

## Reply of the Republic of Slovenia to the CHR Resolution 2003/45

### 1. Has your Government instituted programmes, policies or other measures to prevent violence against women in the family and community?

#### National Programme for Equal Opportunities for Women and Men, 2005 – 2013

The Government of the Republic of Slovenia adopted the National Programme for Equal Opportunities for Women and Men, 2005 – 2013, in June 2005 and submitted it to the National Assembly, where it was finally adopted in October.

In the area of violence against women the National Programme envisages two main goals, as follows:

- systematic regulation of prevention of violence against women,
- zero tolerance towards violence against women.

As special goals the National Programme envisages:

- Improvement of legal regulations of prevention of domestic violence against women and its effective implementation with the following measure:
  - o Amending of legal regulation for the prevention of domestic violence and developing and implementing mechanisms for its effective implementation and monitoring
- Improvement of systematic treatment of women - victims of domestic violence and perpetrators with the following measures:
  - o Strengthening of interdepartmental and interdisciplinary co-operation and support for the programmes, projects and protocols for systematic treatment of women - victims of violence and perpetrators, including introduction of special measures, adopted for both, victims and perpetrators
  - o Establishment and monitoring of EU measures in the area of violence against women
- Improved qualifications and sensibility of professionals dealing in the area of prevention and treatment of women, victims of domestic violence, and perpetrators including the following measure:
  - o Implementation and support of the programmes and projects aimed at trainings for professionals in various organisations, active in the area of prevention and treatment of women, victims of violence, and perpetrators

The Republic of Slovenia in the Penal Code provides also other legal measures in order to prevent violence against women in the family and community.

Criminal offences in the Penal Code (Official Gazette of the Republic of Slovenia, No. 95/2004, official consolidated text), prohibiting violence against women, are divided in several chapters: criminal offences against life and limb, against sexual integrity, against marriage, family and youth, against humanity and international law. These chapters prohibit murder (Article 127), involuntary manslaughter (Article 128), simple assault (Article 133), serious bodily harm (Article 134), particularly serious bodily harm (Article 135), participation in fighting (Article 136), threat with a dangerous instrument in a fight or quarrel (Article 137), rape (Article 180), sexual violence (Article 181), sexual abuse of a weak person (Article 182), sexual assault on a person younger than 15 (Article 183), violation of sexual inviolability with abuse of authority (Article 184), exploitation through prostitution (Article 185), pornographic material (Article 186), violation of family obligations (Article

202), violent conduct (Article 299), enslavement (Article 387), trafficking in human beings (Article 387.a).

**Two novelties** into the Penal Code (**Official Gazettes of the Republic of Slovenia, No. 23/1999 and 40/2004**) were adopted since adoption of the Penal Code in the year 1994 (Official Gazette the Republic of Slovenia, No. 63/1994 (70/1994)), and supplemented, modified or incriminated new criminal offences.

Thus in the year 1999 the first novelty into the Penal Code was adopted (Official Gazette the Republic of Slovenia, No. 23/1999), which modified criminal offence of pimping and increased the number of years of prescribed penalty for the perpetrator. In the year 2004, the second novelty (Official Gazette the Republic of Slovenia, No. 40/2004) deleted criminal offence of prostitution from the Penal Code; however prostitution still remained illegal conduct. Article 185 prohibits exploitation through prostitution, *viz. "whoever participates for exploitative purposes in the prostitution of another person or instructs, obtains or encourages another person to engage in prostitution with force, threat or deception, shall be given a prison sentence of between three months and five years"*.

Furthermore, in prosecuting perpetrators of violence, the institute of complaint has an important role, since majority of violence occur in the family and community (for example: rape between spouses) and very often, criminal conducts in a family are prosecuted only upon a victim's complaint. Therefore a victim has to file a complaint in order to initiate the prosecution. Once the complaint is filed, the offence is prosecuted *ex officio*.

With regard to the issue of violence against women and girls, it is important to further explain some of the criminal offences.

Thus sexual assault on a person younger than fourteen is prohibited. Novelties into the Penal Code from 1999 and 2004 modified the wording of the offence and increased the age limit on fifteen.

