

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Comments submitted by Slovenia
on GREVIO's final report on the implementation
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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ADDENDUM TO THE REPORT AND RECOMMENDATIONS OF THE COUNCIL OF EUROPE GROUP OF EXPERTS ON ACTION AGAINST VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (GREVIO) ON THE IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (ISTANBUL CONVENTION) IN THE REPUBLIC OF SLOVENIA

Following the review of the Report and Recommendations of the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in the Republic of Slovenia (hereinafter: the GREVIO report), the inter-ministerial working group for monitoring the implementation of the Istanbul Convention made the following observations:

- the inter-ministerial working group has examined the above recommendations and supports most of them, as activities are already being implemented or planned;
- The Republic of Slovenia will continue its efforts to implement the provisions of the Istanbul Convention.

Below, we provide comments and additions to each article of the recommendations.

o **Article 12**

In Article 12 on page 13 of the evaluation report, GREVIO highlights the specific nature of violence against women as gender-based and notes that the competent authorities do not consider this adequately in (criminal) proceedings. Thereby, the text does not show the importance of the last two amendments to the Criminal Procedure Act, which we highlighted in the comments to the draft report, as they consequently also contribute to the adjustment of the practice of the competent authorities at the systemic level.

In view of the above, we reiterate that the amendment to the Criminal Procedure Act (ZKP-N), which regulated the situation of victims of crime at the systemic level, explicitly prescribes that the police and other state bodies, including social work centres, must pay special care and consideration to the victims of criminal offences, when this is necessary due to their vulnerability (Article 18a of the ZKP). The competent authorities must also prevent the victim from coming into unwanted contact with the perpetrator, unless the contact is necessary for the successful implementation of the pre-trial or criminal proceedings (Paragraph 5 of Article 65 of the ZKP). The victim may, at his/her request, be accompanied in the proceedings by a so-called confidential person, and his/her interrogation may be implemented with the assistance of an expert in the relevant field (Paragraph 4 of Article 65 and Paragraph 5 of Article 240 of the ZKP). In addition, as a general rule, the victim's level of exposure to secondary victimisation and re-victimisation, intimidation and revenge must be assessed individually upon the first contact in order to identify his/her specific protection needs. This assessment is usually made by the police (with a special pre-prepared form available as a work tool) and later upgraded by the public prosecutor's office (it is a solution that applies to all victims of crime and differs from the solution under the Domestic Violence Prevention Act – ZPND). In addition to the gravity and nature of the crime, the personal characteristics of the victims (including age) and the previous conduct of the accused and the victim are also considered as well as the circumstances of the crime with elements of violence. A victim who is a minor is always considered to have special needs for protection (Article 143c of the ZKP). The individual assessment is considered when applying protection measures intended to prevent secondary victimisation and re-victimisation

of the victim in the proceedings. The situation of victims in pre-trial and criminal proceedings is therefore regulated in such a way that all competent authorities must treat the victim individually and also consider the special needs of women and children who are victims of violence. The amendment to the Criminal Procedure Act ZKP-O, which has been in force since 13 May 2021, provided for an additional protective measure, this being the option to conceal the data of a victim of criminal offences (Article 66 of the ZKP), which is also available to all victims of criminal offences, the conditions for its use being relatively undemanding.

- **Article 24**

GREVIO points out that women who are exposed to cross-discrimination face a number of barriers when accessing support and assistance in relation to the forms of violence covered by the Convention, including difficulties in accessing information about their rights.

Regarding access to information related to the rights of victims, we would like to explain that the Ministry of Justice has prepared a uniform leaflet with the rights of victims of crime explained in the Slovenian, Croatian, English, German, Italian and Hungarian languages. The leaflet is available online and more than 100,000 copies have been printed. More detailed information on victims' rights is available to victims on the website of the Ministry of Justice.¹

A special application with information on the course, stage and completion of pre-trial proceedings is also available to victims. By entering the required information in the fields, the victim receives an automatic notification from the official records of the Police.² On this website, victims can also access a special brochure: "When I become a victim of a crime", which contains information on the conduct of the police, the rights of victims, the consequences of crime and the forms of assistance available to victims.³

The Supreme Court of the Republic of Slovenia has set up the website "In court", which contains general information for participants in court proceedings.⁴ The website is available in Slovenian. Some of the most important information is also available to clients in English, Italian and Hungarian. Activities are underway to upgrade and supplement content in English, Italian and Hungarian.

