja nad ženskami v Sloveniji.* In: Veselič, Špela, Dalida Horvat and Maja Plaz (ed.) 2014. Priročnik za delo z ženskami in otroki z izkušnjo nasilja, pg. 35–50. Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.

[65] Hrovat Svetičič, Tanja, Dalida Horvat, Dubravka Hrovatič and Frančiška Premzel. 2010. Strokovna izhodišča za delo z odraslimi žrtvami nasilja v družini za strokovne delavce na centrih za socialno delo. In: *Kaljenje*. 2010. 5(10), 38–95. Available at: https://www.drustvo-dnk.si/images/dokumenti/smernice-zenske.pdf (28. 11. 2019).

circumstances. We note problems with the accommodation of **Roma** women and their children, as the existing programmes are not sufficiently adapted to their needs, circumstances, and lifestyles.

In safe house programmes we face difficulties in accommodating **foreigners** without a permanent residence permit. Safe houses within SWCs (ie. state institutions) do not accommodate women without a regulated residence status.

As already mentioned, in Slovenia there are no professionally adapted accommodation capacities for:

- Roma women,
- for younger women (from 18 to 25 years old),
- there are very limited accommodation possibilities for women with the experience of violence with sons over 15 years of age and
- disabled women.

There is a need for such accommodation possibilities.

Additionally, after leaving a safe house, when the risk is decreased, women face problems when seeking accommodation, since the safe house system is mostly not supported by the housing system. In particular, problems arise when seeking accommodation for retired women who have no property and do not need to stay in a home for elders, but at the same time their pension is not sufficient to pay rent.

There are two programmes in the RS with the possibility of accommodating women with **physical disabilities** who have experienced violence. The programmes are implemented by the NGOs Association SOS Help-line for Women and Children – Victims of Violence and the Društvo Vizija – Društvo gibalno oviranih invalidov Slovenije (Society Vision – Association for the Disabled Persons of Slovenia).

Female migrants, who are experiencing violence, are placed in individual assistance programmes to some extent, but we estimate that this proportion is low. This is due to the language barriers, lack of information about legislation and available programmes, etc.

Funding

The programmes listed above (mainly the employee salaries) are mostly funded by the state (Ministry of Labour, Family, Social Affairs and Equal Opportunities) and local communities. In small part some are also funded by donations and contributions from beneficiaries. Organizations within religious institutions (Caritas) obtain some funding to operate from their umbrella organizations.

Organizations can apply to public tenders for 1, 3 or 7 year long projects/programmes, funded by the state and local communities.

Who are they run by

The programmes are run by NGOs (11), women's NGOs (3), religious organizations – Caritas (7), and the state or local community (8).

Are they free for all women

Accommodation programmes are free for women without income. Others pay a contribution for accommodation that is consistent across different organizations, accounting for 30 % of their own financial social aid, 10 % of financial social aid for the first child and 5 % for the second child. There is no contribution fee for other children.

For example, such a contribution in September 2019 was: 117.83 € per month for a woman without children, 157.10 € for a woman with one child and 176.74 € for a woman with two or more children.

Psychosocial help and counseling programmes (including counseling over the telephone) are generally free of charge for users.

Coordination between specialist support services and general support services

There is no overall coordination between the various services in the RS. Different services interconnect mostly when needed and ad hoc. Some organizations form smaller groups in order to lobby for changes to legislation, media campaigns and other preventive activities.

Systematic coordination is conducted for the purpose of resolving individual cases within the framework of MDTs, convened and coordinated by SWCs, in accordance with the DVPA. There is no consistent practice, which means that there is a lack of coordination between institutions. Whether or not a MDT meeting will convene is still dependent on the individual professional or social worker. While some are highly supportive of cooperation, others do not convene MDT meetings, or convene them only after the victim's advocate repeatedly intervenes.

The only partially coordinated group in the field is the Section for Crisis centres, Maternity Homes, Safe Houses and Related Organizations, which operates within the Social Chamber of Slovenia. The objective of the Section is to coordinate affiliated organizations when facing more complex tasks and to represent them in the event of common interests. Membership in the Section is voluntary. Last year, a counseling services section started operating in a similar way, but its manner of operation is still evolving.

With regard to support services, we note that most difficulties arise in supporting victims of SV. There is no protocol at a national level for handling rape allegations, which causes various problems in this area.

In the RS, **specialized easily accessible crisis referral centers for victims of rape or SV** would be needed to provide comprehensive treatment and support for victims of SV all in one place. Police stations do not provide suitable facilities where not only interviews and information

gathering but also basic forensic measures (eg. collecting clothes, DNA samples, taking photographs, etc.), could be carried out. Above all, they do not have facilities in which victims would feel safe and not overly exposed. Victims also have difficulties finding a female police officer to report a rape. The victim may have to wait for a gynecological exam for hours. We also note a serious lack of specialized programmes for dealing with victims of SV outside the capital.

Measures taken to set up telephone helplines

There is **no** national helpline for women victims of violence in the RS that would operate **24/7**.

There are two **free, anonymous helplines** that specialize in women and children with the experience of violence run by **feminist NGOs**. Their objective is women helping women, and they base their work on the needs identified and defined by activists who wanted to help women with the experience of violence. The helplines have **limited hours** of operation, operate at **national** level, and counseling is only possible **in Slovene language**:

- **The SOS helpline for women and children – victims of violence** (080 11 55; https://drustvo-sos.si/) is run by the Association SOS Help-line for Women and Children – Victims of Violence. The helpline operates every business day from 12pm to 22pm; on Saturdays, Sundays and public holidays from 18pm to 22pm. Volunteers and employees who work on the SOS help-line, are exclusively women who have successfully completed the training in counseling work, carried out by this organization with 30 years of experience in the treatment and prevention of violence. As part of the training, counselors acquire specialized expertise in the field of VAW and violence against children. When they call, victims of violence receive relevant and timely information about available support services across the country and legal options, in a language they understand.

  In 2017, a total of 2656 services were provided (calls, e-counseling, reports of violence, advocacy, participation in MDTs, etc.), and in 2018 there were 2382 such services.

  The Association SOS Help-line for Women and Children – Victims of Violence applies the SOS Telephone Program for Women and Children - Victims of Violence to the public tenders for funds from the Ministry of Labour, Family, Social Affairs and Equal Opportunities every 7 years and for funds from the City of Ljubljana every 3 years. These funds are not entirely sufficient, so the organization is forced to seek additional donations. Hugh amount of work is based on volunteering.

- **The Emma Institute's helpline** (080 21 33; http://zavod-emma.si/) operates every day from 8am to 3pm and from 6pm to 9pm.

The State (Ministry of Labour, Family, Social Affairs and Equal Opportunities) has established a free phone counseling service for children and adolescents experiencing violence called **Peter Klepec**. It has been operating since April 2006. All calls are automatically diverted to various crisis centers for youth in Slovenia. It operates 24/7, ensures caller anonymity and operates nation-wide. It is extremely difficult to obtain information about the operation of the Peter Klepec service from the Ministry of Labour, Family, Social Affairs and Equal

Opportunities. In crisis centers for youth, however, they disclosed that they answer the phone **if they have time**, because they prioritize children who are placed in the crisis center over the callers. They also expressed that they **did not know** about the automatic transfer of the calls to crisis centers. They stated they do not record these call's statistics, as they count all calls to crisis centers together. Telephone counseling is only available in Slovene. Interviews are conducted by crisis center workers who are trained in this field.

We mention this telephone service specifically because we are aware of some suggestions by the Ministry of Labour, Family, Social Affairs and Equal Opportunities that this telephone counseling service could cover the requirements for a 24/7 help-line for victims of violence. Considering the current situation, this would be entirely inappropriate. The State does not have a suitable and professional systematic solution for such a requirement of the Istanbul Convention. The funding of help-lines to help and support to victims of violence is not sustainable and legally guaranteed.

IV.H Support for child witnesses

Pursuant to Article 4 of the DVPA, a child who is a victim of DV even if he or she is present when the violence is committed against another family member or lives in an environment where violence takes place, is entitled to special protection against violence. The victim of violence is therefore any child who is the direct target or a witness of violence.[66]

When it comes to caring for children who are victims of violence, in Slovenia the responsibility (without the adequate support and assistance) generally **falls on the mothers**, who may be victims themself. It is also known that too much time passes before the child is questioned for the first time, and after that, they are questioned repeatedly. The proceedings can last for many years, meaning that the children are being traumatized repeatedly for several years.

In the RS, we are faced with a **severe lack of virtually all forms** of psychosocial support and help for children experiencing violence. The waiting times are extremely long – several months for the first professional treatment of a child by a clinical psychologist, pediatric psychiatrist, counselors. Additionally, very few such professionals have adequate knowledge about dealing with violence, especially SV and sexual abuse. **The State has no systematic solution to the problem** and is not engaged in helping children with experience of violence to get help within the system. Child support services also **aren't evenly available** across the country. There are various forms of help available in larger cities across Slovenia, however, the number is not even close to enough.

An extremely big problem in recent years is that in various procedures institutions neglect the fact that a child is a victim of violence. The failure to take this into account when establishing child's contact with a parent and deciding on custody is of particular concern. In this area, the course of proceedings and the handling of a case also depends on the personal beliefs of the social workers and other professionals, and the practice of forcing contacts and joint custody at all costs despite of DV charges is additionally supported by the new Family Code.

[66] *Zakon o preprečevanju nasilja v družini (ZPND)*. Official Gazette of the RS, 16/08. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5084 (9. 7. 2019).

An example from our practice

A woman was severely abused by her partner. Even when she ended the relationship, the violence continued. The former partner was also abusive towards their child and abusive towards the mother in the presence of the child. He was acquitted in criminal proceedings. For several years the child expressed distress after contacts with his father. After the latest incident of violence against the child's mother, that the child witnessed, the child no longer wanted contact with the father. At the SWC, they interviewed the child, father and mother. They did not recognize the violence, they determined that it was a case of parental alienation because the mother in their opinion was influencing the child. They saw the reason for the child refusing contact with their father in their mother trying to manipulate him. They determined that the child was actually threatened by the mother because she was emotionally manipulating them.

Crisis centers for children and adolescents

Crisis centers for children and adolescents are aimed at children and adolescents from 6 to 18 years of age who are in acute distress, which makes it necessary to remove them from their home environment.

Children's Crisis Center Palčica in Grosuplje is aimed at children from 0 to 6 years of age.

Crisis centers accommodate children and adolescents who are in any kind of distress that cannot be resolved in the home environment: unsustainable conditions at home (psychological and physical violence, sexual abuse, alcoholism…), resistance to parents for various reasons, parental rejection, emotional distress, adolescent crisis, school-related problems... Staying at a crisis center is voluntary, the centers operate 24 hours a day, every day of the week. Children and adolescents can stay there up to three weeks and in special cases, extension is possible.

There are 10 crisis centers for children and adolescents in the RS, run by state institutions.

Counseling centers for children, adolescents and parents

Counseling centers for children, youth and parents operate in Ljubljana, Maribor, Koper and Novo mesto. These are professional institutions aimed at protecting the mental health of children and adolescents. Their services include helping children, adolescents and parents resolve learning, emotional, educational, behavioral, psychosocial and psychiatric disorders and problems. The counseling centers employ psychologists, pediatric psychiatrists, specialist pedagogues, pedagogues, speech therapists and social workers.

Family Centre Mir operates in Maribor, offering the programs "Specialized Psychosocial Assistance to Victims of Violence" and "The Peace Program – Psychosocial Assistance for Children, Adolescents and Their Families." (http://www.dc-mir.si/)

Society Ars Vitae, Counseling Office Drop operates in Ptuj and in Ormož. It offers counseling for victims of violence. It is the only non-housing program in the area that assists victims of violence of all ages and their relatives in dealing with current or past experiences of violence. (http://arsvitae.si/programi/kapljica/)

Lunina vila, the Institute for the Protection of Children, is a Ljubljana-based private non-profit organization whose mission is to treat and prevent traumas in children (abuse, neglect, sexual abuse, death of a loved one, long-term illness). They provide free assistance to children, adolescents who have survived (or are thought to have survived) sexual, physical, emotional abuse or neglect. (https://luninavila.si/storitve/#terapije)

Mental Health Centers for Children and Adolescents

According to the Resolution on the National Mental Health Programme 2018–2028,[67] 50 (25 for children and adolescents and 25 for adult) mental health and early treatment centers should be opened in the RS by 2028. The National Institute of Public Health (NIJZ) is responsible for implementing the resolution. Three mental health centers for children and youth have already opened in Celje, Postojna and Ptuj. The rest are starting to open, but they are limited due to the lack of pediatric psychiatrists and clinical psychologists. According to NIJZ, 10 centers for adolescents and 10 centers for adults will have opened by the end of 2019.

According to some reports, **less than ten percent of the children** who are in urgent need of psychiatric help are receiving it, with needs increasing. According to NIJZ, the number of health center visits **increased by more than 25 percent** from 2008 to 2015 due to mental and behavioral disorders among young people. The number of specialist visits increased by more than 70 percent, medication consumption increased by almost a half and particularly with young people, between the ages of 15 and 19, by more than 70 percent.

Restraining orders

In the case of DV, the police (under the Police Tasks and Powers Act) or the court (under the DVPA) may impose a restraining order on the perpetrator of violence (prohibiting access to a place or a set distance to a physical person). However, when considering a family, the **restraining order usually applies only to the mother**. The perpetrator is not prohibited from approaching the children, as he is most often assigned contact sessions with the children. Oftentimes, the abusive father is assigned contact with the children, and the mother, who has applied for a restraining order, is still responsible for bringing the children to see their father. Sometimes in one procedure, the father is issued a restraining order and may not cantact children while another judge in another procedure (although aware of the restraining order) decides he can have regular contact with the children. In our view, a **restraining order should always apply to both the mother and the children**, as they are all victims of DV. Oftentimes perpetrators also take advantage of the assigned contact with the children to sustain the violence or pressure on their former partner.

Court appointed expert witnesses

[67] *Resolucija o nacionalnem programu duševnega zdravja 2018–2028*. Official Gazette of the RS, 24/18. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=RESO120# (9. 7. 2019).

In the RS, we are facing a **severe shortage of expert witnesses** who would have expertise in DV and sexual abuse. There is a particular lack of expert witnesses from the forensic and clinical psychology fields. This means that expert witnesses often return files and refuse to produce expert opinions in family proceedings due to vase overload. Therefore, several months pass before the child first has contact with the expert witness and before the expert opinion is produced, which greatly prolongs the procedure.

In the RS, there are no protocols for the operation of expert witnesses and the practice of their work is not consistent.

We have observed that perpetrators of violence often ask for new expert opinions when they are not satisfied with the existing ones. By doing so, they repeatedly expose the children, as well as their mothers, to **secondary victimization**, as the interviews with the expert witness are emotionally draining, and the court does nothing to stop it.