Besides that, the novelty into the Penal Code from 2004 modified Article 187. Cited Article prohibits sale, presentation or publicly exhibition of different documents of a pornographic nature to a person under 14 years of age and prohibits abuse of a minor in order to produce items of a pornographic nature. There has been also increase of penalty for the perpetrator.

Furthermore, it is important to mention that violence against women is a part of Article 299 of the Penal Code and is not separate criminal offence in the Penal Code. Whether violence against women, as a part of domestic violence, shall constitute a separate criminal offence in the future depends on one outgoing project. It is the Research Project performed at the Faculty of Law of the University of Ljubljana on the substantive criminal law that shall be finalised in 2006 (guidelines for the reform of substantive criminal law). This Project was proposed and is now supervised by the Ministry of Justice.

With regard to the criminal offences against sexual integrity, marriage, family and youth committed against minor girls, criminal prosecution may not become statute-barred until five years have elapsed from the day the victim becomes an adult (third paragraph of Article 111 of the Penal Code).

Finally, it must be reminded that criminal offence of enslavement is prohibited by the first version of the Penal Code and also by previous legislation. The novelty into the Penal Code from 2004 added to Article 387 a new criminal offence by incriminating, as a separate and special criminal offence, a conduct of trafficking in human beings (Article 387.a of the Penal Code).

**With regard to the Criminal Procedure Act (Official Gazette of the Republic of Slovenia, No. 96/2004, official consolidated text), it must be mentioned that, there are several measures which protect dignity and safety of women and girls, as victims of a crime.**

Thus Article 240 of the Criminal Procedure Act provides that a court shall examine considerately a person under age, especially if that person has suffered damage from the criminal offence at issue, to avoid producing harmful effect on his state of mind. If necessary, a pedagogue or some other expert should be called to assist in the examination of a minor. Besides that, Article 236 of the Criminal Procedure Act provides that, minors who in view of their age and the stage of their intellectual development cannot understand the meaning of the right to decline testimony may not be examined as witnesses.

In criminal procedures, which are taking place due to criminal offences against sexual inviolability from Chapter XIX of the Penal Code of the Republic of Slovenia, the minor-injured party must from the initiation of the criminal procedure onwards have an authorised person to care for their rights, particularly in connection with the protection of their integrity during examination before the court and during the exercising of property-law demands. Minors-injured parties who have no authorised person shall be assigned an authorised person from among lawyers by the court *ex officio* (third paragraph of Article 65 of the Criminal Procedure Act). If a minor participates in the main hearing as a witness or the injured party he shall be taken out of the courtroom as soon as his presence is no longer required (fourth paragraph of Article 331 of the Criminal Procedure Act). Direct questioning of persons under fifteen years of age who are victims of criminal offences is not be permitted in the main hearing. In such instances, the court is obliged to decide that the records of previous questioning of such persons be read (fifth paragraph of Article 331 of the Criminal Procedure Act). The principle of contradiction is safeguarded by the virtue of sixth paragraph of Article 331 of the Criminal Procedure Act, providing that parties may pose indirect questions.

**Furthermore, the Criminal Procedure Act enables anonymity of a witness, if there are reasonable grounds for believing that disclosure of the personal data or whole identity of a certain witness could endanger his/her life or those of his family (Articles 240.a and 242.a of the Criminal Procedure Act). Furthermore, in August 2005 a proposal of a new "Act on witness's protection" was filed in the National Assembly.**

**In order to protect the interest of a minor, to maintain law and order and to protect personal and family life the court may exclude the public from the trial or a part thereof (Article 295 of the Criminal Procedure Act) and from the announcement of judgement (forth paragraph of Article 360 of the Criminal Procedure Act).**

The Criminal Procedure Act provides certain measures (*such as: promise by the accused not to leave his residence, prohibition on approaching a specific place or person, attendance at a*