A victim support service has been set up at the district courts in Ljubljana and Maribor. The service assists victims, judges and court staff in communication with victims and the preparation of measures for their protection. It provides victims with information on court proceedings, information and assistance within the meaning of Article 65a of the Criminal Procedure Act, the possibility of asserting a property legal claim, free legal aid, refers them to support NGOs, etc. if necessary.

- **Article 27**

Regarding the recommendation from Article 27, which refers to the recommendation from Article 25, we emphasise that access to safe houses in the Republic of Slovenia is provided to all women victims of violence in the same way, regardless of whether they are run by social work centres or NGOs.

- **Article 73**

In Article 73 of the evaluation report, GREVIO recommends statistics that will include the sex and age of the perpetrator and the victim, their relationship and the act of violence.

We reiterate that a special implementation working group (more on its work below in comments on Articles 157 to 162 of the evaluation report) was formed for the implementation of solutions

¹ <https://www.gov.si/teme/pravice-zrtev-kaznivih-dejanj/>

² https://www.policija.si/apps/obvescanje_oskodovancev/form.php

³

https://www.policija.si/apps/obvescanje_oskodovancev/Ko_postanem_zrtev_KD_februar_2015.pdf

⁴ <https://nasodiscu.si/>

concerning victims of crime, which were adopted by the above-mentioned amendment to ZKP-N, which at the end of its term of office also developed a recommended set of statistical data to be collected by individual authorities in order to monitor the effectiveness of work with victims (this is not personal data, but only statistics on the use of protection measures, etc.).

- **Article 110**

GREVIO notes that the provision of the ZPND on training for judges and prosecutors who work with victims and perpetrators of violence and require lifelong learning has yet to be implemented in practice.

Pursuant to Article 10 of the ZPND, in 2021, the Judicial Training Centre will start continuing education "Dealing with domestic violence and victims of domestic violence" for judges and public prosecutors who encounter victims or perpetrators of violence in their work. The training will be permanent and carried out in several implementations each year. Each year, the main topic of education will be chosen in accordance with the open questions and needs of the target groups. The content of the education will be designed in collaboration with various stakeholders involved in dealing with violent occurrences and the treatment of domestic violence. The focus of the first set of training, conducted in 2021, will be the presentation of the activities and role of all stakeholders in the process of addressing the issue of domestic violence and victims of domestic violence. In this regard, we reiterate that the contents determined by Article 10 of the ZPND have in the past been regularly discussed in the framework of various training programmes for judges and state prosecutors.

- **Article 132**

GREVIO draws attention to concerns about the inconsistent way in which relevant information is provided to providers of programmes for perpetrators by probation services, district state prosecutors and judges.

Probation units, which operate under the auspices of the Probation Administration of the Republic of Slovenia, started operating in April 2018. The probation service may provide programme providers only with information for which there is a legal basis for the exchange (e.g. name and surname of the person, type of obligations under the probation order, duration of the task), but cannot provide more detailed information (e.g. judgements). The programme provider can thus obtain relevant information from the perpetrator.

The Supreme State Prosecutor's Office of the Republic of Slovenia has not identified any problems regarding the inconsistent way of providing relevant information to providers of programmes for perpetrators by district state prosecutor's offices. It should be emphasised that perpetrators of domestic violence are often referred to such services as part of the alternative treatment of criminal offences in deferred prosecution proceedings in accordance with Article 162 of the ZKP, the purpose of which is to reduce or eliminate the harmful consequences of criminal offences. Following the successful completion of a certain task, the procedure ends with the dismissal of the complaint. As the measure is implemented within the pre-criminal proceedings due to possible further procedural activities in criminal proceedings, the latter is not intended to clarify the objective circumstances of an individual case, but the task for the perpetrator is determined according to their personal circumstances and the severity of the act and is already adapted to the perpetrator's personal abilities at the time of referral. In practice, it is also noted that it is not necessary for the victim to be involved in an appropriate victim support programme at the same time and that on this basis there may be a possible exchange of information between programme providers to resolve the perpetrator-victim relationship or to enable a possible inclusion of the victim in a programme for perpetrators more effectively.