An example from our practice

In the extremely long process of divorce and obtaining a custody agreement, the perpetrator rejected the opinions of expert witnesses that did not satisfy his expectations. The first expert witness wrote an opinion in favor of the mother, the second opinion was in favor of the father and the third expert witness wrote an opinion that was similar to the first one. After demanding three different expert witness opinions, the perpetrator demanded that a children's rights advocate be assigned, however he was not satisfied with her work either. He used every available service to try and prove that his former partner was a bad mother, that he would be a better caregiver and that the custody should be granted to him. Despite the fact that the children had to be interviewed by three different expert witnesses, which was traumatic, draining and all in all damaging, the perpetrator was not stopped by the court. According to them, they tried to obtain a stable opinion in order to make a decision that would withstand. They did so because they believed the perpetrator would appeal against their decision, which turned out to be the case anyway.

Plenipotentiaries (representatives)

In the RS, the appointment of a plenipotentiary for a minor victim or injured party is determined by Article 65 of the Criminal Procedure Act.[68] In our experience, attorneys/plenipotentiaries appointed by the court often decide not to advocate for a minor, who is a victim of a crime or a witness in criminal proceedings. Oftentimes, the victim **encounters their plenipotentiary for the first time in court, just before the hearing begins**. Not even their parents or caretakers are contacted before the hearing. The attorney consequently only knows the situation from documents and is not familiar with the child's wishes and concerns. The victim is not prepared to testify in court, not informed what is of importance in court, and the course of criminal proceedings is not explained to the child. Oftentimes, the plenipotentiaries are underprepared for hearings. There is little or no regard

[68] *Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku (ZKP-N).* Official Gazette of the RS, 22/19, 5th of April 2019. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7508 (9. 7. 2019).

for the situation of the minor victim, when he or she is expected to face the perpetrator in court. The victim is therefore in even more distress. In our experience, plenipotentiaries also do not consider the possibility of interviewing juvenile injured parties in a safe room and by using video conferencing, or in the absence of the perpetrator.

An example from our practice

A 14-year-old was a victim of severe and continuous psychological and physical abuse by his father. The violence occured when they had contact. The adolescent did not dare to tell his mother, who had custody over him, because his father had threatened him with even more violence and punishment if he told anyone about it. The court assigned him an attorney to protect his interests in criminal proceedings. The attorney assigned as an plenipotentiary never initiated contact with the victim or his mother, not when the pre-trial hearing or the main hearing was called. The mother of the child tried to get in contact repeteadly. When the victim was called for an interview in the criminal proceeding, his mother wished that he would not be interviewed in the presence of his father. She wanted to arrange with the attorney to propose to the court that the victim be interviewed in the absence of his father, in a safe room and through video conferencing. The attorney did not find this necessary and he suggested that the mother should propose this to court herself. He also refused to see the bigger picture in the case, as he was not interested in the clinical psychologist expert witness's opinion that the contacts were not currently in the child's benefit. The mother thus decided to hire an attorney to represent the child's interests. When the court received new attorney's motion to interview the child in the father's absence, they granted it.

Addressing Children in Court – Testimony

It is **extremely difficult for a child** in the RS to testify in court. Alternative forms of interviewing a minor are permissible, but in practice, interviews in safe rooms, through video conferencing or in the absence of the defendant are rarely appointed. These alternatives would undoubtedly be of greater benefit to the children.

One of the video conferencing safe rooms, for example, operates within the Crisis Center for Youth in Koper. In 2017, only four interviews with children were held there. Three of those were members of the same family, meaning that the safe room was used in only two court cases in 2017. There were no such interviews in 2018 nor until September of 2019.

The Supreme Court of the RS has issued a brochure for children who are summoned to court as witnesses. The brochure explains what it means to be a witness, what to expect in court, who will be there and what the rights and responsibilities of a witness are. In our experience, these brochures are available both in courts and on courts' websites, however juvenile victims do not receive these brochures along with the witness summons. We believe that this would be necessary as most people are not aware of the brochure's existence and are therefore unable to help their child prepare for a testimony with the help of the brochure.

Children should also be provided with **information on the privilege, that they don't have to testify against a family member** in criminal proceedings in a language they understand in order to be able to decide whether or not to testify against their family member who is suspected of a crime. When a child testifies against his or her family member, there is a high likelihood of secondary victimization causing additional distress for the child.

An example from our practice

This is a very rare example of good practice:
Children and their mother testified about DV against them in the criminal proceeding. The children were invited to testify at a crisis center for children and adolescents in a different town. The proceedings were also conducted by a court in a different town. The court itself proposed using video conferencing for the interviews. The perpetrator did not attend the hearing. The hearing was attended by the children, a social worker, who had a goog relationship with them, as their companion; their mother who was interviewed on the same day, the mother's companion, and a plenipotentiary of the children. The hearing lasted almost all day, which was an aggravating circumstance. However, they were able to wait for the hearing in a living room, which was equipped for play and conversation, as well as eating and resting. In the beginning, the judge explained to the children in an understandable way how the hearing would be conducted, taking their needs into account. The videoconference was also attended by a prosecutor and record clerk via a court link.

The interviews were still difficult for the children, but because of the good execution, their mother's presence and the appropriate conditions, it was easier than it would have been otherwise.

An example from our practice

A four-and-a-half-year-old child was interviewed in the pre-trial proceedings in the presence of his mother's lawyer, the prosecutor, his father and his lawyer, and a clinical psychologist who confirmed that the child could not understand neither the procedures nor the privilege that allows him not to testify against a family member. The prosecutor justified the termination of the pre-trial proceedings on the basis of the fact that the child was unable to say anything.

An example from our practice

A juvenile victim was summoned to court as a witness and injured party in the criminal investigation. Following the intervention of her assigned advocate, the investigating judge decided to carry out her interview via video conferencing. After the intervention, it was also decided that it was crucial for the safety of the juvenile injured party that the perpetrator would come to court prior and leave after the interview of the juvenile injured party. The victim’s advocate was not allowed in the safe room during the hearing and had to wait in the hallway instead.

The treatment of children at SWCs

It is up to the SWC to decide whether or not the child would be interviewed. It is furthermore not specified, who will perform the interview – a social worker or a psychologist. Procedures for working with children are **not clearly defined**, how they will protect the child from further violence depends mostly on the social worker in charge.

In the experience of NGOs, in cases of DV SWCs do not act at a sufficiently rapid pace, in accordance with the DVPA and with the Rules on the organisation and work of MDTs and regional services and on the activities of social work centres in dealing with domestic violence,[69] adopted under the DVPA. In their child protection proceedings, they often fail to comply with the Convention on the Rights of the Child, in accordance to which the best interests of the child should always be the primary consideration.

Contacts of the perpetrator of violence with his children

In the process of obtaining a custody agreement, the competent SWC is first asked to give an opinion on the case. The practice on constructing these opinions is not uniform and SWCs approach it in different ways. Some professionals treat DV with an understanding of the power imbalance and the dynamics of a violent relationship, and interview parents separately. Some SWCs, however, insist that discussions about custody are done with both of the parents and do not take the fact, that DV was the cause for the separation, into account.

In the case of a consensual divorce or divorce action, that results in a court settlement, it is most often decided that the contacts with the children will be arranged by an agreement between the parents, meaning that **time, duration and form are not precisely specified by the court**. Oftentimes, that is also the case in cases where DV has been proven.

Precise identification of the capacity and conditions of legal contacts is, however, **especially important in cases of DV**. Numerous experiences of victims of violence prove that violence often continues after the divorce, particularly in the moments when the mother takes the child to contacts or the father comes to pick up the child. These moments are often a chance for perpetrators to have violent outbursts against their former partners and to manipulate and intimidate them. Such events are particularly traumatic and painful, especially for the children.[70]

According to SWCs, in cases of DV in which the parents are unable to come to an agreement about the contacts, arrangements based on the knowledge on the family dynamics are proposed. They normally propose a system of contacts that would ensure regular and consistent socializing with the parent who wasn't granted custody. They justify their decision by the opinion that regular and frequent contacts are always in the child's best interest if both

[69] *Pravilnik o sodelovanju organov ter o delovanju centrov za socialno delo, multidisciplinarnih timov in regijskih služb pri obravnavi nasilja v družini*. Official Gazette of the RS, 31/09 in 42/17, 20th of April 2009. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV9598 (9. 7. 2019).

[70] Podreka, Jasna. 2018. *Vprašanje koristi otroka ob razvezah (zunaj) zakonskih zvez, s posebnim poudarkom na razveze zaradi nasilja v družini.* Univerza v Ljubljani, Filozofska fakulteta: Strokovni posvet Stiki in skrb za otroka po koncu odnosa, kjer je prisotno nasilje, Ljubljana, 30. 11. 2018.

parents are able to perform their parental role appropriately. If potentially harmful elements are identified with the parent that wasn't granted custody, a different, restricted form of contacts (eg. supervised contacts) or no contact is suggested. This line of thinking is usually followed by the court, when the determination of contacts is left to its discretion.[71]

In connection to this, organizations, led by fathers, many of whom are perpetrators of violence, ought to be mentioned. These fathers take no responsibility for their acts of violence and attribute their bad relationship with their children to the so called parental alienation syndrome (PAS), supposed to be caused by mothers. They also claim that majority of DV and sexual abuse cases are fabricated by women to get certain privileges.The problem arises when these fathers are given a place in the media and are even invited to consultations or trainings as lecturers. Furthermore, courts often refer to the alienation syndrome as well, since doing so is much easier than confronting and resolving the issue of violence.

Supervised contacts

The practice of supervising contacts is **largely unregulated**, there is no formal protocol, the rules are unclear, the role of the supervisor is not clearly defined, nor is the type of supervised contact report required by the court and which professional standards are to be applied. In most cases, this is left to the individual professional and their discretion. There are also no protocols adopted on what to do if violence occurs upon contact or directly after contact.[72]

At the same time, it is normally suggested that the non-abusive parent find a person to supervise the contact, which places the responsibility for the execution of contact, decided by the court, on the child's mother, victim of violence.[73]

The risk of violence is often minimized in court, **prioritizing the perpetrator's right to contact with their child over the right of the victims to be safe** from all violence. The likelihood of the victim having to bring the child to contact with the perpetrator and thus being exposed to the perpetrator's violence again is often not considered in court, furthermore, as mentioned, it is often determined by the court that the mother be the one to bring the child to contact. How the child would arrive to contact is rarely specified, which puts the victim in additional danger and leaves the perpetrator room for manipulation. In practice, perpetrators have tried to run the victim over, choke them, push them away, insult them and humiliate them in front of the child upon arriving to contact.

SWCs, who are most often in charge of supervising the contacts, have, in our experience, a fairly lenient attitude towards the fathers, namely expect them to merely express willingness to make contacts and to arrive when contacts are schedules. Thus, it is allowed that the father be late or only arrive for a short period of time. In one case, at the suggestion of the perpetrator, the court determined contact under supervision, but the father arrived only for 10 minutes, then left the contact and did not come to future contacts (the mother was still expected by the center to prepare the child for the contact and also bring the child there).

[71] Ibid.

[72] Zabukovec Kerin, Katja. 2018. *Prispevek »Stiki pod nadzorom – del težave ali del rešitve?«* Strokovni posvet Stiki in skrb za otroka po koncu odnosa, kjer je prisotno nasilje, 30. 11. 2018. Ljubljana: Fakulteta za socialno delo.

[73] Ibid.

Some fathers inform SWCs that they will not be attending contacts, however the SWC demands that mothers bring children to contacts in accordance with the court's decision nonetheless, which, in addition to the financial and time contribution of the mothers, also represents an extreme psychological burden for the child.

In addition, SWCs **do not have rules** for preventing an encounter between the perpetrator and the victim (eg. that the perpetrator arrives to the centre first and waits in a separate room until the victim brings the child to the centre and leaves safely). Persons, assigned to supervise the contact, generally do not talk to the child about their wishes, expectations and fears beforehand, nor do they get to know the perpetrator. An evaluation is also not made after the contact. Before and after the contact, **children often experience distress**, which mothers report, but the contacts continue to occur. Oftentimes, a different supervisor is assigned every time, meaning that they cannot observe the development of the parent-child relationship well and do not recognize the child's distress. In addition, SWC generally give a positive opinion too early in the course of the implementation of contacts: it is usually sufficient for the father to attend contacts, but it does not matter what kind of a relationship he has with the child and how he parents. When supervised contacts lead to behavior that is inappropriate and harmful to the child, the father's right to attend contact is often prioritized over the needs of the child, no matter how the father behaves. Negative opinions regarding the implementation of contacts are given only if the perpetrator is directly abusive towards the child or social workers. In one case, the perpetrator pushed the victim in front of professionals and they did not react, stating that they could not have contained him anyways. It has also happened on several occasions that the mother had to provide supervision or even supervise the implementation of contacts herself.

Additionally, SWCs often **do not have adequate facilities** for a quality implementation of contacts.

An example from our practice

The court assigned supervised contacts at a SWC on suspicion that the father had sexually abused his daughter. At one of the contacts, the father and the daughter played a game where the father was lying on the floor and the daughter was sitting on his crotch. The narrative of the game was that she was riding a pony, causing her to move back and forth. The social worker who supervised the contact did not stop this behavior, but merely described it in the report, not labeling the behavior as inappropriate.

A further disadvantage is that **there are no clearly drafted and generally accepted guidelines** on how relevant information regarding supervised contact should be communicated. Therefore, the person supervising the contact isn’t always informed of the entire family situation or, for example, of an extremely important measure to ensure the safety of the child, such as a restraining order. Some supervisors treat supervised contacts as *babysitting the child* during contacts, to which the question of whether they have sufficient knowledge and experience to carry out supervised contacts naturally arises.

In our experience, when it comes to DV, **there is little concern for the safety of the children attending contacts**. The fact that supervised contacts can be an opportunity for renewed abuse of a child or through a child of his or her mother is rarely considered. The history of DV and the fact that contacts are not in the child's best interest if they cause a psychological burden or if they endanger the child's physical or mental development, is also ignored.

An example from our practice

A woman who is a victim of violence by her former partner has a 7-year-old child. In court, supervised contact sessions with the child were determined. At first, the father did not attend contact sessions as he did not wish to do so. The SWC informed the competent court about it. A hearing within 1 year to permanently establish contacts was scheduled. At the hearing, the judge tried to persuade the father to attend supervised contacts and at the same time asked him to attend at least a couple of supervised contacts before the main hearing.

Prior to the main hearing, supervised contacts (10 contacts) were redefined. The father attended 2 out of the 10 scheduled contacts. He arrived to the first one in time and he behaved appropriately. He was 10 minutes late to the second one, stayed there for about 20 minutes and left early. On departure, the child apologized to social workers for his father's behavior.

The report written by the competent SWC was very short and did not include information about the delay, the early departure, that the father had handed his phone number to his son during the contact, despite the fact that he had been issued a restraining order. The supervisor did not stop this behavior. Upon inquiry, we learned that the person supervising the contact was a substitute for another professional and that she probably did not know that the father had a restraining order.

