

# Committee of the Parties

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

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### **Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Slovenia**

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Adopted on 7 December 2021

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Slovenia on 5 February 2015;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Slovenia adopted by GREVIO at its 24<sup>th</sup> meeting (21-23 June 2021), as well as the comments of the Government received on 8 October 2021;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Slovenian authorities in implementing the Convention and noting in particular:

- the progress made towards building a comprehensive legal, policy and institutional framework in the field of prevention of domestic violence;
- the adoption of the Domestic Violence Prevention Act (DVPA) in 2008, which sets up a robust system of support and integrated protection for victims of domestic violence;
- the integral role of NGOs in preventing and combating violence against women and domestic violence, formalised by various laws and strategic documents;
- the efforts made to bring the collection and dissemination of administrative and judicial data in line with the Convention’s requirements;
- the continuous training of professionals dealing with different forms of violence against women, in particular domestic violence, including lifelong learning for judges and prosecutors who deal with victims and perpetrators of violence;

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- the special attention paid to online violence and the efforts made to find solutions for creating a safer internet for women and girls;
- the achievement of reaching the recommended minimum number of shelters per head of population;
- the introduction of forced marriage and stalking as criminal offences, as well as the amendment of the Criminal Code to align the provisions on rape and sexual violence with the Convention's requirements by encompassing the notion of lack of freely given consent.

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of Slovenia take the following measures identified in GREVIO's Baseline Evaluation Report<sup>1</sup> for immediate action to:

1. enhance the implementation of a comprehensive set of policies to prevent and combat all forms of violence against women covered by the Convention, in particular sexual violence (paragraph 7), on the basis of a gendered perspective (paragraph 14) and the adoption of a comprehensive national strategy on all forms of violence against women that sets out a long-term co-ordinated approach encompassing the prevention of such violence, protection of victims and the prosecution of perpetrators (paragraph 42);
2. ensure appropriate human and financial resources for general and specialist support services as well as the robust resourcing of the measures envisaged by the future strategy on all forms of violence against women, including domestic violence (paragraph 51) while at the same time ensuring sustainable funding levels for women's NGOs which run specialist support services for women victims of all forms of violence (paragraph 56);
3. assign the role of co-ordinating body in relation to all forms of violence covered by the Convention to one or more fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities, in order to ensure the sustainability of their work, and that they are supported by adequate and appropriate data, which are necessary for evidence-based policy making (paragraphs 62 and 63);
4. ensure the comprehensive collection of data in relation to all forms of violence covered by the Convention:
  - a. at all stages of criminal justice, disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim in order to provide a basis for evidence-based policy making (paragraph 72);
  - b. by the healthcare sector on the number of victims who seek help, disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim (paragraph 74); and
  - c. on reports made to and interventions proposed by social services beyond domestic violence to ensure all forms of violence covered by the Convention are included (paragraph 80);
5. ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Convention, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation for all professional groups, in particular the healthcare sector, social workers and the judiciary, with all training supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow (paragraph 123);

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<sup>1</sup> The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

6. set up institutionalised structures for co-ordination and co-operation among all governmental and non-governmental agencies and service providers to ensure multi-agency co-operation tailored to the specific needs of victims of all forms of violence against women covered by the Convention, in particular rape and sexual violence, forced marriage, stalking and sexual harassment (paragraph 155);
7. provide for adequate specialist women's support services throughout the country for all forms of violence against women covered by the Convention (paragraph 178), including by ensuring the sustainable functioning of a free-of-charge, 24/7 national telephone helpline for victims (paragraph 191) and the setting up of appropriate and easily accessible rape crisis and/or sexual violence referral centres, in sufficient numbers and meeting the needs of victims for immediate medical care, high-quality forensic examination, psychological and legal support, and referral to specialist organisations (paragraph 198);
8. take a number of priority actions in the determination of custody and visitation rights to ensure the safety of victims and their children, in particular by requiring the competent authorities to consider all issues in relation to violence against women and domestic violence through the screening for and taking into account of incidents of violence on the basis of strengthened co-operation and information exchange between civil and criminal courts as well as other relevant services (paragraph 241);
9. step up efforts to ensure prompt and appropriate responses from law-enforcement agencies in relation to all forms of violence against women covered by the Convention, in particular by:
  - a. developing/revising binding guidelines and training to improve the effectiveness of investigations and to equip law-enforcement agencies with the necessary skills to deal with all women victims of violence, including victims of sexual violence, while applying a victim-centred and gender-sensitive approach and further expanding and strengthening the proactive approach to investigation, including gathering evidence other than the victim's statement (paragraph 314);
  - b. taking measures to encourage reporting of all forms of violence against women, and, including intimate partner violence, sexual violence and rape, stalking and online and technology-facilitated violence against women (paragraph 314);
  - c. ensuring that the forensic examination and collection of evidence in cases of sexual violence and rape is conducted in a timely and gender-sensitive manner that takes into account the unique needs and perspectives of the victims and respect for their dignity and integrity, and minimises intrusion while abiding by standards for the collection of forensic evidence (paragraph 314);
  - d. developing and implementing investigation and prosecution guidelines and conducting specialist training for relevant professionals on the gendered nature of stalking, its online dimension and its serious psychological consequences, including on children who witness it, especially in the context of post-separation abuse, and ensure the efficient application of preventive operational measures, such as restraining orders (paragraph 251);
10. swiftly identify and address any/all factors that contribute to attrition in cases of rape, domestic violence and any other forms of violence against women, and examine mechanisms and procedures, including through legal amendments, that would remove the centrality of the victim's statement in criminal proceedings in cases related to violence against women, in particular domestic violence against women and sexual violence (paragraph 324);
11. amend the legislation to conform with the rules regarding *ex parte* and *ex officio* prosecution defined in Article 55, paragraph 1 of the Convention as regards the offences of marital rape and sexual violence against a spouse or partner (paragraph 355);

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12. ensure that legal representation within the immigration and asylum system is of adequate quality at all stages of the procedure, including the appeals stage, and collect data on the annual numbers of asylum applications based on gender-related persecution, and the numbers of applications that are granted and rejected (paragraph 391);
  13. uphold the obligation to respect the principle of *non-refoulement* of victims of violence against women, in particular at border crossing points and ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment (paragraph 400).
- B. Requests the Government of Slovenia to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 8 December 2024.
  - C. Recommends that the Government of Slovenia take measures to implement the further conclusions of GREVIO's Baseline Evaluation Report.