- **Article 133**

GREVIO notes that, for example, district state prosecutors refer perpetrators to programmes that are not specifically tailored to their needs or set deadlines that do not give perpetrators enough time to complete the programmes.

As GREVIO notes in the report under consideration, all certified programmes for perpetrators of domestic violence are implemented by the Association Against Violent Communication. The main problem that prosecutors face in dealing with such crimes is the lack of appropriate programmes, as prosecutors are restricted to publicly announced programmes at the Social Chamber of Slovenia when choosing the appropriate programme. The remaining potential providers who could implement such programmes either offer programmes that are not certified by the Social Chamber of Slovenia, or these programmes are payable or are implemented only in larger cities. When dealing with crimes in the field of domestic violence, it is often the perpetrators who are financially weak and find it difficult to use potentially more tailored and payable programmes. With regard to the programmes being implemented, it should be emphasised that, in the experience of the prosecution, the implementation time is in practice often unsuitable for the perpetrators' work and other obligations (e.g. at 1.30 pm); therefore these programmes are consequently less suitable for participation. Last but not least, the fact that most programmes are implemented in larger urban centres, and it is thus more difficult for perpetrators from more remote areas to access them, is also proven to be a key problem.

Regarding the unadjusted deadlines that prosecutors are supposed to set for perpetrators, it is necessary to answer that due to the nature of their work, the prosecution is bound by the deadlines for conducting and directing criminal proceedings in accordance with the General Instructions for Uniform Application of the Provisions of Article 162 of the ZKP (in connection with Paragraph 6 of Article 162 of the ZKP). Thus, in accordance with the General Instructions for the Uniform Application of the Provisions of Article 162 of the ZKP on the postponement of criminal prosecution to perform the tasks defined in items 1 to 3 of Paragraph 1 of Article 162 of the ZKP, a prosecutor is obliged to set a deadline not exceeding six months, and may not set a deadline longer than one year for the fulfilment of the tasks defined in items 4 to 7 of Paragraph 1 of Article 162 of the ZKP. Dependence on time frames, which ensures prompt criminal proceedings in favour of the perpetrator in question, often does not correspond to the available programmes as they require the perpetrator to participate up to 24 times to complete them, and the prosecutor's offices often do not have the feedback on possible unsuccessful implementation of programmes which could allow the prosecutor to pursue further prosecution.

- **Article 136**

GREVIO encourages public authorities to provide regular training for professionals in the field of violence against women, in particular judges and prosecutors, on working with perpetrators (e.g. on the purpose and methods of referring perpetrators).

In 2021, the Judicial Training Centre will launch permanent seminars focusing on domestic violence and victims and perpetrators of domestic violence, which will provide judges and public prosecutors, who deal with domestic violence and thus also violence against women in their work, with content for better and more effective work in this field.

- **Articles 157 to 162**

In Articles 157 to 162 of the evaluation report, GREVIO states its opinion on the regulation and practice of informing victims in the procedure about their rights and the options for assistance or support.

As mentioned in the commentary to Article 73 of the draft evaluation report, after the entry into force of the amendment to the ZKP-N, which significantly expanded the rights of victims of crime, a special implementation group was formed in which all relevant stakeholders, including

representatives of non-governmental organisations, participated. The group has created a uniform leaflet explaining the rights of victims of crime in the Slovenian, Croatian, English, German, Italian and Hungarian languages. More than 100,000 leaflets have been printed, and a broader text on victims' rights is also available on the website: <https://www.gov.si/teme/pravice-zrtev-kaznivih-dejani/> .

The aforementioned amendment also made clearer Article 8 of the ZKP, which regulates the right to use one's own language (now also specifically for victims of criminal offences), both from the aspect of oral interpretation and written translation. As an example, the key documents that are required to be translated for victims of crime are listed (i.e. especially those against which legal remedies are available or which interfere with their rights). Victims also have the right to object if they consider that an interpretation or translation is inappropriate.

- **Articles 208 and 218**

Article 208 of the GREVIO evaluation report states that KZ-1 requires officials to report criminal offences with a prescribed prison sentence of at least three years, and that the obligation to report also exists under Article 145 of the ZKP. In this regard, in point 218 of the evaluation report, GREVIO again recommends that consideration be given to the appropriateness of such obligations in cases of violence against women.