An example from our practice

Due to DV, a woman sought help at a SWC. The SWC convened a joint meetings with the police and the school, but did not talk to the perpetrator and did not stop his behavior.
The court proceeded with divorce proceedings, custody arrangements and the arrangement of contacts and alimony. The court ordered supervised contacts. The children came to contacts several times and the father never did. He told the mother before the first contact that he would not be attending. He also told the SWC that he would not be attending contacts. He never responded to their calls, he just stated repeatedly that he could not attend due to work.

The mother regularly drove the children to the contacts, with the exception of the time when they were sick. She had to leave work early and had additional expenses because of it. She talked to the children and comforted them before and after the contacts, listening to and experiencing their enthusiasm and disappointment, hopelessness and apathy. The children were disappointed every time because their father did not attend contacts.

The mother asked the SWC to inform the court that the father was not attending contacts, so that the torturous situation would not be repeated every week. She was told that should not interfere with the court and that she had to bring the children to contacts, as the court had decited. The mother was also told that the children were having a good time waiting for their father, as they were drawing and playing there. The mother repeatedly warned that the children were disappointed every time when the father did not attend contacts, but she was not heard.

The SWC was also aware that the father had been issued a restraining order - he was prohibitet to contact the children in person and through other means of communication. Nevertheless, the father was allowed to speak to the children on the phone at times when he was supposed to be meeting with them in person. The SWC even asked for the mother's opinion on the matter. She stated that she did not agree with this, as how the contact should be conducted was clearly determined and it was not by phone (where the father's words weren't monitored). Despite the mother's disagreement, the phone call was made possible and the mother was told that "if they cannot see each other, it's good that they at least speak to each other on the phone." The fact that the father refused to attend contacts in person was not acknowledged.

The children's distress was detected at school as well and reported to the SWC. The school unsuccessfully asked the center to inform the court about it.

Six months later, the SWC wrote a report to the court, which the judge commented on by saying, "It appears that the children have no problems, the only issue is you, the parents." In the judge's opinion both parents were at fault and the children had no negative consequences because of the fact that the contacts were not executed.

A year and a half later, the SWC wrote another report and proposed a change in the arrangement of contacts. The report equated the behavior of both parents. Nothing has changed regarding the course of the contacts. The contacts were set 14 days apart, the father was not attending them and the children had to. The benefits of the children were not taken into account, and their traumatization by the father and indirectly by the SWC for not operating in the children's best interest continues.

An example from our practice

A father was finally sentenced to several years in prison for DV. He had been violent towards his former partner, often in the presence of their very young children. Prior to his imprisonment, he used the contacts with the children to come in contact with the former partner. The violence occurred every time, even if the children were present. In the procedure for determining custody, contacts and alimony, it was determined that the father would have contacts with the children via letters and telephone and every 14 days in person at the establishment where he was serving his prison sentence. It was also stipulated that the mother must bring the children them there and take them home after the contact was completed. The court did not follow the regulations or the house rules of the prison where the father was held, which stipulate that contacts cannot and should not be carried out without the presence of a third adult. Every 14 days the mother had to drive the children

to the facility, which was far away. She had to cover the transportation costs and provide a third adult who would be present at the contacts herself. If she failed to bring the children to contacts, the father would immediately sue for failure to make contact and the mother would be fined. The court did not listen to her arguments that she was unemployed and could not afford the high travel costs. A minimum amount of alimony was set. The court was of the opinion that contacts held in prison were safe for the children. The appropriateness of the facilities was never inspected by the court.

We believe supervised contacts or no contacts should be determined in cases where the child is a direct victim of DV or when he or she is a victim of violence because they were present while violence took place. The process of picking up children and returning them to the victim should be thoroughly planned in DV cases (eg. with the assistance of a third party, such as a SWC).

Rules should be adopted and **a protocol established** for the implementation of supervised contacts: for the arrival and departure of the victim and the child; in the case of violence during contact (immediate termination of contact, notifying the police and the court…); the course of the contact (the obligation for the supervisor to have a conversation with both parents and the child prior to the contact, evaluation or reflection on the contact made, counseling on educational methods, monitoring the progress of the parent-child relationship); protocol in the case of the father not taking part in the contact (the father should be invited to the SWC 15 minutes prior to the contact and if he does not arrive, the person who would bring the child to contact should be informed that the contact will not take place); termination of contacts if the parent explicitly states that they will attend and so on. There should also be clear guidelines on reporting about the supervised contacts to the court.

It would be urgent to arrange suitable premises for contacts at all SWCs and to establish supervised contacts in a way that does not place a disproportionate additional burden on victims.

IV.I Any other measures, taken or planned to provide protection and support to victims of violence against women

In accordance with the DVPA (Article 6), the Family Code (Article 180) and the Social Welfare Act (Article 91), bodies, organizations and NGOs which, in their work, have reason to believe that violence is being committed, are obliged to inform the SWC immediately. In addition, it is stipulated that everyone, in particular health professionals and staff of educational and social institutions, providers of content for children in sports and cultural associations, without prejudice to the provisions on professional secrecy, should inform the SWC if they come across circumstances, leading to the conclusion that the child is at risk. They are also obliged to inform the police or the public prosecutor's office if they suspect that a child is a victim of DV.

In spite of clear legal provisions, it is observed that **professional services often do not** adhere to this. The reasons for this are different: distrust in law enforcement, lack of familiarity with procedures, poor past experience, case overload, fear of retaliation and fear of making the situation worse for the child.

NGOs believe that the way violence is reported is related to the general public's opinion on DV and SV. Currently, **the public opinion is unfavorable towards victims of violence**, as there is a widespread notion in the public that women are at fault for the violence experienced and they mosty merely take revenge on their former partners by reporting violence, and are therefore seen as exploiting the system.

There are especially many difficulties in reporting sexual abuse and violence. Oftentimes, police officers inappropriately stress that "it is necessary to have evidence to report such suspicions; that it is merely supported by words; that the conviction of the suspect is not expected, etc. " while interviewing the victims or the non-abusive parent.

Public has many reservations about reporting perceived or suspected violence, most often due to the fear of retaliation from the perpetrator. They do not report violence because they do not want to provide their personal information, which the law enforcement authorities require. Although there is a possibility of anonymous reporting, it often does not produce the desired results, as testimony is usually required. Crime witnesses must testify in the immediate vicinity of the perpetrator, which puts them at further risk. Information about the right to testify in the absence of a defendant, which could partially protect them when reporting on violence, is virtually never provided to them.

V. Substantive Law

V.A Legal framework in place which gives effect to the provisions of the Istanbul Convention

Several laws regulate the content of the Istanbul Convention in Slovenian legal framework. Actions prohibited by the Istanbul Convention are criminal offences and are regulated by the Criminal Code, the criminal procedure is regulated by the Criminal Procedure Act. Some provisions on informing the victim about prison release or escape of a perpetrator are included in Enforcement of Criminal Sanctions Act.

Issuing of emergency barring orders and restraining or protection orders is regulated by Police Tasks and Power Act and DVPA. DVPA also gives definition of different types of violence (physical, sexual, psychological, economic violence, neglect, corporal punishment and stalking).

The state compensation for the victims is regulated by Crime Victim Compensation Act. In practice, **the amount of the compensation** is a major issue, since even in the case of it being assigned, it does not offer financial or emotional satisfaction, as it is normally extremely low, for example 100 € for several years of physical and psychological violence. That kind of amount is humiliating for the victim. It minimizes the consequences of the violence the victim has experienced.

Custody, visitation rights and other questions regarding married or not married partners and their children were regulated by Marriage and Family Relations Act. New Family Code is replaced Marriage and Family Relations Act and came into force on the 15th of April 2019.

Specific legislation addressing VAW

Slovenian legislation is gender neutral and does not exclusively address women victims. Since victims of DV are in great percentage women and children, in practise DVPA is mostly used to protect women and children.

V.B Action taken to provide relevant professionals with guidance on how to implement the above legal framework

The rules for social workers, police, educational institutions and health workers dealing with DV were adopted in:

- 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.
- Rules on cooperation between the police and other authorities in the detection and prevention of domestic violence.
- Rules on the Treatment of Domestic Violence for Educational Institutions.
- Rules on procedures for dealing with domestic violence in the implementation of health activities.

Beside that, the Ministry of Health issued Professional Guidelines for Treatment of Violence for Healthcare Services.

The professionals do not always follow the protocols for reporting the violence even though specific provisions about compulsory reporting of perceived violence were adopted. In educational institutions, the teachers and other professionals often try to solve all the problems connected to DV with their school counselors. In some schools, they report violence to the SWC, but in others, they do not. It happens that violence lasts for many years and the school **never reports it** to the police or to a SWC.

In the health care, the most common reason for **not reporting** (as they say) is the lack of time. They rarely participate with SWCs. The participation in MDTs is not listed as part of their work order (so they cannot leave the clinic to go to the SWC, they also are not paid to participate in MDT in their work time). Health care workers sometimes refer to the principle of **confidentiality** as a reason for **not reporting**. Some doctors do not even write down in the medical report that the women spoke of violence against them. Often the perpetrator stays with the victim at all times and the victim does not get any alone time with the doctor so she cannot report truthfully about what happened to her. Lastly, the health care workers are worried about their own safety, they are afraid that the perpetrator will become violent against them.

Professionals have some trainings, seminars and workshops about DV and VAW organized by Judicial Training Centre, Social Chamber of Slovenia and by NGOs. None of these educational activities is compulsory for the professionals and that is why some professionals still have very little knowledge about gender-based violence and are making uninformed decisions. All the professionals should attent at least the basic training about VAW and DV.

It is also highly problematic that man's rights movements make seminars about parental alienation syndrome (PAS) for SWCs and that social workers often make decisions following the ideas of PAS which was never scientifically proven.

V.C The procedures available to women victims to provide them with civil remedies

The procedures against the perpetrators

Victims of DV may, in accordance with the DVPA,[74] propose to the court to impose measures to ensure the safety of the victim. These measures include:

- A restraining order (prohibition of approaching the victim, her home, places that the victim often visits – her workplace, school, kindergarten – prohibition of contacting the victim in any way, disclosing of personal data about the victim);
- Referral of the perpetrator to appropriate programmes (social welfare related, educational, psychosocial, or medical); and
- leaving shared housing.

In order to ensure the safety of the children, the court may take specific measures:

[74] *Zakon o preprečevanju nasilja v družini (ZPND)*. Official Gazette of the RS, 16/08. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5084 (9. 7. 2019).

- Prohibit the child from crossing the state border unless accompanied by a specially designated person, authority or organisation;
- Confiscation of the child's documents;
- Prohibition of the issuance of the child's personal documents to one or both parents or a third person;
- Deciding on an urgent medical examination of the child or medical treatment of the child and other medical procedures.

Family members are relatively broadly defined in the DVPA: spouse or cohabiting partner, direct blood relative, collateral relative up to four times removed, relative by affinity, collateral relative by affinity up to two times removed, adopter and adoptee, foster carers and children placed in foster care, guardians and their wards, persons having a child together, persons living in a common household, persons in a partnership, regardless of whether they live in a common household or not. Persons having a common child are also considered to be family members, as well as persons living in a shared household and persons in a romantic relationship, even if they do not live in a shared household. In the case of a divorce, the new spouse and the children of aforementioned family members are also considered to be part of the family.

The problems that arise in practice when imposing measures under the DVPA are:

- In some cases judges **do not recognize** certain acts of violence as violence.
- A restraining order is only imposed if serious psychological or physical violence occurs.
- A restraining order is rarely imposed solely on the grounds of stalking.
- Problems arise even after a restraining order for a certain period has already been imposed and the victim wishes to extend it. **The restraining order will most probably not be extended**:
    - If violence has not occurred in the last six months (because the perpetrator abstained from violent behavior due to the restraining order) or
    - if the violence was considered less intense by the court.

In specific cases, the perpetrator sent several messages and e-mails asking the victim to return to him or he "only" appeared in front of the school, even though he was prohibited from approaching it. The court did not consider these violations to be a reason for extending the restraining order. Even after the restraining order expires, the victim may still be at risk of being found by the perpetrator and of the violence recurring. This period may even be more threatening to the victim due to the possibility of the perpetrator retaliating. The court usually does not take this into account.

Women who are victims of a crime other than DV do not have civil remedies against the perpetrator, however police officers may impose a restraining order on the perpetrators based on the Police Tasks and Powers Act.[75] In these cases, the victim cannot propose a restraining order herself.

We believe that it is necessary to introduce **compulsory education** for judges and other legal practitioners on the recognition of all types of violence and on the dynamics of DV. We further

[75] *Police Tasks and Powers Act.* Official Gazette of the RS, 15/2013. Available at: https://www.policija.si/images/stories/Legislation/pdf/Police_Tasks_and_Powers_Act_EN.pdf (9. 7. 2019).

believe that a change in legislation is needed, a change that would take into account the actual danger to the victim instead of violent events that occurred in the last six months when imposing an extension on different measures under the DVPA. Furthermore, a change is needed to allow victims of crimes other than DV to propose the imposition of appropriate measures to protect themselves.

The procedures against state authorities who have failed in their duty to take the necessary preventive or protective measures within the scope of their powers

Victims can file a lawsuit against the State for unlawful conduct. The State's liability for compensation is already regulated by the Constitution of the RS, otherwise compensation is determined in accordance with the general rules of civil law.

Lawsuits filed by victims of violence against the State are extremely rare, from the practices of NGOs and from legal practices there is virtually **no known case** of such a lawsuit. The victims do complain about the actions of state authorities (eg. the inappropriate behavior of the police and SWC, the slow procedures of the courts, the unprofessional work of expert witnesses ...), but they do not decide to file a lawsuit. Pursuant to the general rules of civil law, in addition to the damage suffered, the victims **would also need to prove the unlawful conduct** of the state authorities and the causal link between the unlawfulness and the damage caused. In the case of the State's objection that it did not act intentionally or negligently, they would also need to prove the culpability of the State. Therefore, if unlawful and wrongful actions of the state authorities are not extremely easily identifiable, the outcome of the proceeding is uncertain, and the proceeding itself is very burdensome and costly for the victim, which is why the victims **do not decide to file a lawsuit against the State**. An additional reason for the victims' reluctance to pursue legal action against the State is that the victims had already been involved in several other legal proceedings (eg. criminal, restraining order, civil proceedings against the perpetrator) as injured parties or as witnesses and they simply lack the energy to file another lawsuit. They also cannot afford to lose more money and time (victims often take their annual leave when having to attend court hearings or visiting SWCs because they do not want their employers to know about the reason for their absence from work).

We believe it would be necessary to provide **access to adequate legal assistance** for all victims who, due to the unlawful conduct of state authorities, wish to file a lawsuit against the State, as well as to provide additional leave or to make arrangements for absences due to participation in proceedings before state authorities.