*police station, bail, house arrest and detention) in order to prevent danger of collision of evidence (viz.: if he is in hiding, if his identity cannot be established or if other circumstances exist which point to the danger of his attempting to flee and if there is ground for concern that he will destroy the traces of crime or if specific circumstances indicate that he will obstruct investigation by influencing witnesses, accomplices or harbourers) or repetition of the criminal offence (viz.: if the seriousness of the offence, or the manner or circumstances in which the criminal offence was committed and his personal characteristics, previous life, the environment and conditions in which he lives or some other personal circumstances indicate a risk that he will repeat the criminal offence, complete an attempted criminal offence or commit a criminal offence which he has threatened) for perpetrators of criminal offences and therefore also for perpetrators of violence against women. The court can order the above mentioned measures in the period of the pre-trial and also in the time of the main-hearing, if a well-grounded suspicion exists, that a person has committed a criminal offence (Articles 192-208 of the Criminal Procedure Act)*

Furthermore, police may in accordance to the Article 157 of the Criminal Procedure Act deprive a person of freedom, when any of the reasons for detention from the first and second paragraphs of Article 201 exist. Detention may last forty-eight hours at the longest. Police, without any delay, takes him to the investigating judge, which may order custody. During the time, when a perpetrator is "removed" from the family, a victim can make first steps to withdraw from the violent environment.

Finally, according to the Article 39.a of the Police Act (Official Gazette of the Republic of Slovenia, No. 70/2005), police officers may order a restraining order in a duration for 48 hours, prohibiting the person in question from approaching a particular place or person, if there is a reasonable suspicion that a person has committed a misdemeanour involving violence or if a person has been caught in the committing of such a misdemeanour and there are reasons for suspecting that this person is about to endanger the life, personal safety or freedom of a person with whom he/she is or was in a close relationship. A police officer issues the restraining order by issuing an on-the-spot verbal order to the offender, and later, within not more than six hours, by serving a written order relating to the measure ordered. The offender must immediately vacate the place or area in question and hand the keys of the residence which he shares with the victim to a police officer. The police officer must remove the offender immediately if he fails to comply with the order. The police shall inform of their measure the local competent social work centre, which must provide the victim with details of the organisations available for material and non-material assistance, and assist that person in contacting such an organisation if he/she so requests. A police officer must immediately send the order for review to the district court investigating judge. If the restraining order is upheld, the investigating judge may pronounce the measure for up to ten days. An offender, who does not comply with a restraining order, is liable to a fine of at least SIT 100,000 for the misdemeanour.

If there are reasonable grounds for suspecting that the violator will continue to pose a threat also after the expiry of ten-day period for which a restraining order has been issued, the victim may appeal to the investigating judge to extend the order to 60 days. If the legal requirements are fulfilled, the investigating judge issues a decision on the extension of the measure (Article 39.b of the Police Act).

**Advocate for Equal Opportunities for Women and Men**

According to Act on Equal opportunities for Women and Men, Advocate for Equal Opportunities for Women and Men in 2003 started hearing cases of alleged unequal treatment of women and men and issuing opinions

### **Education for Gender Equality**

Education for gender equality is one of the main goals in the area of education in the National Programme for Equal opportunities for Women and Men, 2005 – 2013.

As special goal National Programme envisages:

- Reduction of inequality and overcoming of stereotypical social roles in education via systematic gender mainstreaming in the curriculum, learning materials and programmes of permanent trainings in the area of education including the following measures:
  - o Preparation of recommendations, guidelines and instructions how to gender mainstream within all school subjects for educators and teachers
  - o Establishment of standardized procedure to evaluate education materials from gender equality perspective and to prepare the proposal for changes of existing materials which do not meet gender perspective standards
  - o Amending of measures for confirmation of text-books and permanent monitoring of text-books and other education materials from gender equality perspective
  - o Introduction of systematic education / training for gender equality for pedagogical and school counselling professionals

### **Awareness-raising campaigns, education and workshops for gender equality – concrete activities of Office for Equal Opportunities**

Office for Equal Opportunities published several important publications in the area of education for gender equality (2004 – 2005): handbook and leaflet Advocate for Equal Opportunities for Women and Men; handbook Special Measures for Assuring Equal Opportunities for Women and Men; brochure Non-discrimination; leaflet Sexual Harassment in the Workplace.