We explain that Article 281 of the KZ-1 defines the criminal offence of omitting the indictment of a criminal offence or the perpetrator and Paragraph 2 determines the criminal offence of an official person, as established by GREVIO.

We add that Article 145 of the ZKP prescribes the obligation to report officially prosecuted criminal offences for all state bodies as well as organisations with public authority, if they are informed about them or if they find out about them in any other way. In addition to a criminal complaint, they must also provide the available evidence and ensure that traces of the crime and the objects on or with which the crime was committed and other evidence are preserved. In this case, therefore, this is not only true for a criminal offence for which a penalty of three or more years of imprisonment is threatened, as stated in the report, but for any criminal offence. It should be emphasised that even in these cases, various protective measures are available to victims, especially under the ZKP (for example, Article 240.a) and the Witness Protection Act.

- **Articles 230 and 231**

In Article 231 of the evaluation report, GREVIO highlights the definition of a victim in Article 2 of the Crime Victim Compensation Act (ZOZKD), which supposedly does not cover all forms of violence against women under the Convention and that victims who are not EU citizens are not entitled to compensation under this Act.

It should be emphasised that the Republic of Slovenia, although in accordance with Paragraph 2 of Article 78 of the Convention it reserved the right not to apply Paragraph 2 of Article 30 of the Convention, adopted ZOZKD, which entitles persons who have suffered serious bodily injury or damage to health as victims of violent intentional crimes to the right to state compensation. With regard to the statement that the definition of a victim does not cover all forms of violence against women under the Convention, we reiterate that the definition of "violent intentional act" under the ZOZKD is derived from Council Directive 2004/80/EC. In the next preparation of the amendments to the ZOZKD, we will, among other things, examine the possibilities and needs for expanding the circle of beneficiaries of compensation.

- **Article 246**

Regarding Article 246, the courts also consider that the Judicial Training Centre provides judges and prosecutors with sufficient quality training regarding domestic violence and the prevention of domestic violence, and that stakeholders in the judiciary are adequately trained to decide on criminal offences with elements of violence. Several such training programmes are planned for this year, for example, not only legal experts, but also family psychologists, social workers and others will participate as lecturers in the training titled "Dealing with Domestic Violence and Victims of Domestic Violence".

In the framework of regular expert consultations, the Higher Courts and the Supreme Court analyse the practice of first and second instance courts, detect open issues and include them in the analytical discussion organised by the Higher Courts for courts of first instance by areas (criminal, family, civil, etc.).

- **Article 248**

In Article 248 of the report, GREVIO welcomes the amendment to the KZ-1 with the specific offence of stalking (Article 134a of the KZ-1) and points out that the Convention provides for an aggravating circumstance if the stalking is carried out in the presence of a child.

In connection with the above, we reiterate that the KZ-1 in the General Part (Article 49 of the KZ-1) stipulates that the court imposes a penalty on the perpetrator within the limits prescribed by law for this act in accordance with the gravity of the act and the perpetrator's guilt. Thereby, the court must consider all circumstances that affect whether the sentence should be lower or higher (mitigating and aggravating circumstances). The mitigating and aggravating circumstances in Paragraph 2 of Article 49 of the KZ-1 are determined only by example – mainly the degree of the perpetrator's guilt, the inclinations from which they committed the act, the degree of endangerment or violation of the protected legal value, the circumstances in which the act was committed, the perpetrator's previous life, their personal and financial situation, their conduct after the offence, in particular whether they paid for the damage caused by the offence, and other circumstances related to the perpetrator's personality and the expected effect of the punishment on the perpetrator's future social life. We consider such an arrangement to be appropriate, as it enables the court to consider all relevant special circumstances when imposing a sentence in a specific case.

We also add that the KZ-1 in the incrimination of domestic violence under Article 191 also determines stalking as one of the executive forms of this crime. The crime of domestic violence can be committed in a family or other more permanent partnership, and even if such a partnership has already broken up and the act is related to it. In connection with the provisions of Article 49 of the KZ-1, the above is the response to the GREVIO warning that stalking after the break-up of a relationship in the presence of a child can have serious psychological consequences for him/her.

- **Article 252**

With regard to Article 252, the answer is the same as above (comment on Article 248) regarding education and practice review. Regarding the effective application of preventive restrictive measures, such as the restraining order, we believe that these are adequately ensured in the Criminal Procedure Act and the Domestic Violence Prevention Act and are also properly imposed in practice.