The procedures available to women victims

To claim compensation from perpetrators

Victims (or all injured parties) can file a **claim for damages in criminal proceedings**. Victims may also claim compensation within the civil proceedings. The criminal court never grants a claim for non-pecuniary damages (referring to the first paragraph of Article 100 of the Criminal Procedure Act, so that deciding on that claim would delay the proceedings too much) and refers the victim to litigation. Knowing that a criminal court will not decide on a claim for

compensation for non-pecuniary damage, victims often decide not to mention the claim in criminal proceedings.

State prosecutors could, in the case of deferred criminal prosecution (Article 162 of the Criminal Procedure Act), decide to instruct the suspect to provide compensation for the victim more often.[76] Normally they do not decide to do so, but instead determine that the suspect must pay a contribution for the benefit of a public institution or for charity.

Some victims file a **civil lawsuit** to recover non-pecuniary damages after the criminal proceedings, however this is rarely the case. Victims are often completely drained from past proceedings[77] and are unwilling to repeat the story and relive violence. In addition, **they are no longer able to afford to pay for the new procedure – damages suit against the perpetrator**. Oftentimes, they spend most of their annual leave to attend all the proceedings and run out of energy to claim damages against the perpetrator. It is also of the least importance to the victims in the context of protecting their rights, therefore they make the decision to pursue it after at least partially arranging their lives and completing other proceedings.

Victims often express that they want court proceedings to be **completed as soon as possible** and do not want to file new lawsuits unless they are absolutely necessary to protect their rights. Some also fear that by filing a claim for damages, they will anger the perpetrator (again) and thus increase the likelihood of violence recurring.

We believe that it is necessary to **educate judges and other law practitioners** about the importance of solving as many claims as possible within a **single procedure**. We further believe that it is imperative to establish a system whereby all cases regarding violence and involving a victim of violence are dealt with as a **matter of priority.**

To obtain state compensation when any such offence involves sustained serious bodily injury or impairment of health

In accordance with Article 78 of the Istanbul Convention, Slovenia reserves the right not to apply the second paragraph of Article 30. Pursuant to the Crime Victim Compensation Act, victims of DV, children and disabled persons can claim compensation from the state without having failed in the process of claiming compensation from the perpetrator (presumption of non-payment). Only citizens of the RS or citizens of other European Union Member States can claim compensation under this Act. The law stipulates that compensation is recognized for:

- physical pain or impairment of health,
- mental anguish (reduction of life activity, impairment of freedom, disfiguration, violation of dignity, impairment of other personal rights)
- lost income,
- medical treatment costs,

[76] *Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku (ZKP-N).* Official Gazette of the RS, 22/19, 5th of April 2019. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7508 (9. 7. 2019).

[77] In addition to criminal proceedings, the "average" victim of DV was also involved in proceedings involving family relations – divorce and parental care issues – and proceedings for imposing restraining orders in accordance with the DVPA, etc.

- funeral expenses,
- damage for destroyed medical devices,
- costs of filing in claims for damages.[78]

Limitations are set for each type of damage, and the victim may claim compensation **within six months** from the date of completion of the violent act. If the victim had been unable to file a claim due to personal injury, she must file it no later than three months after the reasons for which she could not file a claim have expired, and no later than five years from the date of the completion of the act.[79]

Victims of DV usually **do not receive compensation for physical pain** because the law stipulates that the compensation be recognized only if the injury meets the standards set out in the Rules amending the Rules on the definition of characteristic injuries used to determine the compensation for corporal pain or damage to health of the victims of crime. It describes the following as lighter injuries:

- wounds of soft tissue that need stiching,
- simple fractures without displacement (for example, fracture of the radius, nasal root, rib),
- simple dislocations and sprains of joints,
- simple rupture of the eardrum,
- concussion with very short unconsciousness,
- loss of one to two teeth,
- loss of one knuckle.

The compensation paid under the Crime Victim Compensation Act is **very low** (up to 200 EUR for long-term DV) and has only recently been increasing in individual cases. Oftentimes, victims spend a large amount of money collecting evidence and certificates and for simply filing a claim for compensation, and are not reimbursed in the process. Most certificates (eg. a certificate that a crime has been reported, proof of victim status) could be obtained ex officio by a commission assessing entitlement to compensation.

An example from our practice

A woman, who was a victim of DV, had filed claim for compensation. For the purposes of the procedure, she needed the opinion of a psychologist to prove the occurrence of the damage. She paid 50 EUR for the analysis. At the conclusion of the proceedings, damages were paid to her which barely exceeded the amount of her expenses.

Many victims do not choose to file a claim for compensation because it needs to be filed within six months from the date of the completion of the act. The deadline is very short and during this time victims usually tend to ensure their own safety and the safety of their children, arrange practical actions (eg. move), attend court proceedings (criminal, settlement and

[78] *Zakon o odškodnini žrtvam kaznivih dejanj (ZOZKD)*. Official Gazette of the RS, 101/05, 114/06 – ZUE in 86/10. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4264 (27. 11. 2019).
[79] Ibid.

custody proceedings and proceedings for imposing measures under the DVPA) and procedures at other institutions (eg. SWCs).

Victims **are not compensated for fear** (or compensation for fear is assessed in the context of compensation for the violation of dignity, which amounts to maximum of 1,500 EUR). Considering that fear normally causes the most harm in DV cases (it is normally very intense and never completely goes away), it is inappropriate that compensation for this type of harm is not recognized.

Furthermore, compensation is not granted for the **impairment of liberty or other personal rights** if the victim is forced to stay in a safe house. The appointed commission rejects the claim for compensation for staying in a safe house on the grounds that it is not a deprivation of liberty and not a reduction in life activities, since the victim herself has chosen to stay in the safe house and was able to leave it at any time. Of course, this is not true, as every victim who retreats to a safe house is forced to do so in order to ensure her safety and the safety of her children.

Last but not least, **the complexity of the form by which the victim is seeking compensation** must be noted: without legal knowledge, the form cannot be filled out, as it is necessary to prove the individual type and extent of the damage. Victims without legal knowledge find it difficult to adequately fill out the form containing legal terms such as compensation for the reduction in life's activities, deprivation of liberty, violation of dignity, etc.

It would be necessary to amend the legislation so that, in the case of DV, it will be possible to recognize compensation for bodily pain that does not meet the standards of the Rules on typical injuries for determining compensation for bodily pain or health impairment for victims of crime, but because it was so severe that it caused the victim prolonged physical pain and deterioration in health. Furthermore, legislation needs to be amended so that victims can also be **compensated for fear**. There is a need to amend the legislation so that the **amount of compensation** for individual damage is not limited to the aforementioned sum.

Legislation should be amended to stipulate that the appointed commission can obtain the necessary evidence to establish that the conditions for recognizing compensation are fulfilled ex officio and that the deadline for filing a claim for compensation is extended.

The process of claiming compensation requires access to **free legal aid**.

To ensure that incidents of VAW are taken into account in the determination of custody and visitation rights of children as a superseding concern

The legislation in Slovenia does not envisage that DV should be taken into account when deciding on matters of custody and contact with children. The Family Code stipulates that solely the best interests of the child should be taken into account when deciding on custody.[80] It does not provide further guidance on how the best interests of the child should be identified,

[80] *Družinski zakonik (DZ).* Official Gazette of the RS, 15/17, 21/18 – ZNOrg, 22/19 in 67/19 – ZMatR-C. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7556 (27. 11. 2019).

nor does it specify that DV is a circumstance that influences what decision would be in the best interests of the child.

In practice, courts do not allow victims to talk about past violence when deciding on family matters. If the victim starts talking about the experienced violence, the court usually stops her by saying:

Examples from our practice

"this is not a matter of this procedure",
"your past conflicts are irrelevant, you should leave them behind and start negotiating for the sake of the child",
"you cannot be afraid, you will have to face the father of your children for the rest of your life, so accept it" and similar statements.

The court very rarely argues its decisions by mentioning that one of the parties was a victim of violence and that this may be one of the factors in deciding on the best interests of the child. The court more often restricts or forbids contacts when other factors besides DV, e.g. addiction, mental illness …, are present.

In deciding on parental care, the court most often relies on the opinion of the SWC or the expert witness. SWCs generally have **much lower standards regarding parental care for the abusive parent in comparison to the non-abusive parent**.

From the examples in our practice

It is often sufficient for the father to express his desire to have contact with the child, to cooperate with the SWC and to attend supervised contact (even if delayed or only for a short amount of time). If the father fulfills these minimum requirements, the SWC will likely give the opinion on the appropriateness of the child's contact with the abusive parent.

The mother, on the other hand, is expected to encourage the child to interact with the father at all times, to prepare the child for contact, to soothe the child after contact, if necessary, to adapt to the father's schedule.

The mother is not provided with any assistance or support to prepare the child for contact or to alleviate the child's distress. Often, the blame for the lack of success in contact sessions or for the child to refuse contact sessions with the father is attributed to the mother, who is thought to be alienating the child from the father. The mothers' requests that the contacts be suspended for at least a short period of time (eg. half a year), allowing the child to regain composure and an appropriate investigation of the previous acts to carry out are often not even considered at SWCs or family courts.

A problem that has been emphasized for a long time is the **chronic shortage of forensic experts** – of clinical psychologists or other relevant professions. Therefore, acquiring an expert opinion requires **several months of waiting**, which significantly delays the court proceedings.

In addition, many expert witnesses do **not perform their work professionally** and **do not have the necessary knowledge**.

Examples from our practice

In several cases, the expert witness requested that the children meet or confront the abusive father in his/her office, although the children (and mother) explicitly opposed this and a restraining order under the DVPA was in force.

Expert witnesses are often **less organized** and, for example, invite both the mother and the child to be interviewed at the same time, and then interview the mother first while the child is forced to wait alone in inadequate premises (eg. in the hallway outside the office).

Expert witnesses also lack knowledge in the proper duration **of a conversation** with a child and how such a conversation should be conducted. **Some expert witnesses furthermore do not have the necessary skills to interview victims of violence, who are consequently further victimized in the process.** The expert witness may form an opinion on the basis of a **single inappropriately conducted conversation** with the child or the victim. They also **lack consistent standards or methodology** to provide comparable opinions in comparable cases. They often use questionable scientific methods like projective tests (like Rorschach) and even IQ tests for the non-abusive parents. Due to their lack of knowledge about violence, they do not take this into account and adhere to the view that it is important for the child to have contact with both parents in all cases. Only in exceptional circumstances they consider whether the child's contact with the perpetrator of violence is in the child's best interests. There is **no supervision over the work of experts** and **no appeal against their work is possible**.

When deciding on parental care, it is particularly problematic that the court always **encourages the parties to conclude with a court settlement** (even if serious violence has occurred between the parties). The conclusion with a court settlement means that the case will be completed quickly, not all the evidence will be presented, and above all it will not be necessary to write a final decision, which could then be subject to the judgment of the Higher Court. The reasons that led to the conclusion with the court settlement[81] are never assessed by the court. Furthermore, the court never assesses whether a court settlement is in the child's best interest (even though they are required to do so by law). In one of our cases, the judge explicitly said that there was nothing she could do because the parties had reached a settlement (although she clearly knew that the court settlement was not in the child's best interests).

It is necessary to **amend the legislation** so that the **suspicion of DV is taken into account** when assessing issues of parental care and in a way that when concluding a settlement the court will have to explain that a court settlement is concluded in the child's best interests.

[81] Based on our practice we know that victims of violence usually only want the proceedings to be completed as soon as possible and do not want to live in uncertainty; often they are also afraid of what the perpetrators will do if they do not agree with them because they know their violent behavior.

SWCs and other institutions that come into contact with victims of DV should receive **compulsory education** on the dynamics of DV and its impact on the children's relationships with the abusive and non-abusive parent. At this time, participation in such educations is left to one's own initiative and motivation. **Educating expert witnesses** on the proper conduct of interviews with victims of violence and with children should also be compulsory. The competent authority should establish **rules or standards** for the work of expert witnesses who encounter victims of violence in their work. At the same time, it is necessary to establish an authority to oversee the work of expert witnesses.

To ensure that women victims and their children remain safe from any further harm in the exercise of any visitation or custody rights

No measures have been taken to ensure the protection of women and children, victims of violence. Based on the evidence presented, the court determines what is in the child's best interests and pronounces a judgment or confirms the court settlement.

We note countless problems with monitoring and managing supervised contacts. In practice, supervised contacts are used too rarely and do not last long enough (in accordance with the Family Code, their duration is limited to 9 months). Even less frequently, courts prohibit contacts – the parental right to be in contact with the child usually prevails in the assessment. We discuss this in more detail in Chapter 4 (Protection and Support), Section F (Protection and Support for Children, Witnesses).

V.D How internal law criminalises different forms of violence

The crime of DV is defined in **Article 191 of the Criminal Code**.[82] This crime is committed by anyone who maltreats, beats a family member, or in any other way treats them painfully or degradingly, threatens with direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights. This crime is also committed by person who lived with a victim in a family or other permanent community, which fell apart.

Similarly, the Criminal Code defines the **crime of violence in Article 296**.[83] This crime is committed by anyone who maltreats another, hits or punishes them in any other painful or humiliating manner, persecutes him or deprives him of freedom of movement by use of force or threat of imminent attack on life or limb, forces them to work or to omit work, or otherwise puts them in a subordinate position by violently restricting his equal rights.

In addition, acts of violence may also be regarded **as a misdemeanor** of violent and daring behavior or as an offense of indecent behavior under the Protection of Public Order Act.[84] Offenses of violent and daring behavior are (according to Article 6) committed by anyone who:

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[82] *Kazenski zakonik (KZ-1).* Official Gazette of the RS, 50/12 – uradno prečiščeno besedilo, 6/16 – popr., 54/15, 38/16 in 27/17. Available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050 (27. 11. 2019).
[83] Ibid.
[84] *Zakon o varstvu javnega reda in miru (ZJRM-1)*. Official Gazette of the RS, 70/06. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3891 (27. 11. 2019).

- challenges or initiates a physical altercation, acts in a daring, violent, rude, abusive or a similar manner, stalks someone and with such behavior causes them to feel humiliated, threatened, hurt or afraid,
- hits another person,
- assaults.

Offenses of indecent behavior are according to Article 7 committed by anyone who:

- Quarrels, shouts or behaves indecently in a public place (indecent behavior is the behavior of an individual or group that upsets or threatens an individual or group, or where offensive words and actions damage the reputation of an individual or group or official while performing their official duties);
- Quarrels, shouts or behaves indecently towards an official in the course of business;
- Engages in sexual intercourse in a public place, exposes their sexual organs or offers sexual favors in an intrusive manner and thereby disturbs, upsets or appalls people.[85]

The Criminal Code reviews other offenses with elements of violence, which will be described below in more detail.

Psychological violence[86]

Psychological violence against women is most often seen as part of the crime of DV. The Criminal Code also defines the criminal act of threatening the security of another person[87] and offenses against the honor and good name (eg. insulting). However these are not prosecuted by the state prosecutor, they are only pursued by a private prosecution.