Office for Equal Opportunities also co-financed (2005) handbook Psychosocial Help for Women and Children who Experience Domestic Violence.

In 2004 Office for Equal Opportunities hosted conference “Let’s Speak about Domestic Violence against Elder Women” for the representatives of NGOs, centres for social work, home nursing services, associations of pensioners, police, judges, prosecutors, experts etc.

Working group for Non-violence at Nurses Association of Slovenia with the help of Association SOS Help-line for Women and Children – Victims of Violence and with the help of Office for Equal Opportunities prepared (2004) protocols for nurses who meet women victims of domestic violence.

The police are actively involved in the activities aimed at raising public awareness of violence against women and domestic violence. They participate at public events, round-table discussions, TV shows and printed media. Police and criminal police officers cooperate with education institutions and talk to children and teachers about peer violence and domestic violence as well as about their rights and what to do if they become victims of violence. To

prevent violence against youngsters the police prepared a project called "Violence at school", with which they inform children on the forms of violence, how to react in violent situations, how to prevent becoming a victim and how to react after an act of violence. For younger children the police prepared a project entitled "Police for Children", in which puppets teach children how to recognise dangerous situations, how to avoid them and how to call the police for help. As part of the project children get to meet police officers, who show them their equipment and vehicles.

The police issued a number of leaflets and posters on violence, aimed at various institutions as well as adults and children. They issued brochures on "Don't Become a Victim of Trafficking in Human Beings", "Sexual Violence" and "Violence at School – Muster the Courage and Tell". On their website [www.policija.si](http://www.policija.si) there are materials on prevention as well as a human rights guide.

With their public action the police actively contribute to a positive change in people's attitude to violence. The society has become more sensitive to domestic violence and violence against children, which is reflected in a higher number of reports of such violent conduct.

The police train their officers to be able to recognise violence at all levels and to take appropriate measures in cases of domestic violence and sexual exploitation of women. Domestic violence and thus also violence against women are an integral part of the curriculum at the Police Academy and of regular training courses for police and criminal police officers. Such intensive training helped us achieve positive changes in the attitude towards violence and women within the police.

### **Co-financing of NGO's projects**

In the year 2004 Office for Equal Opportunities co-financed 6 (out of 12 co-financed) projects in the area of violence against women in the following areas: recognition and treatment of violence in the area of nursing, sexual harassment in the work place; training for support of handicapped women - victims of domestic violence; advocacy for women - victims of violence; workshops for women – victims of violence; individual and group support for victims.

In 2005 Office also co-finances 6 (out of 12 co-financed) projects in the area of violence against women in the following areas: victim support for handicapped women; training of social skills for perpetrators; workshop for treatment of domestic violence in nursing; preventive workshops for elementary schools; awareness-raising campaign aimed at violence against women; workshops for women – victims of violence.

In the recent period, the society has become more sensitive to certain problems (such as the problem of violence, the problem of persons with mental health difficulties), which means that more persons who face these problems have been discovered and are offered help to solve the problems.

Non-governmental organisations and public institutions carry out different preventive programmes. Within the framework of family care they offer preventive programmes to help and support threatened groups of children and adolescents and programmes intended to prevent violence in the family. In the field of social protection specialized programmes exist which address the needs of children and adolescents with different problems. The strategy for the implementation of preventive social services and programmes is laid down in the National Social Protection Programme up until 2005.

In 2004, The Ministry of Labour, Family and Social Affairs co-financed by public tender 24 programmes for preventing violence in families and allocated 9,000,000 SIT (approximately 37,500 EUR) for these programmes.(21 non-governmental organisations and three public institutions carried out these programmes.