- **Article 262**

We draw attention to the error in footnote no. 99, where it is stated that rape in marriage is regulated in Paragraph 4 of Article 170 of the KZ-1. The recently adopted amendment to the Criminal Code KZ-1H interfered with the aforementioned article (there was a change in the numbering of paragraphs of the article). Rape in marriage is now regulated in Paragraph 6 of Article 170 of the KZ-1.

- **Article 291**

We respond to Article 291 that one of the basic principles that has a significant impact on the imposition of a criminal sanction is the principle of individualisation of criminal sanctions because it enables the court to consider the various possible circumstances of an individual case, as well as the personal characteristics of the perpetrator when imposing a criminal sanction and decide on that basis whether to impose a custodial sentence or a sanction in the nature of a reprimand. Punishing the perpetrators of criminal offences primarily protects the fundamental values and principles of the legal order, while at the same time establishing the awareness of the perpetrator of the criminal offence and others about the inadmissibility of the commission of criminal offences.

Thus, in each case, the courts always consider all circumstances that affect the severity of the sentence (mitigating and aggravating circumstances), and in particular: the degree of the perpetrator's guilt, the inclinations from which they committed the act, the degree of endangerment or violation of the protected legal value, the circumstances in which the act was committed, the perpetrator's previous life, their personal and financial situation, their conduct after the offence, in particular whether they paid for the damage caused by the offence, and other circumstances related to the perpetrator's personality and the expected effect of the punishment on the perpetrator's future social life (Paragraph 2 of Article 49 of the Criminal Code).

When assessing the expected effect of punishment on the future life of the perpetrator in the social environment, the courts decide on a conditional criminal sanction, especially in cases of minor violations of the protected legal value, impunity of the perpetrator and the fact that they no longer live together with the injured party, that they have arranged their mutual relations, that the perpetrator pays child support and that regular contacts are made, and the perpetrator's sincere regret is also considered, which is reflected in their concrete actions after the committed criminal offence. In order to deter violence and to provide special guidance to the perpetrator, the Criminal Code allows the court to impose protective supervision on the perpetrator when imposing a suspended sentence, which is implemented in the form of assistance, supervision or protection during the probationary period. Thus, when imposing a criminal sanction, the courts impose special guidance to the perpetrator to achieve the purpose of punishment (directing the perpetrator to positive patterns of action with non-repressive measures that prevent the commission of a new criminal offence), supervision (monitoring the perpetrator's behaviour) or assistance (encouraging the perpetrator to consolidate their decision not to commit crimes in the future).

- **Article 295**

In Article 295 of the evaluation report, GREVIO recommends that the competent authorities be educated on the aggravating circumstances provided for in the Convention and that the commission of a criminal offence in the presence of a child be included in the catalogue of aggravating circumstances.

As we have already explained in the commentary to Chapter V.B.2, the mitigating and aggravating circumstances in Paragraph 2 of Article 49 of the KZ-1 are determined only by example and therefore it is not a final catalogue, since it is a provision of the General Part of the KZ-1 in connection with all criminal offences under the Special Part of the KZ-1. They must therefore be laid down fairly broadly so that they can cover all the circumstances relevant to punishing the perpetrator in individual specific cases. We estimate that the diction "circumstances in which the act was committed", depending on the circumstances of the specific case before the court, may also include the aggravating circumstance presented here.

- **Article 297**

In Article 297, GREVIO states as problematic the regulation of Article 161.a of the ZKP, according to which settlement upon the existence of special circumstances is also possible in connection with the criminal offences of serious and especially serious bodily injury.

We explain that settlement and deferred prosecution in certain cases are indeed linked to the existence of "special circumstances" (Paragraph 2 of Article 161.a and Paragraph 2 of Article 162 of the ZKP). However, these provisions must be read systematically, i.e. in the light of other solutions in the ZKP that relate to victims of crime and the prevention of secondary victimisation and re-victimisation, and the provision of particularly careful treatment of victims (which also binds conciliators) and perpetrators (Articles 18a, 65 and 143.č of the ZKP). In view of the above, we believe that such an interpretation of the applicable regulations, according to which these two institutes would be used in a way that would be harmful to the victims, is not permissible.