In practice, convictions of a person who "only" committed psychological violence against a woman are rare. The police, state prosecutors and courts are less likely to recognize psychological violence and consider it a crime. If the victim calls the authorities for psychological violence and threats, both the perpetrator and the victim are often **fined for a misdemeanor** against public order and peace because the police assume that there was a quarrel and indecent behavior of both parties. In the case of DV, the perpetrator often transfers the payment of the fine for the offense to the victim, which further complicates the victim's situation.

Education for judges, prosecutors, lawyers and police officers on the recognition of psychological violence should be compulsory. There should also be an obligation for police officers at every intervention to examine whether the person is a victim of violence and, if that is the case, to not issue a fine for the misdemeanor.

Stalking

[85] Ibid.

[86] *Kazenski zakonik (KZ-1).* Official Gazette of the RS, 50/12 – uradno prečiščeno besedilo, 6/16 – popr., 54/15, 38/16 in 27/17. Available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050 (27. 11. 2019).

[87] The criminal act of threatening the security of another person is committed by anyone who, in order to intimidate or harass another person, seriously threatens to attack their life or body or liberty, or to destroy their property of great value, or to commit such acts against their loved ones (first paragraph of Article 135). In ibid.

Stalking is defined in Article 134a of the Criminal Code.[88]

Stalking is rarely considered an independent crime. It is usually treated in the context of other crimes (eg. DV) or in addition to other crimes (eg. the crime of rape and stalking). Oftentimes, the police do not accept the report of stalking and do not forward it to the prosecution, because they believe that it is not a case of stalking and that the case has no chance of success.

Compulsory educational training should be introduced for judges, prosecutors, lawyers and police officers on the recognition of stalking.

Physical violence

In the Criminal Code, physical violence is defined within Chapter 15: Criminal Offences against Life and Limb.[89] Physical violence against women often does not reach the levels of physical injuries at which the acts would be considered bodily injury according to Slovenian Criminal Code. Physical violence is therefore regarded as an abusive act within the framework of the crime of DV. On several occasions, the police have treated physical violence, which was not intense "enough" or at which the victim was not scared or subordinate "enough", as a misdemeanor against public order and peace, and did not refer the case to the state prosecutor's office. In one of our cases of physical violence against a child which included pushing against a bed and a wall and twisting the child's hands, the state prosecution decided that this was not an appropriate educational measure, but that these acts did not satisfy the standards of a crime.

In addition, in proving physical violence, the court allows **extensive and overly detailed questioning** of victims at main hearings. The victim is expected to be able to describe how each hit happened, how she stood, where she looked, how she was attacked by the perpetrator.

Once more, it is urgent to introduce compulsory training for judges, prosecutors, lawyers and police officers on recognizing physical violence and adopting guidelines on the treatment of victims of violence in court proceedings.

[88] The criminal act of stalking is committed by anyone who stalks, scares or threatens another person or their loved one through repeated observation, stalking, or intrusive efforts to make direct contact or contact through electronic means of communication (first paragraph of Article 134a). In ibid.
[89] Ibid.

Sexual violence, including rape

The Slovenian legislation defines several different crimes against sexual integrity. In the definition of rape[90] and SV,[91] the legislature used a **model of coercion**. In practice, how the coercion manifested itself is decided for each individual case.

In a recent case Supreme Court stated that the force was manifested as the perpetrators's physical superiority and as supremacy over the victim. The perpetrator used it to force the victim to engage in sexual intercourse. This was against victim's right to express her own will and against her right to sexual self-determination. The victim did not physically resist but she expressed that she does not want to have sexual intercourse. The perpetrator used force to undress the victim, hold her hands and hip and finished forced sexual intercourse.[92]

In another case the Supreme Court stated that the victim's physical resistance is not necessary in the case of rape if the force and the threat are such that they themselves exclude resistance. This can occurre especially when the victim realizes that because of the hopelessness of her position, she would not succeed in resisting. In such a case, her surrender does not constitute a consent to sexual intercourse. It only means that by the use of such force and threat, the perpetrator has broken victim's resistance. As a consequence, forced sexual intercourse occured.[93]

In addition, some other acts are also considered to be criminal acts by Slovenian Criminal Code: sexual abuse of a weak person, sexual assault on a person under the age of fifteen, violation of sexual integrity by abuse of power.

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[90] (1) Whoever compels a person of the same or opposite sex to submit to sexual intercourse or other equal lewd sexual act 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 ten years. (2) If the offence under the preceding paragraph has been committed in a cruel or extremely humiliating manner or successively by several perpetrators or against offenders serving sentence or other persons whose personal freedom was taken away, the perpetrator(s) shall be sentenced to imprisonment for not less than three and not more than fifteen years. (3) Whoever compels a person of the same or opposite sex to submit to sexual intercourse by threatening him/her with large loss of property to him/her or to his/her relatives or with the disclosure of any matter concerning him/her or his/her relatives which is capable of damaging his/her or his/her relatives' honour and reputation shall be sentenced to imprisonment for not less than six months and not more than five years (Article 170). In ibid.

[91] (1) Whoever uses force or threatens a person of the same or opposite sex with imminent attack on life or limb thereby compelling that person to submit to any lewd act not covered by the preceding Article or to perform such an act shall be sentenced to imprisonment for not less than six months and not more than ten years. (2) If the offence under the preceding paragraph has been committed in a cruel or extremely humiliating manner or successively by several perpetrators or against offenders serving sentence or other persons whose personal freedom was taken away, the perpetrator(s) shall be sentenced to imprisonment for not less than three and not more than fifteen years. (3) Whoever compels a person of the same or opposite sex to perform or submit to any lewd act by threatening him/her with a large loss of property to him/her or to his/her relatives or with the disclosure of any matter concerning him/her or his/her relatives which is capable of damaging his/her or his/her relatives' honour and reputation shall be sentenced to imprisonment for not more than five years (Article 171). In ibid.

[92] Vrhovno sodišče Republike Slovenije. *Sodba I Ips 31611/2014*, 1. 2. 2018. Available at: http://www.sodisce.si/vsrs/odlocitve/2015081111418361/# (27. 11. 2019).

[93] Vrhovno sodišče Republike Slovenije. *Sodba I Ips 333/2002*, 27. 6. 2003. Available at: http://sodisce.si/vsrs/odlocitve/24562/# (27. 11. 2019).

So far in Slovenian jurisprudence, there has been no (known) case in which the perpetrator would not be held responsible for a crime against sexual integrity because the force would not be demonstrated – the perpetrators are either held responsible for rape or for any other crime against sexual integrity. For this reason, **it would be sensible for legislation to follow practice and adopt a model of consent.**

Victims do not often decide to report SV, because they fear a lengthy and arduous process. In addition, it seems likely to them that the perpetrator will not be convicted in the end, since considerable time has passed from the event, the case is already obsolete and they have no physical evidence.

Some women are also unaware of the fact that **SV in a relationship is a crime.**

Procedures in court are unsuitable for victims of SV as they further victimize the victims because they are lengthy and require victims to repeatedly describe the events that happened to them.

An example from our practice

A woman had to wait for 12 hours at the emergency room (until 3 A. M.) when reporting rape. In addition, the premises were completely inappropriate and no privacy or discretion was provided to the victim. Several times, the medical staff addressed the victim in front of other people in the waiting room, saying, “Are you here to report rape?” or “Oh, you are still waiting for the detective, right?” The victim already had to describe the incident to the doctor and the police officer in the emergency room. However, she will have to describe the incident several more times (at least to the investigating judge and at the main hearing).

Mandatory education for judges, prosecutors, attorneys, police officers and medical personnel on the recognition of SV should be introduced. There is also an urgent need to raise public awareness of the manifestations of SV and of the help network available.

There is a need for a reform in legislation in order to **follow the model of consent** in cases of SV and the adoption of guidelines on the treatment of victims of SV in legal proceedings (rapid treatment of victims in health care institutions and before state authorities, respect for victims' privacy, ensuring that victims have as few interviews as possible using recordings of her statement).

How the internal law criminalises acts of SV, including rape, committed against former or current spouses or partners

Slovenian legislation provides that spouses and extra-marital partners can also be prosecuted for acts of SV. The prosecution of these offenses begins on a motion (the fourth paragraph of Articles 170 and 171 of the Criminal Code).

The age at which a person is considered legally competent to consent to sexual acts

The age of consent is 15. If offences have been committed against a person who in age is comparable to perpetrator and the level of victim's mental and physical maturity corresponds to perpetrator's, the act is not illegal (article 173 of Criminal Code).

Forced marriage

Forced marriage or establishing a similar community is defined in Article 132a of the Criminal Code.[94]

Female genital mutilation

Female genital mutilation is criminalized only as a criminal act of bodily harm (Articles 122, 123 or 124 of the Criminal Code).

Forced abortion

Unauthorized interference with pregnancy is defined in Article 121 of the Criminal Code.[95]

Forced sterilization

Forced sterilization is criminalized in Slovenian legislation as serious bodily harm in accordance with Article 123 of the Criminal Code.

Criminalisation of sexual harassment

Sexual harassment is regarded as a crime of sexual violence within the framework of criminal law (see Article 171 of the Criminal Code, cited in footnotes), or also within the framework of the crime of DV (see Article 191 of the Criminal Code, cited above) or as a crime of harassment in the workplace.[96] Sexual violence is also defined under the DVPA, which defines it as sexual conduct that the victim does not consent to, is coerced into or does not understand because of her level of development, the threat of SV, and public disclosure of sexual content about the victim. In some cases, sexual harassment is considered a misdemeanor offense under Article 7 of the Protection of Public Order Act.

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[94] The criminal act of forced marriage or establishing a similar community is committed by anyone who, by force or threat to use force, or by abusing the subordinate or dependent position of another person, coerces them into marriage or establishing a similar community, that is legally equated with marriage (first paragraph of Article 132a). In *Kazenski zakonik (KZ-1).* Official Gazette of the RS, 50/12 – uradno prečiščeno besedilo, 6/16 – popr., 54/15, 38/16 in 27/17. Available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050 (27. 11. 2019).

[95] The criminal act of unauthorized interference with pregnancy is committed by anyone, who terminates or begins to terminate a pregnancy without the pregnant woman's consent (second paragraph of Article 121). In ibid.

[96] The offense of harassment is committed in the workplace by anyone who, in the workplace or in connection with work involving sexual harassment, psychological violence, abuse or unequal treatment, causes another employee to be humiliated or scared (first paragraph of Article 197). In ibid.

In practice, many forms of sexual harassment are not recognized as forms of violence. Women do not want to report sexual harassment in the workplace because of **stigmatization** and because they normally do not have the proper support of their colleagues, as well as fear for their job security. Law enforcement often minimizes SV, or even punishes both the victim and the perpetrator in the case of defense against the harasser.

Criminal attempts of physical violence, sexual violence, forced marriage, female genital mutilation, forced abortion and forced sterilization

Slovenian legislation defines an attempt in Article 34 of the Criminal Code: any person, who intentionally initiated a criminal offence but did not complete it, shall be punished for the criminal attempt, provided that such an attempt involved a criminal offence, for which the sentence of three years' imprisonment or a heavier sentence may be imposed under the statute; attempts involving any other criminal offences shall be punishable only when so expressly stipulated by the statute. Against the perpetrator, who attempted to commit a criminal offence, the sentence shall be applied within the limits prescribed for such an offence or it may be reduced.[97]

In practice, cases of physical violence (strangulation, attempt to run a victim over by car ...) are treated as a crime of DV and not as an attempt to kill or cause bodily harm. Victims often express that they knew that the perpetrator was capable of killing them, or even that the perpetrator had planned to do so, but this type of behavior is always considered as a crime of DV.

How does your internal law ensure that culture, custom, religion, tradition, or so-called honor cannot be considered as justification

Slovenian legislation does not consider culture, religion, customs, tradition or "honor" as an excuse for committing VAW, nor can these circumstances be considered as mitigating circumstances in determining the sentence.

In practice, some judges, prosecutors, lawyers and police officers argue that a particular behavior is related to a culture or nationality (eg. in the Roma community, some degree of violence is common according to them; hierarchy is very important in the Albanian family and dictates relations between family members). It is therefore obvious that certain circumstances are recognized as important in the assessment of criminal offenses, although they are not explicitly mentioned by the court in the reasoning of their decisions and therefore the affected persons cannot appeal against such decisions.

In all compulsory education, the importance of zero tolerance, regardless of the religion, customs, traditions or nationality of the victim and the perpetrator, should also be discussed.

[97] Ibid.

How internal law ensures that the offenses established in accordance with the Istanbul Convention apply notwithstanding the nature of the relationship of the perpetrator to the victim

The Criminal Code does not stipulate that the relationship between the perpetrator and the victim shall be taken into account in the assessment of the offenses. In some offenses (eg. rape and SV), the Criminal Code provides that prosecution should be initiated on a motion when the crime was committed against a person with whom the offender lives in a marital, cohabiting or registered same-sex community.

In practice, it is common for police officers to impose fines for violations of public order and peace in cases of domestic violence. If serious violence is not evident, police officers consider such cases to be a family matter and that the partners will be able to resolve and reconcile the matter themselves. In these cases, responsibility for the violence is attributed to both, eg. the victim, who tried to defend herself, is told that "you also talked back to him and provoked him". In some cases, police officers interpreted the victim's defense as a sign that she was not in a subordinate position and that there was no DV.

V.E For each form of violence covered by the Istanbul Convention, please specify:

The applicable sanctions

For crimes involving elements of VAW and DV, **prison sentences** or **fines** (in some offenses, such as stalking and minor bodily harm) are foreseen. Offenders may also be given **suspended sentences or suspended sentences with protective supervision** and an order of instructions. In addition to the penalty, the perpetrator may be given a restraining order. During criminal proceedings, the court may order an arrest or a prohibition on approaching a particular place or person due to recurring danger of evidence destruction. The perpetrators may also be **prohibited to approach and ordered to leave the apartment** in accordance with the DVPA and the Police Tasks and Powers Act.

In practice we observe that the courts **most often impose suspended sentences**, even if the convicted person has committed a new crime during the trial period. If probation with protective supervision as well as an order of the instructions has been imposed and the orders have not been fulfilled, suspended sentence is rarely revoked.

Restraining orders are not imposed **in a sufficient amount of cases**. In addition to imprisonment, a restraining order is a measure that can increase the victim's safety. Judges should be better informed about the importance of ensuring the safety of the victim.

The relevant further measures which may be taken in relation to perpetrators, such as:

The monitoring or supervision of convicted persons

If a convicted person has been given a suspended sentence with protective supervision, the Probation Administration shall enforce the protective supervision. If the injured party requests

so, the institution in which the perpetrator is serving his sentence informs her of the prisoner's planned exits, of his release or escape.

The supervision of convicted persons and the protection of victims is carried out on a smaller scale. Police stations rarely and in exceptional cases investigate whether a convict complies with the precautionary measure of a restraining order. If the convicted person is in prison, the victim must be mindful of her own safety and gather information on when the convicted person will be released from prison. **Victims are not informed** of the sentence imposed on the perpetrator and are not provided with information about when the convicted person began serving his prison sentence.