The Ministry of Labour, Family and Social Affairs financed the research “Violence against Women or How to Attain Zero Tolerance”. The objective of this project was to create an overview and synthesis of data that were collected in 309 national scientific and professional publications published on the topic of violence in the period 1998 – 2003 and among which more than 20% deal with violence against women in the family. The research identified the trend, different perceptions and fields of interest of the Slovenian professional public in the problem of violence and focused, among other things, also on the question of the professional and laic public awareness related to the problem of violence against women in the family. The authors have observed a satisfactory and positive impact of additional education (for example of policemen) on the perception of the occurrence of violence against women in the family.

Slovenia also took part in the international project “Image of Victims of (Sexual) Abuse and Attitude towards Violence – Problem of Stigmatisation”. Within the framework of this project researchers tried to establish the attitude of respondents towards victims of sexual violence and focused on the question of the sensitivity amongst the professional public towards this problem.

In general, financial resources for social protection programmes are earmarked in accordance with the budget instructions for the preparation of the budget, however the funds required by non-governmental organisations actually exceed those planned in the budget.

## **2. Has your Government instituted programmes, policies or other measures to protect and provide services to women who have been subjected to violence by private actors**

The police have an active role in the prevention of domestic violence and violence against women and acquaint victims with their rights both in the police and criminal procedure. They also provide information on the possibilities for help and support provided by other institutions and non-governmental organisations. In 2004 they issued a leaflet entitled "If I Become a Victim of a Criminal Offence", aimed at victims of serious criminal offences (against body and limb, sexual integrity), that victims are given when they report the offence to the police.

The police take a systemic approach to tackling domestic violence and violence against women. Analysing the measures used, identifying mistakes and deficiencies, education and training of police officers, active participation in the drawing-up and implementation of new statutory provisions have contributed to improvements in this field. Police intervention after a report of violent behaviour at a home is becoming just a kind of work with which the police re-establish public order and make possible the inclusion of other services responsible and competent for implementing statutory measures that lead to a solution of the existing situation.

The Police Act enables the police to issue a restraining order banning a perpetrator of an offence with elements of domestic violence from approaching a certain person or place for 48 hours. The decision on the issuing of such order is forwarded to an investigating judge for consideration. The police immediately inform the local centre for social work on the measure, and the centre must provide help to the victim and inform her of the organisations that can provide material and non-material aid, and organise a contact with such an organisation if the victim requests it.

Each year the police organise training for police and criminal police officers, often using experts from other branches from state institutions, NGOs and experts from other countries. The police also take part in the training of social workers, teachers, doctors, prosecutors, judges and solicitors.

In 2004 the police organised the following training courses on the prevention of domestic violence and violence against women and social skills:

- Seminar "Domestic Violence" as part of the CEPOL international programme
- inter-institutional cooperation in procedures of criminal offences of domestic violence and against children
- Train-the-trainers course on the use of the restraining order
- Police officers training on recognising domestic violence and taking action

We cannot provide a precise answer on the degree of violence against women in Slovenia. The extent of the problem can only be estimated on the basis of conclusions from various data on women and children victims and data on criminal offences and minor offences with elements of domestic violence. The data available to the police represent a minor portion of this problem.

Multi-disciplinary treatment of cases of domestic violence, especially violence against children has long been a standard practice in Slovenia. Cases of violence against women are frequently dealt with in the same way. Multi-disciplinary cooperation is subject to agreement and willingness to cooperate of individual experts as there are no regulations that would make such cooperation mandatory.

The policy of violence against women in the field of social protection is laid down in the National Social Protection Programme up until 2005. It defines in its starting points for the establishment of social protection activity networks, which will be supported and co-financed by the state until 2005, also a network of maternity homes and shelters for women with a total capacity of 250 places and a network of centres for the assistance to victims of violence. The Social Chamber of Slovenia coordinates their expert activities. The basic act in this field is the Social Protection Act (Official Gazette of the Republic of Slovenia no. 36/2004 – consolidated text). The activities are carried out by public social protection institutions (social work centres) and non-governmental organisations.

In 62 social work centres team work has become a common way of dealing with this issue. When dealing with violence, expert teams in social work centres (members of which are also experts of the psychological service of the social work centre) cooperate with experts from other fields (health, education, police, and judiciary). Social work centres also provide 12 intervention services. Every intervention service covers a certain region and can offer continuous assistance in cases of violence in the family as well as assistance to children in different stressful situations.