- **Article 304**

GREVIO's call in Article 304 is too general. We believe that courts generally exercise good

oversight over the execution of instructions in the context of suspended sentences with protective supervision.

To Chapter VI

With regard to investigation, prosecution and safeguards, we further clarify as follows. We also refer to our comment on Article 12 of the final report.

As a rule, the victim of a criminal offence will be informed about the right to free legal aid upon the first contact with the police (Paragraph 4 of Article 65.a of the ZKP). In addition, the amendment to the ZKP-N expanded the range of criminal offences in which a minor victim must have a representative who takes care of his/her rights, especially in relation to protecting his/her integrity during the hearing and assertion of a property claim – if he/she does not choose the representative himself/herself, it is appointed by the court *ex officio* from among the lawyers (Paragraph 3 of Article 65 of the ZKP).

With the amendment to ZKP-O, the possibility of conducting audio-video conferences (hereinafter: AVC) has been expanded – so far, individual hearings have been possible, but now it will be possible to conduct the entire court hearing through AVC (Articles 84.a, 244.a and 304.a of the ZKP). In addition, courts now use the AVC interrogation option more often (which is indirectly linked to the COVID-19 epidemic). Otherwise, the amendment to the ZKP-N prescribes that it is necessary to ensure that there is no unwanted contact of the victim with the perpetrator, that the so-called safe rooms may or, as a rule, must be used in the case of minors under the age of 15 who have been victims of sexual offences and similar crimes – in this case the interrogation takes place through the AVC (Paragraph 5 of Article 65 and Paragraph 6 of Article 240 of the ZKP).

As a rule, repeated interrogations of child victims of sexual and similar offences, who are under the age of 15, and other victims who have special needs for protection are prohibited (Article 331 of the ZKP). It must be borne in mind that, at the statutory level, it is impossible to prohibit these hearings absolutely without inadmissibly interfering with other constitutional and convention standards (in particular the right to a fair hearing). Of course, there are various protective measures available to victims when conducting a hearing. Since the amendment to ZKP-N onwards, it is also considered that a minor who, given their age and mental development, cannot understand the meaning of the right not to testify is not allowed to be heard as a witness, unless requested by the defendant or the court assesses that this is in his/her best interests (Paragraph 3 of Article 236 of the ZKP).

Regarding the measure of restraining order, it should be emphasised that since the amendment to the ZKP-N onwards, it includes the broadest "prohibition of establishing a contact with a person in any way, including the use of electronic means of communication (Article 195a of the ZKP)". In the Republic of Slovenia, the option of monitoring persons via electronic bracelets was also rejected in the past in the case of persons who have already been sentenced to imprisonment (which is executed as house arrest), i.e. also for persons who are not presumed innocent (which otherwise applies to detainees) as it is a very invasive encroachment on the rights of these persons and their privacy.

With regard to offences prosecuted upon proposal, however, we emphasise that these cases are still *ex officio* offences, only the consent of the victim is required (it should be noted that prosecution is largely *de facto* disabled if, for example, the victim opposes or does not cooperate with the authorities).

The amendment to the Courts Act ensured that new court buildings will have separate waiting rooms for victims and perpetrators of criminal offences (indent 4 of Paragraph 2 of Article 23 of the Courts Act; Official Gazette of the Republic of Slovenia, no. 87/16).

At the first contact, victims of criminal offences are also informed about the option of being informed about the release or escape of the perpetrator from detention, house arrest or prison (Paragraph 4 of Article 65.a of the ZKP).

- **Article 340**

With regard to Article 340, we note that courts must strictly adhere to legal provisions and that upon the imposition of restrictive measures they must also weigh their inevitability and proportionality, considering the case law of the European Court of Human Rights.

- **Article 389**

With regard to the recommendation from Article 389, we would like to explain that in the event of any vulnerability, the person is provided with appropriate assistance both from existing services in the health system as well as from various institutions and non-governmental organisations. For women who have experienced sexual or gender-based violence, a special expert group (referred to in recommendation 388) prepares an assistance plan, which is also being amended. The expert group includes various authorities, institutions and non-governmental organisations working in the field of violence, and if a person needs protection or safe accommodation, it would also be provided.

- **Annex II**

The name of the Ministry of Foreign Affairs must be adequately indicated in Annex II.