In the past, it has been difficult for victims **to obtain information about the convict's releases** (there was no system established to inform the victims), and after the adoption of the amended Enforcement of Criminal Sanctions Act,[98] the practice of informing victims on releases upon request is slowly being established.

Problems with informing the victims about tim eof the perpetrator's incarceration have been identified.

Examples from our practice

The victim asked the judge about when the perpetrator would be released from custody, and was told that he would remain in custody until the main hearing. He had been released before the hearing.

Examples from our practice

The victim was informed about her abusive partner being in prison, but was unable to obtain information on why he was incarcerated and when he would be released.

After the perpetrator is released from prison, victim are not informed or advised on their safety. The convicted persons are not prepared for life after prison. In some cases, the perpetrator continues to commit violence after serving a prison sentence, meaning that the sentence had not reached its intended purpose and that the safety of the victim has not been adequately taken care of after the prison sentence. In the rare case where the danger is clearly apparent, the SWC prepares a **safety plan** with the victim. In some cases, victims are also advised not to approach the places where the convicted person may be located after he has been released. Convicted persons, upon their release from prison, are not supervised.

Mandatory regular supervision of sentenced persons should be introduced to enforce the following of instructions and precautionary measures. It is also necessary to establish easy and

[98] *Zakon o izvrševanju kazenskih sankcij (ZIKS-1).* Official Gazette of the RS, 110/06 – uradno prečiščeno besedilo, 76/08, 40/09, 9/11 – ZP-1G, 96/12 – ZPIZ-2, 109/12, 54/15 in 11/18. Available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1223 (27. 11. 2019).

quick access to information about the offender's release from custody and prison for the victim.

SWCs should be **obligated to prepare a safety plan** with the victim and make a risk assessment before the perpetrator is released from prison. Convicted persons should also be prepared for life after serving a prison sentence by receiving appropriate instructions.

The withdrawal of parental rights, if the best interests of the child, which may include the safety of the female victim, cannot be guaranteed in any other way

The withdrawal of parental rights is a measure decided by the family court department and is not related to criminal proceedings. The measure is intended to ensure benefits for the child. The safety of women is not being evaluated in the imposition of this measure. In practice, the measure is very rarely pronounced.

Legislative changes would be needed to allow certain parental rights to be withdrawn if the safety of the victim cannot be assured otherwise.

V.F How does internal law ensure that the circumstances referred to in Article 46, may be taken into consideration as aggravating circumstances?

Pursuant to the second paragraph of Article 49 of the Criminal Code,[99] the court should in particular take into account the degree of the perpetrator's guilt; the inclinations from which he committed the act; the degree of threat or violation of the protected legal value; the circumstances in which the act was committed; the history of the perpetrator; his personal and property circumstances; his behavior after the crime was committed; in particular whether he had reimbursed the damage caused by the crime; and other circumstances pertaining to the perpetrator's personality and the expected effect of the sentence on the perpetrator's future life in the social environment.

In assessing aggravating circumstances, **the courts generally fail** to take into account the circumstances set out in Article 46 of the Istanbul Convention. Even if the crime has been committed several times or if the offender has already been convicted for a crime with elements of violence, the courts **decide to impose suspended sentence**. **They also disregard the aggravating circumstances** of the act being committed against a vulnerable person. They rarely consider it an aggravating circumstance if the crime was committed in the presence of a child. When determining the type and length of the sentence, the courts do take the type of violence committed into account, however the courts' practice of sentencing varies widely, and even serious forms of violence often result in a mere suspended sentence. In some cases, courts have considered it an aggravating circumstance if the crime was committed with a weapon or if the perpetrator was in possession of a weapon at the time of the crime. In determining the sentence, the courts also do not consider the harm caused to the victim by the crime.

[99] *Kazenski zakonik (KZ-1).* Official Gazette of the RS, 50/12 – uradno prečiščeno besedilo, 6/16 – popr., 54/15, 38/16 in 27/17. Available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050 (27. 11. 2019).

Generally speaking, courts **decide to suspend sentence too often** when dealing with VAW. They do not take into account that the violence had lasted for a long period of time, that the perpetrator had already committed crimes with elements of violence and that the victim was at considerable risk. The imposition of suspended sentence rarely provides for protective supervision and guidance, which could increase the safety of the victim and help with the resocialization of the offender.

A change in legislation would be necessary so that, in cases of recurring offenses with elements of violence, suspended sentence could not be given.

Prohibition of mandatory alternative dispute resolution processes

In criminal proceedings, settlement is permitted only for offenses for which a fine or imprisonment of up to three years is stipulated, and for certain other offenses (eg. serious and particularly serious bodily harm). This kind of settlement is not permissible for DV, unless the violence was committed against the person with whom the perpetrator lived in a family or other permanent community, which fell apart, however this act was connected to this community – in this case a prison sentence of up to three years is stipulated. Settlement can also be carried out in the case of a crime of violence, a crime of stalking, insult, slight physical harm, and other offenses punishable by up to three years' imprisonment. Settlement is carried out only with the consent of the victim and is therefore not mandatory.

The Family Code[100] provides for **prior counseling for spouses** who intend to file for divorce or for parents who intend to propose to the court a decision to exercise parental care.[101] This counseling is compulsory and should be attended by both spouses or parents without plenipotentiaries. The third paragraph of Article 210 of the Family Code provides that mediation between the parties is not carried out in cases of suspected DV.[102]

In the process of regulating family relations, victims are sometimes **offered mediation** if the court determines that the partners could reach an agreement in this way. Even if mediation is not offered, the court always **encourages the participants to reach a court settlement**. Victims often feel that they are being forced to agree to a court settlement: they are being strongly encouraged by the court, as well as being pressured by the opposing party with their lawyer (the opposing party can secure a better position through court settlement while also continuing to exercise victim control).

Settlement in criminal proceedings **should be prohibited** in cases of DV and other offenses with elements of violence. Strict adherence to the prohibition of mediation in the process of regulating family relationships is needed, if DV is suspected.

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[100] *Družinski zakonik (DZ).* Official Gazette of the RS, 15/17, 21/18 – ZNOrg, 22/19 in 67/19 – ZMatR-C. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7556 (27. 11. 2019).

[101] This form of counseling is optional if: the partners have no common children over whom they have parental rights; one of the spouses is unreasonable; one of the spouses has an unknown residence or is missing; one or both spouses live abroad. In ibid.

[102] Ibid.

VI. Investigation, prosecution and procedural law and protective measures

VI.A Measures adopted to ensure a prompt and appropriate response from law enforcement agencies to all forms of violence

Under several laws, Slovenian legislation provides for the duty of the police to respond to and intervene in all violent acts with signs of criminal offenses, for which the offender is prosecuted *ex officio* (eg. Article 148 of the Criminal Procedure Act, the provisions of the Police Tasks and Powers Act, Article 18 of the DVPA, Rules on cooperation between the police and other authorities in the detection and prevention of domestic violence).

In practice, we find that the police, which are often the first respondents in cases of violence, still do not give the victim's statements the appropriate validity, or minimize ti (eg. it is only a family dispute and not violence). Oftentimes, police officers do not provide adequate information on options for victim protection. Most police officers do not receive any training on how to properly handle and interview victims of violence, since such training is not compulsory for police officers. Thus, the appropriateness of police intervention still depends on the individual police officer.

VI.B What procedures have been put in place to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities and duly taken into account at all stages of the investigation and application of protective measures (Article 51)?

A risk assessment is formulated by a SWC and, on the basis of it, a plan made to assist the victim in accordance with the Rules on the organisation and work of MDTs and regional services and on the activities of social work centres.[103] The police do not issue a formal risk assessment, and in each individual case decide whether the conditions for imposing measures under the Police Tasks and Powers Act are met. In addition, the police should also inform the SWC about the perceived violence in accordance with Article 4 of the Rules on cooperation between the police and other authorities in the detection and prevention of domestic violence.[104]

The issuance of an official risk assessment, which would be taken into account in all proceedings in which the perpetrator of violence is addressed was enacted with the amendments to the Criminal Procedure Act.[105] The risk assessment issued by the SWC is also necessary to obtain the right to free legal aid (often explicitly issued for this purpose) and is practically disregarded in further judicial proceedings, as well as not taken into account by police officers.

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[103] *Pravilnik o sodelovanju organov ter o delovanju centrov za socialno delo, multidisciplinarnih timov in regijskih služb pri obravnavi nasilja v družini*. Official Gazette of the RS, 31/09 in 42/17, 20th of April 2009. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV9598 (9. 7. 2019).

[104] *Pravilnik o sodelovanju policije z drugimi organi in organizacijami pri odkrivanju in preprečevanju nasilja v družini.* Official Gazette of the RS, 25/10, 26th of March 2010. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV9886 (9. 7. 2019).

[105] *Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku (ZKP-N).* Official Gazette of the RS, 22/19, 5th of April 2019. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7508 (9. 7. 2019).

In practice, we note that state authorities take information on perceived violence more seriously and treat victims duly when a specific case of DV is addressed in the media. Neither the police nor the SWCs try to identify life-threatening risk, however they do usually consider whether the perpetrator has access to a weapon when formulating a risk assessment. In several cases, SWCs did not declare a high level of risk, as that would require them to handle the case in more detail. Likewise, SWCs react inconsistently to perceived violence: occasionally, during the conversations at the SWC, the perpetrator becomes violent towards the social workers and the victim, however in such cases the social workers only try to regain the perpetrator's composure and do not report him to the police.

It is necessary to introduce the practice of preparing a risk assessment and a safety plan for all victims of violence at the first contact with the competent authority and often review to.

VI.C Which authorities are granted the power to issue an emergency barring order when a woman victim (or at risk) of domestic violence is in a situation of immediate danger

Pursuant to Article 60 of the Police Tasks and Powers Act,[106] police officers may, upon arrival at the scene, issue an emergency barring order if there is reasonable suspicion that the person has committed a crime or misdemeanor with elements of violence or has been caught committing a crime or misdemeanor with elements of violence, and there are reasons to suspect that they will endanger the life, personal safety or freedom of the person with whom they have been in a close relationship within the meaning of the provisions of the Criminal Code and the law governing the prevention of DV. Police officers prohibit the perpetrator from approaching the victim's place of residence, work, education, care, or daily commutes. The emergency barring order also includes the prohibition of harassment by means of communication. The offender who has been issued an emergency barring order must leave the area of the prohibition immediately and hand over the keys to the residence in which they live with the injured party to the police officer. If the emergency barring order is violated, the police officer may remove the perpetrator from the area.

Police officers often issue a fine for the offense to both the perpetrator and the victim at first contact, and **only upon re-intervention,** take action to protect the victim, eg. by issuing an emergency barring order. Police officers issue an emergency barring order only in cases where **serious violence occurred and the victim was at high risk**. If police officers note, that the victim has defended herself and is not completely helpless, they rarely issue an emergency barring order. If the victim chooses to retreat to a crisis center or a safe house, an emergency barring order is not issued. On several occasions, police officers have explicitly stated that they will not issue an emergency barring order, as the investigating judge will not confirm and extend it in the course of the legal proceedings. In some cases, the police officers' attitude when intervening is inappropriate: they do not believe the victim and minimize her statement. In one of our cases, when the victim refused to sign the record of her statement because she did not agree with the contents of it, she was told to sign it anyway. Oftentimes police officers do not even distribute the record to the victims. In some cases, police officers do not conduct separate interviews, but instead interview the victim in the presence of the perpetrator and, oftentimes, children as well.

[106] *Police Tasks and Powers Act.* Official Gazette of the RS, 15/2013. Available at: https://www.policija.si/images/stories/Legislation/pdf/Police_Tasks_and_Powers_Act_EN.pdf (9. 7. 2019).

Police officers should at every intervention investigate whether the person is a victim of violence and, if so, take appropriate measures (such as issue an emergency barring order) to ensure the safety of the victim.

Please specify:

a. the time required to issue an emergency barring order:

The emergency barring order is issued directly at the scene and is effective immediately.

b. the maximum duration of an emergency barring order:

The emergency barring order, issued by the police, is issued for a maximum of 48 hours. The police immediately notify the investigating judge, who can confirm, amend or repeal the measure. If the investigating judge affirms the police order, they may impose the measure for a period of 15 days, taking into account the enforcement of the measure as imposed by the police. If there is reason to believe that the offender will continue to endanger the victim even after the expiry of the 15 days for which the emergency barring order has been imposed, the injured party may propose to the investigating judge to extend the aforementioned measure to 60 days.

The duration of 15 days for the emergency barring order is too short, as the victims are generally unable to adequately ensure their safety in that time. The victim must, within such a short period of time, file a motion to extend the emergency barring order to the investigating judge, and then a motion to impose measures under the DVPA. In addition to that, the victim must ensure her own and their children's safety and, in some cases, arrange for a new residence.

The practice in courts is particularly problematic, as they do not extend the emergency barring order to 60 days, if the perpetrator was not violent or did not violate the emergency barring order during the 15-day period of the original emergency barring order. The fact that the perpetrator complied with the emergency barring order for 15 days does not guarantee that there will be no violence after the expiry of the order. The victims desire and require the emergency barring order to be extended, as this provides them with security and time to reorganize their lives.

The legislation should be amended to allow the investigating judge to approve and extend the emergency barring order until the issuance of the measures under the DVPA.

c. if the duration can be extended until a protection order can be issued

The duration of the emergency barring order imposed under the Police Tasks and Powers Act is limited, as described above. Oftentimes, the emergency barring order expires even before the measures under the DVPA have been decided.

d. if emergency barring orders can apply to all women victims of domestic violence; if not, please specify any exceptions:

An emergency barring order under the Police Tasks and Powers Act may be issued for all types of violence if there is reason to believe that the perpetrator will endanger the life, personal safety or freedom of the person with whom they have been in a close relationship.
As described above, emergency barring orders under the Police Tasks and Powers Act are issued only in cases of serious violence.

e. the type of measures used to enforce emergency barring orders and ensure the safety of the woman victim

After issuing an emergency barring order, police officers ensure that the offender leaves the area. The offender must also provide the police officer with the keys to the residence where they live with the injured party. Police officers can also remove an offender from the area.
The practice of some police officers who, after issuing an emergency barring order, verify several times whether the perpetrator is violating the order, is meritorious. This practice should be mandatory. For the most part, police officers do not investigate whether the perpetrator continues to threaten the victim.

f. what sanctions can be imposed in case of a breach of such an emergency barring order

If the offender violates the emergency barring order, they are fined. If the offender further violates the order, the police may detain them for a maximum of 12 hours.

In practice, the police often remove the offender from the scene in the event of a breach of the emergency barring order and only rarely decide to issue a fine. In one case, the perpetrator was arrested for making threats. The police should have made better use of legal options (imposition of fines, detaining the offender) to ensure the safety of the victim.

g. the support and advice made available to women seeking such protection

The Police Tasks and Powers Act stipulates in the third paragraph of Article 60, that the police should inform the SWC about the issued emergency barring order. The victim should then be informed about the organizations available to them for material and immaterial assistance and helped to contact these organizations if requested.