In the period 2004 – 2005, 12 regional coordinators were employed in social work centres to coordinate and offer professional support to the workers of social work centres and to victims of violence. They also work in inter-institutional professional teams for the prevention of violence.

Social work centres also participate in carrying out measures related to restraining order prohibiting approach to a certain location or person. After receiving a notice on the imposed measure the centres must in particular take care to ensure that the victim does not stay alone in her/his distress, but instead immediately contact her/him and acquaint her/him with the possible forms of help to solve her/his personal distress. The centres are especially in charge of providing protection of minors who were alone with the offenders at the time the measure was imposed.

The role of the social work centres in implementing the measures related to restraining order prohibiting approach to a certain location or person is laid down in the Rules on restraining order prohibiting approach to a certain location or person (Official Gazette of the Republic of Slovenia no. 95/2004) issued by the Minister of the Interior in agreement with the Minister of Justice and the Minister of Labour, Family and Social Affairs pursuant to Article 39.a of the Police Act (Official Gazette of the Republic of Slovenia no. 11/2003 – official consolidated text and 50/2004).

Centres of social work have also an important role in offering assistance to the offender by trying to eliminate the reasons for his actions and to prevent the actions to be repeated.

In addition to social work centres providing services as public services, there are 26 providers of social protection programmes (associations, institutions). Slovenia has 12 safe houses on various locations and one crisis centre for women who are victims of violence, with a capacity of 168 beds. The programmes are carried out by 11 providers (associations and institutions). In Slovenia, safe houses are mostly fully occupied in accordance with the planned capacity. Before the placement to a safe house is effected, the provider and the user conclude a placement agreement (MLFSA guidelines). Six providers of programmes for maternity homes have 8 units on various locations in Slovenia with a total capacity of 126 beds.

Slovenia has made considerable progress in this field since the number of programmes has doubled in the last few years. The programmes are not only focused on the central part of Slovenia but are being carried out also in other parts of the country.

Shelters and safe houses are intended for women and children victims of any form of violence, who need immediate withdrawal to a safe environment. They can stay in shelters for a period of three months to a maximum of one year and in crisis centres for two days over the weekend.

<b>ORGANISATION</b>	<b>PROGRAMME</b>
SOCIAL WORK CENTRE MARIBOR - MARIBOR	Safe house Maribor
SOS TELEPHONE ASSOCIATION FOR WOMEN AND CHILDREN – VICTIMS OF VIOLENCE – LJUBLJANA	SOS telephone shelter Ljubljana
ASSOCIATION REGIONAL SAFE HOUSE CELJE - CELJE	Regional safe house Celje
ASSOCIATION LIFE WITHOUT VIOLENCE AND INJUSTICE SUPPORTING VICTIMS OF CRIMINAL OFFENCES - NOVO MESTO	Safe house Novo mesto
SOCIAL WORK CENTRE KRŠKO - KRŠKO	Shelter Pevcin dom
ASSOCIATION FOR ASSISTANCE TO WOMEN AND CHILDREN - VICTIMS OF VIOLENCE – SAFE HOUSE OF GORENJSKA - KRANJ	Safe house for women and children, victims of violence in the Gorenjska area
ASSOCIATION SAFE SHELTER LJUTOMER - LJUTOMER	Shelter for women and children, victims of violence
SOCIAL WORK CENTRE PTUJ - PTUJ	Safe house Ptuj
INSTITUTION CARITAS SAMARIJAN - NOVA GORICA	Safe house
ASSOCIATION AGAINST VIOLENT COMMUNICATION - LJUBLJANA	Safe house for women and children, victims of violence
ASSOCIATION COUNSELLING OFFICE FOR WOMEN	Crisis centre and women's counselling services

In the field of psychosocial assistance to victims there are counselling offices and centres for assistance to victims of violence which are important as well, since they offer counselling and send the victims to the appropriate organisations for help, support, and advocacy; they can also rely on activities in maternity homes and shelters.