In practice, victims of severe violence are, in most cases, adequately informed and provided with secure accommodation in a crisis center, if necessary. Some victims, however, do not receive any information on where they can turn for help. Furthermore, no police practice has been established to regularly inform SWC about perceived violence - the good practices of individual police officers can only be attributed to their personal decisions, because protocols are not always respected by state authorities. A practice should be established whereby the institution that first comes into contact with the victim, with the consent of the victim, communicates the victim's contact information to another state authority, institution or organization to ensure that they can contact the victim themselves and offer them the appropriate form of assistance.

VI.D How are restraining or protection orders made available to women victims

Please specify:

a. The procedures in place to apply for a restraining or protection order

Victims of DV may file a motion for a restraining order, a barring order, and a motion to impose child protection measures in accordance with the DVPA.[107] The proposal may also be submitted by a SWC with the consent of the victim. The court may decide to impose a measure without sending a motion in response to the perpetrator, when it is evident that the perpetrator is likely to endanger the life or presents a serious threat to the health of the victim or their children or when it is necessary to protect the benefit of the child. The court may also decide on the imposition of a measure after the evidentiary procedure has been completed.

It is particularly problematic if the procedure for imposing measures under the DVPA is delayed by the court or the perpetrator. Some judges (or individual courts) often decide to issue a decision without sending a motion to the opposing party to respond, while other judges schedule a hearing and present all of the proposed evidence, making the process very lengthy and leaving the victim unprotected in the meantime.

In the sentencing process, the attitude of some judges towards the victims is problematic. They often do not have zero tolerance for violence or do not recognize violence. Sometimes they make utterly inappropriate statements (eg. "One slap would be enough if you couldn't resist violence", "Obviously you were not afraid of your partner", "The fact that you are staying in a safe house is irrelevant because women are picked up from the street and placed into a safe house"), or they do not stop the inappropriate comments of the offender and his lawyer. Judges are also less likely to recognize that a child is also a victim of DV if they are indirect victims and, therefore, do not specify in the restraining order that the perpetrator should be prohibited from approaching the child either. In one of our cases, the judge told the victim that she could defend herself in the proceedings and did not need a lawyer. Furthermore, the questioning of the victim is often inappropriately conducted and further victimizes the victim: the court and the opposing party question the victims extensively and in too much detail (including details which are not relevant to the proceedings). The perpetrator is also present in the courtroom during the questioning, which further increases the victim's distress.

In some cases, the court took into account the health and material condition of the perpetrator, and put his needs and desires before the safety of the victim in the decision-making process on the imposition of measures under the DVPA.

An example from our practice

A perpetrator of violence, who had previously been been issued a restraining order, became ill (cancer). In the second trial, the judge tried to convince his former partner, the victim, to let him stay in the apartment with her if he did not bother her and did not commit violence.

[107] *Zakon o spremembah in dopolnitvah Zakona o preprečevanju nasilja v družini (ZPND-A)*. Official Gazette of the RS, 68/16, 4th of November 2016. Available at: https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2016-01-2931?sop=2016-01-2931 (9. 7. 2019).

An example from our practice

A perpetrator of violence complained in court that he had no heating, since the firewood remained in the residence of his former partner and he had been issued a restraining order. The court suggested that the victim allow the perpetrator to enter the apartment to collect the firewood and even set a date for the perpetrator to come and collect his belongings. For the victim, this represented not only unnecessary additional distress, but also a logistical complication, as she had to arrange for someone to be present and adjust her schedule. Because the perpetrator did not arrive on the agreed date, the court insisted that a new date be set.

The courts' practice in deciding on measures under the DVPA is not uniform. Disparities occur regarding the attitude of judges towards victims and their sensitivity to the perception of violence, the number of hearings and decisions made solely on the proposal of the victim (without sending the proposal to the opposite party), determining the duration of the measures imposed…

Guidelines on the treatment of victims of violence in court proceedings are needed. We further believe that it is necessary to provide a system that allows for safety and protection of the victim to be prioritized over the other needs of the perpetrator in all procedures. It would also be necessary to unify legal practices in all decision-making procedures under the DVPA.

b. If restraining or protection orders can apply to all victims of violence covered by the Convention; if not, please specify any exceptions

In accordance with the DVPA, measures may be imposed for all types of violence defined by the respective law (physical, sexual, psychological, economic violence, neglect and stalking). The court shall impose measures if the perpetrator has injured the victim, sustained damage to her health or otherwise unlawfully interfered with her dignity or other personal rights.

Courts are less likely to impose a restraining order for psychological violence and neglect as opposed to physical violence.

c. If there are any fees levied against the applicant / woman victim (with an indication of their amount)

No court fees are payable in the proceedings for imposing measures. Victims are also not required to cover other costs. All victims for whom a SWC has issued a risk assessment are entitled to free legal aid.

d. The delay between issuing such an order and when it takes effect

The measures are effective immediately, an appeal does not detain the enforcement.

Problems with the enforceability of a decision arise if the perpetrator **evades being served court decision**. Since the perpetrator is not aware of the prohibition in such a case, he is considered not to be bound by it. In some cases it is therefore unclear until when is the restraining order effective: the court often states that the restraining order is pronounced for a secure amount of time (eg. 6 months), but does not indicate when that period begins (either at the hearing, when the decision is issued, when the decision is delivered to all participants…).

A practice should be introduced whereby the decision on the imposition of measures under the DVPA defines the duration of the measure by date.

e. The maximum duration of restraining or protection orders

A restraining order is imposed for a maximum of **12 months**; the court may extend the measure several times, each time for a maximum of 12 months, at the request of the victim. The duration of the barring order depends on the residence owner or leaseholder. The court shall not limit the duration of the measure if the perpetrator is not the owner, co-owner or joint owner of the resildence. If the victim and the perpetrator are co-owners or joint owners of the property, if they have a building right, right to use and enjoyment of land on which the property is built, or if they have rented it together, the court limits the duration of the measure to a maximum of 12 months. The court may **extend the duration of the measure at the request of the victim** by up to 12 months. The court shall limit the duration of the measure to a maximum of six months if the perpetrator, alone or with a third party, owns, co-owns or jointly owns the residence, or if he has a building right or the right to use and enjoyment of land on which property is buildt, alone or with a third party, or if he has rented it alone or with a third party. If the victim cannot find another suitable accommodation within the time limit set by the court, the court may extend the deadline by a maximum of six months upon the proposal of the victim, unless this would cause a disproportionate burden on the third party.

From our practice

In practice, we note a problem with the extension of the restraining order. In deciding whether to extend a measure, the court **only takes into account the violence that was committed within 6 months before the application for extension was filed**. The perpetrator did often not continue the violence precisely due to the restraining order and in some cases expressed to the victim that he will return to her after it expires. However the court does not issue an extension of the restraining order if the violence was not committed within the past 6 months. In addition, in some cases, it would be reasonable to impose a restraining order for a period longer than 12 months, but the law does not allow it.

It is necessary to amend the legislation so that the duration of the restraining order is not limited in time. It should be determined according to all of the circumstances of the case and in the direction of taking the actual threat towards the victim into account.

f. If such orders are available irrespective of, or in addition to, other legal proceedings

The court may impose measures independently of other proceedings or even if other proceedings are pending. The restraining order applies unless a different course of contact is set out in procedures settling family issues, which is a problem we discussed in Chapter IV, Section F (Support for child witnesses).

g. If restraining or protection orders can be introduced in subsequent legal proceedings

A motion to impose measures under the DVPA may also be proposed after other legal proceedings against the perpetrator have already been initiated.

h. The criminal and other legal sanctions which can be imposed (including deprivation of liberty, fines, etc.) in case of breach

In the event of a violation of the measures applied, the court imposes a fine. In the event of the perpetrator not leaving the apartment, the victim files a motion for the enforcement.

The court often conducts several hearings for the imposition of a fine, which puts additional burden on the victim. In the event of the perpetrator not leaving the apartment, the victim has to file for a execution, which is a relatively costly and lengthy procedure for the victim. Therefore, the procedure for imposing a fine in the event of a breach of the restraining order **should be simplified** and rules, that allow for the police to remove the perpetrator from the apartment in the event of a breach, should be established.

i. The support and advice made available to women seeking such protection

Victims for whom a risk assessment has been issued are entitled to **free legal aid.**

In all violence-related proceedings and proceedings involving the perpetrator of violence, the victim has the right to be **accompanied by a person** who assists her in protecting her integrity; in finding solutions; and offers psychological support to the victim. The DVPA stipulates that a companion may be any adult who is not considered a perpetrator of violence in the proceeding. The DVPA also stipulates that a victim of violence is entitled to an advocate who, in accordance with special regulations, protects the victim's benefits in proceedings and activities that affect them, however a relevant law governing the victim's right to an advocate has not yet been accepted.

From our practice

Judges are not aware of the victim's statutory right to have a companion in legal proceedings, and sometimes they associate that right with the victim being in danger. They state eg. "Why is the companion with you, you are not in danger?", "You are safe here, I have a "panic button " and if something goes wrong, a security guard will come."

It is particularly problematic that the decision on who can enter the court is **made by security guards**, who are not always informed on the victim's right to a companion and may therefore prevent the companion from entering.

Compulsory education of all court staff on the rights of victims of violence in court proceedings should be introduced.

VI.E How does your internal law provide for the initiation of legal proceedings ex officio?
VI.F How does your internal law allow for the continuation of legal proceedings ex parte?

The acts referred to in the first paragraph of Article 55 of the Istanbul Convention are prosecuted ex officio (except for certain offenses with elements of physical violence – in this part Slovenia reserves the right not to apply the provision). The crime of rape and SV within a legal, non-marital or registered same-sex community requires private prosecution.

Slovenian legislation stipulates that crimes against honor and good name be prosecuted in a private lawsuit. For some forms of violence prosecuted as a criminal acts of threatening, stalking, minor bodily harm, rape and sexual violence within a legal, non-marital or registered same-sex community, prosecution is private. In other cases, VAW is prosecuted *ex officio*.

Proceedings for criminal offenses prosecutable privately shall be stopped if the injured party withdraws the proposal. The court issues a verdict dismissing the accusation, and the state prosecutor's office (if it has not yet filed the charge) does not file a case. For other formally prosecutable offenses, the state prosecutor's office can decide whether to withdraw a charge due to lack of evidence in the event of the victim's statement being withdrawn.

In practice, prosecutors often withdraw the charge themselves if the victim withdraws their statement or refuses to testify. **They regard the victim's statement as the main (and sometimes the only) piece of evidence**, and even if there is other evidence of violence, they usually decide to withdraw the charge if the victim changes their statement or withdraws it. In addition, prosecutors do often not recognize DV in police reports, determine that the statutory signs of this crime are not fulfilled and consequently dismiss the case, which is problematic. In order to protect the rights of the victims and increase their confidence in the legal system, it would be better if prosecutors acted in accordance with the second paragraph of Article 161 of the Criminal Procedure Act, which allows them to require the police to collect the necessary additional information or to take other necessary measures.[108]

[108] *Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku (ZKP-N).* Official Gazette of the RS, 22/19, 5th of April 2019. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7508 (9. 7. 2019).

From our practice

The practices of some prosecutors, which may adversely affect the outcome of the proceedings, are problematic. In some prosecutor's offices, they arrange a meeting with the victim in the proceedings they are conducting, in others they do not. A common argument is that the prosecution does not "represent the victim, but justice" in the proceedings and that they are understaffed. It is also typical that several different prosecutors are present at different hearings within the same proceeding. For victims of violence, this represents additional victimization.

VI.G How does your internal law allow NGOs or other civil society actors and domestic violence counsellors to assist or support victims in legal proceedings?

Pursuant to Article 65 of the Criminal Procedure Act, **a person trusted by the injured party** may be present in the pre-trial and criminal proceedings. Judges must allow her/his presence on the basis of the victim's statement during criminal proceedings. The Criminal Procedure Act does not provide that any special additional conditions must be fulfilled in order to exercise this right. Persons who are present next to the injured party are not allowed to make statements or actively assist the victim during the proceeding.[109]

A juvenile victim of sexual assault, the criminal offense of neglect of a minor and cruel treatment and human trafficking must, at all times from the initiation of the criminal proceedings, have a **plenipotentiary,** who is in charge of their rights, especially with regard to protection of their integrity during the hearing and the enforcement of the claim of damages. A juvenile victim who does not have a plenipotentiary is appointed a lawyer ex officio. Adult victims of violence are, in principle, not entitled to free legal aid in criminal proceedings (or to have a plenipotentiary appointed by the court), and are only entitled to free legal aid for the purpose of declaring a claim of damages.

In practice, judges often do not allow the victim's companion to be present at the hearing. Sometimes victims are told that they do not need a companion (by stating that they are safe in court, that the companion will not be able to help them in any way…) or that they are not allowed to have one (if the public is excluded from the main hearing). With such statements, the victim and the companion feel as if they are obstructing the proceedings, and it is difficult for them to insist against the court that the companion can always be present if the victim wishes so.

[109] Ibid.

VI.H Measures of protection available during investigations and judicial proceedings

The protection of victims and their families in criminal proceedings is ensured by the possibility of the victim **not being interviewed in the presence of the accused**, through videoconferencing or by technical means (protective wall, voice distortion device, sound transmission from a special room). In order to protect a particular witness, the court may also order the deletion of all or some of the information from the file or the designation of certain information as official secrecy, or may assign the witness a pseudonym.

In practice, courts are rarely concerned with the security and the rights of witnesses. Judges rarely make sure that the victim does not come into contact with the perpetrator or, at least, that this interaction is as short as possible. Namely, there are **no separate waiting rooms** in the courts, and yet judges rarely invite the victim to court at different time as the perpetrator, so in most cases the victim has to wait in the hall with the perpetrator for the main hearing. Even after the perpetrator enters the courtroom, the victim must wait in the hallway (which may last several hours) with the rest of the persons (often witnesses proposed by the accused for interrogation). Separate court entrances and waiting rooms for victims and perpetrators of violence are required. Alternatively, hearings should be organized in such a way that interactions between the victim and the perpetrator are carried out as quickly as possible (eg. by inviting them to court at different hours, interviewing the victim in the absence of the accused, by videoconferencing…). The amendment to the Criminal Procedure Act, also contains a new provision of the fifth paragraph of Article 65: "*The authority conducting pre-trial and criminal proceedings shall allow the injured party to avoid unwanted contact with the suspect or defendant, unless contact is urgently needed in order to successfully carry out pre-trial or criminal proceedings*."[110] Given the spatial situation in most courts (it is not possible to use separate waiting rooms), we expect that the provision will not significantly improve the victim's position in criminal proceedings and that, in most cases, they will still be exposed to contact with the perpetrator upon arriving in court.

In addition, the court rarely decides to interview the victim by videoconference (although they have the appropriate technical equipment) or to interview them without the presence of the perpetrator. An obligation for the court to offer that the victim be interviewed via videoconference should be introduced. The problem is also that the victim's statements from the previous proceedings (to the police and the investigating judge) are not recorded and the victim is expected to recount the violence again at the main hearing. The victim must furthermore communicate their personal information (including their place of residence and employment) at the beginning of the hearing, which may further jeopardize them and is particularly problematic. It should be possible to allow the victim and witnesses to keep their personal information from the accused.

During the hearing, the court and the perpetrators attorney ask the victim unrelated questions about her new partner or other inappropriate questions. At the sentencing, the victim is not informed about the sentence imposed on the perpetrator (victims often do not know when the criminal proceedings even ended). Victims also do not have a legal mechanism in place to obtain the judicial decision or to find out when the defendant will begin serving his prison sentence. The obligation of the court to send the final decision to the victim of violence and

[110] Ibid. Non-official translation.

the obligation of other authorities to inform the victim of the commencement of the sentence should be imposed.

In practice, difficulties in obtaining information from the police, who often do not provide victims with a record of their statements, and from the state prosecutor, who sometimes seeks a legitimate interest in accessing the file, are faced.

VI.I Details on all measures referred to in Article 56 paragraph 1

Inform women victims, at least where they and their family might be in danger, when the perpetrator escapes or is released temporarily or definitively

Article 30b of the Enforcement of Criminal Sanctions Act[111] provides, that the institution in which the convicted person is serving a sentence shall inform the injured party of the prisoner's exits from the prison, of his dismissal or escape, if the injured party so requests. A number of problems have been faced in the past, because the provision is relatively new and came into force with the amendment to the Criminal Procedure Act. Until this amandment no system had allowed the victim to obtain information on the perpetrator's release from prison. Normally, the victim turned to a SWC, which was able to ask for information about the convict's exits for the purpose of planning the victim's safety.

Following the enforcement of Article 30b and the establishment of the practice, information on the exit, release or escape of a convicted person may be obtained by the victim. The victim still has to write a request to obtan the information.[112]

In practice, difficulties in obtaining information on the **duration of detention** were also encountered. Detention is ordered and prolonged by the court on the proposal of the state prosecutor, and the victims have had some difficulties in obtaining information about the release.

Special measures available to offer protection to child victims and child witnesses of violence covered by the Istanbul Convention

Pursuant to the provisions of the third and fourth paragraphs of Article 65 of the Criminal Procedure Act,[113] a person trusted by the injured party may be present in the pre-trial and criminal proceedings. A juvenile victim of sexual assault, a criminal offense of neglect of a minor and cruel treatment and human trafficking must, at all times from the initiation of criminal proceedings, have a **plenipotentiary** to assist them in protecting their rights, especially with regard to the protection of their integrity during the court hearing and the

[111] *Zakon o izvrševanju kazenskih sankcij (ZIKS-1).* Official Gazette of the RS, 110/06 – uradno prečiščeno besedilo, 76/08, 40/09, 9/11 – ZP-1G, 96/12 – ZPIZ-2, 109/12, 54/15 in 11/18. Available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1223 (27. 11. 2019).
[112] Ibid.
[113] *Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku (ZKP-N).* Official Gazette of the RS, 22/19, 5th of April 2019. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7508 (9. 7. 2019).

enforcement of the claim of damages. A juvenile victim who does not yet have a plenipotentiary is appointed a lawyer *ex officio*.[114]

The fourth paragraph of Article 178 of the Criminal Procedure Act provides that a defendant may not be present at the hearing of a witness under the age of 15 who is a victim of any of the offenses referred to in the third paragraph of Article 65 of this Act.[115] The Criminal Procedure Act stipulates in the fourth paragraph of Article 240 that in the questioning of a minor, especially if they have suffered damages by a criminal offense, must be taken with care and the hearing should not adversely affect their mental state. If necessary, the hearing of the minor is carried out **with the help of a pedagogue or other professional**. When questioning a witness under the age of 14, a person trusted by the injured party may be present. The fourth paragraph of Article 331 of the Criminal Procedure Act, however, provides that if a minor is present at the main hearing as a witness or injured party, they must be removed from the courtroom as soon as their presence is no longer required.[116]

In practice, we note that courts are more consistent in protecting the rights of underage children in comparison with adult victims, and that they are more concerned with various measures to protect the child's interests, such as interviewing the child with the help of an expert witness and/or in the absence of the defendant or through videoconferencing; the child waits for the hearing in a separate room so that they do not come in contact with the accused... However, as previously mentioned, the plenipotentiary who is appointed to the child does oftentimes not even meet with the child before the hearing, is often completely inactive and does not protect the benefit of the child. The attorneys appointed to be children's plenipotentiaries oftentimes do not have the necessary skills to work with children. A special list of attorneys with adequate training for working with children and for representing them in criminal proceedings should be established and mandatory training on the needs of children in court proceedings and on the treatment of children who are victims of violence should be introduced.

VI.J The availability of free legal aid for women victims, as required by Article 57

Victims in criminal proceedings do not have the status of injured party, but are witnesses. That is why they are not entitled to free legal aid (aside from exceptional cases). Legal aid is free of charge only for damage claim, but not for the representation and legal advice in criminal proceedings. In some cases, the Free Legal Aid Service has granted free legal aid to victims throughout the entirety of the criminal proceedings, however, it was necessary to state exceptional circumstances indicating that free legal assistance in criminal proceedings was necessary for the victim.

[114] *Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku (ZKP-N).* Official Gazette of the RS, 22/19, 5th of April 2019. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7508 (9. 7. 2019).
[115] Ibid.
[116] Ibid.

VII. Migration and asylum

VII.A Deciding on applications for international protection

After 2015, the number of foreigners entering the RS illegally and applying for asylum or returning to their country of origin has increased significantly.[117] For the most part, women enter the asylum system as part of a family, which means that **their protection is tied to the reasons given by their husband**. There are significantly fewer single women. There is only unofficial information provided by legal representatives at the first stage of the proceedings, that there have been 12 to 15 per year in the last two years. Since 2017, when it was established, the Government Office for the Support and Integration of Migrants is responsible for monitoring statistics in this field. International protection statistics are categorized by gender, age, nationality and some other criteria, among which there is no category of single women, persons with disabilities, vulnerable persons.

Article 27 of the International Protection Act[118] defines the reasons for persecution, particularly persecution for belonging to a particular social group. In particular, the following is considered a particular social group:

- the members of which have a common inborn trait or a common ancestry that is immutable, or a characteristic or belief so fundamental to their identity that a person may not be forced to give it up and
- which has a different identity in the respective country because the society that surrounds it perceives it as different.

Depending on the circumstances in the country of origin, a particular social group may comprise a group based on a common trait of sexual orientation. When determining affiliation with a particular social group or defining the characteristics of such a group, gender-related aspects, including gender identity, should be taken into account.

Such an interpretation certainly provides a basis for assessing an application for international protection from a gender perspective, either as a key circumstance for persecution or as an additional ground for persecution. The experience of the non-governmental organization PIC, which offers legal aid and representation to all applicants for international protection in the Republic of Slovenia at the first stage of the proceeding, show that **gender** is normally not the first reason for assessing eligibility for protection, **but is often considered as an additional reason**. Thus, for example, political engagement for women's rights is considered primarily from the point of view of political engagement and, additionally, for gender. In practice, some of the officials conducting the proceedings are gender-sensitive, but there are no guidelines in this area.

In international protection proceedings, it is crucial for competent officials to receive regular education in order to improve their understanding of the importance of gender as a reason

[117] In 2017, 1,934 foreigners entered Slovenia irregularly, 9,149 in 2018 and 5,345 in the first half of 2019. On average, women make up 10 % of international asylum seekers, (276 – 10 % in 2018 and 138 – 9 % in 2017). This is significantly less than the European average.

[118] *Zakon o mednarodni zaščiti (ZMZ-1)*. Official Gazette of the RS, 16/17, 25th of March 2016. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7103 (9. 7. 2019).

for persecution on a given legal basis and in the absence of national guidelines. Seminars in this field are provided by the European Asylum Support Office (EASO); a module entitled Gender, Sexual Identity and Sexual Orientation provides a framework for conducting evidence assessment by properly considering the specifics of requests, connected with gender and/or sexual orientation and gender identity. Currently, there is no information available on how many officials of the competent service have attended such training, which is essential for identifying a particular vulnerability and for approaching it in a proper manner, managing procedures and making decisions.

VII.B Vulnerability identification

According to the law, the (gender related) vulnerability of persons is assessed during the medical examination, which is conducted before the lodging of the asylum application. Vulnerability can also be identified during the lodging of the application or any time later pending the asylum procedure. In practice, physical vulnerability is assessed during the medical examination. The identification of psychological or other vulnerability is therefore largely based on the applicant's statements during the interview. Since no special procedure for assessing vulnerability is in place, the vulnerability assessment is not as affected by the number of asylum seekers as by other factors like the person's willingness to share sensitive personal information and the capacity of officials to detect special needs.

The objective of early identification is most effectively achieved through the establishment of **reliable formal identification mechanisms** that systematically screen all applicants. **Targeted questionnaires** at the registration as well as during personal interviews constitute useful tools, provided that other procedural guarantees, including interpretation, are in place and that assessments go beyond visible medical vulnerability. Under no circumstances should authorities solely rely on vulnerable applicants' self-identification, as this risks less visible vulnerabilities remaining undetected, thereby exacerbating applicants' suffering and unnecessarily increasing medical costs. Both formal and informal identification mechanisms should be open to and incorporate expertise from specialised NGOs, including in training curricula, where necessary. In the interest of a well-functioning identification mechanism asylum authorities should ensure a clear legal framework.

VII.C Procedural guarantees for vulnerable groups

The International Protection Act is not very specific about the special procedural guarantees available to vulnerable groups. The law provides that special support is provided in asylum procedure to persons with vulnerabilities, and that the interviews have to be conducted accordingly, taking into account personal and other circumstances regarding the individual including his or her vulnerability. A child's asylum application can be postponed for up to 48 hours if there are justified reasons to do so. If a person is not able to understand the meaning of the international protection procedure due to a temporary or permanent mental disorder or illness or for other reasons, he or she must be assigned a legal guardian.[119]

Apart from these rules no special measures exist in law for support of persons with vulnerabilities in terms of their participation in asylum procedures. The Migration Office (unit

[119] Ibid.

for asylum procedures within Ministry of Interior) **does not have a specific unit dealing with vulnerable groups**. Due to the lack of stricter protocols, asylum seekers in need of special procedural guarantees, such as single women survivors of sexual or gender based violence may not be identified (early enough) or may not receive proper arrangements in the procedure. The accelerated procedure may also be used in the case of applicants belonging to vulnerable groups.

The law provides that the applicant has to submit all documentation and evidence in his or her disposal which support 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 in the law or administrative practice to indicate when a medical examination for the purpose of drafting a medical report should be carried out. No guidelines are in place to guarantee the use of the methodology laid down in the Istanbul Protocol. In some past cases, psychiatric and other medical evaluations have been successfully used to influence the decision on the applicant's credibility.

There is also no special mechanism laid down in the law or in practice to identify vulnerable persons for the purpose of addressing their specific reception needs. Victims or potential victims of sexual or gender-based violence can be identified, and special reception conditions arranged for them, through a system of Standard Operating Procedures, arranging cooperation among institutions and NGOs, which is in force and functional, but only if identified as vulnerable. Current asylum reception capacities in practice do not provide for separate department for single women. Therefore they are accommodated together with families and when reception capacities are full, also in the same reception facility as men.

VII.D Data collection

Important gaps persist as regards the provision of statistical data relating to the presence of vulnerable individuals in national asylum system, as well as the special procedural guarantees, such as exemption from special procedures, applied to the various categories of vulnerable groups. Systematic and detailed data collection requires a stronger statistical framework.

VII.E Victims of domestic and sexual violence (including trafficking in human beings) with migrant status

The Act Amending the Foreigners Act[120] enacted in 2017, which allows obtaining a temporary residence permit for victims of DV, unfortunately only offers a partial solution to the position of victims of DV and other violence, as it usually only solves the short-term issues of the victim's position, which is generally not sufficient in such cases. In practice, while renewal of residence permits for status settlement can be achieved, such a practice is highly dependent on the willingness of the individual responsible official and does not offer a permanent systemic solution to the position of victims.

[120] *Zakon o spremembah in dopolnitvah Zakona o tujcih (ZTuj-2E).* Official Gazette of the RS, 59/17, 27th of October 2017. Available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7327 (9. 7. 2019).

In order to regulate the situation of victims of DV, human trafficking and other crimes caused on the basis of gender, the state should adopt more protective measures and legal bases for the permanent regulation of the victims' residence in Slovenia. This is a group that is subject to vulnerability and (potential) discrimination because of its legal position in the country, which makes it difficult to effectively and permanently regulate its legal status, which is crucial for victims. In addition to the fact that these are persons with a migrant status (or even persons without valid documents), victims are often subject to social exclusion, without access to knowledge of the Slovenian language and the legal system and with no information on the accessibility of assistance.

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Association for Nonviolent Communication

Association for Nonviolent Communication is the biggest non-governmental, non-profit and humanitarian organization in Slovenia, dedicated to prevention and reduction of violence and its consequences.

Association for Nonviolent Communication mostly focuses on violence against women and girls and domestic violence.

It was founded in 1996 when it was the first non-governmental organization in Slovenia with programs for victims of violence as well as for perpetrators of violence. Today, the Association for Nonviolent Communication has 36 employees and 60 volunteers, who work with 700 perpetrators and 900 victims annually.

The Association for Nonviolent Communication is a member of EWL, WAVE and European Network for the Work with Perpetrators of Domestic Violence WWP and works diligently on the change of legislation and practice, to prevent, reduce violence and support victims better.

Association SOS Help-line for Women and Children – Victims of Violence

The Association SOS Help-line for Women and Children – Victims of Violence (Association SOS Help-line) was founded as the initiative of activist feminist women in 1989 and is the first non-governmental organisation in Slovenia specialised in dealing with violence against women, and helping women and children who are experiencing violence.

Association SOS Help-line is a women's non-governmental, non-profit and humanitarian organization that works in a public interest in the field of social security and in the field of equal opportunities of women and men (statuses conferred by the state).

Association SOS Help-line mission is to help, support and counsel women and children who have experienced or are still experiencing violence in their families and relationships. Needs of users are a basis for all our services and work in the field of lobbying and awareness raising campaigns.

The basic principle for the activities of the Association SOS Help-line is that the violence against women – even though it usually happens within families and intimate relations – is not a personal but a social problem, which has its roots in non-equal distribution of power between women and men. We believe, as also recognized by the United Nations Declaration on the Elimination of Violence against Women, that violence against women:

- constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms;
- is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women;
- is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;
- is an obstacle to the achievement of equality, development and peace.