**SOCIAL PROTECTION ORGANISATIONS AND SUPPLEMENTARY PROGRAMMES IN THE FIELD OF COUNSELLING THAT OFFER PROFESSIONAL HELP IN CASES OF VIOLENCE**

/ 3 January 2005

Table 2

<b>ORGANISATION</b>	<b>PROGRAMME</b>
ASSOCIATION COUNSELLING OFFICE FOR WOMEN LJUBLJANA - LJUBLJANA	Psychosocial assistance to women – victims of violence
INSTITUTION FRANCISCAN FAMILY INSTITUTE - LJUBLJANA	Therapeutic assistance in case of emotional and sexual violence
ASSOCIATION COUNSELLING OFFICE FOR WOMEN - LJUBLJANA	Self-help support group for women experiencing violence
ORGANISATION EMMA - LJUBLJANA	Psychosocial assistance in case of violence
ASSOCIATION “YOUR TELEPHONE” POSTOJNA - POSTOJNA	Psychological violence in the family – help and self-help
ASSOCIATION “IZVIR” FOR VOLUNTARY WORK, PREVENTIVE ACTION AND COUNSELLING - KRŠKO	Programme of help in case of violence

ASSOCIATION AGAINST SEXUAL ABUSE - LJUBLJANA	Integrated support to users in case of sexual abuse, other forms of sexual violence and violence
SOS TELEPHONE ASSOCIATION FOR WOMEN AND CHILDREN – VICTIMS OF VIOLENCE - LJUBLJANA	SOS telephone for women and children, victims of violence
THE FRIENDS OF THE YOUTH ASSOCIATION OF SLOVENIA - LJUBLJANA	TOM telephone
ASSOCIATION “KLJUČ” - LJUBLJANA	WITNESS II
ASSOCIATION AGAINST VIOLENT COMMUNICATION - LJUBLJANA	Unit Ljubljana
	Unit Maribor
CENTRE FOR ASSISTANCE TO VICTIMS OF CRIMINAL OFFENCE JESENICE - JESENICE	Assistance to victims of criminal offence
CENTRE FOR ASSISTANCE TO VICTIMS OF CRIMINAL OFFENCE KRANJ - LJUBLJANA	Assistance to victims of criminal offence
CENTRE FOR ASSISTANCE TO VICTIMS OF CRIMINAL OFFENCE KOPER - KOPER	Assistance to victims of criminal offence
CENTRE FOR ASSISTANCE TO VICTIMS OF CRIMINAL OFFENCE PTUJ - PTUJ	Assistance to victims of criminal offence
CENTRE FOR ASSISTANCE TO VICTIMS OF CRIMINAL OFFENCE MURSKA SOBOTA - MURSKA SOBOTA	Assistance to victims of criminal offence
CENTRE FOR ASSISTANCE TO VICTIMS OF CRIMINAL OFFENCE VELENJE -VELENJE	Assistance to victims of criminal offence

Source: Ministry of Labour, Family and Social Affairs

Maternity homes are intended for pregnant women, women with new born babies and mothers with small children the majority of whom is exposed to social and economic risk. Lately, also the number of residents, who are victims of different forms of violence, has increased. Maternity homes offer residence for a period from one year to two years at the most in extraordinary circumstances.

**SOCIAL PROTECTION ORGANISATIONS AND SUPPLEMENTARY PROGRAMMES FOR MATERNITY HOMES OFFERING PROFESSIONAL ASSISTANCE IN CASES OF VIOLENCE / 3 January 2005**

Table 3

ORGANISATION	PROGRAMME
SOCIAL WORK CENTRE LJUBLJANA ŠIŠKA - LJUBLJANA	Maternity home
INSTITUTION PELIKAN CARITAS - ŠKOFIJA	Maternity home Škofljica and Maternity home Višnja Gora
INSTITUTION CARTIAS SAMARIJAN - SOLKAN	Maternity home Solkan and Maternity home Cesta
TALITA KUM, INSTITUTION HELPING MOTHERS AND THE ELDERLY POSTOJNA - POSTOJNA	Maternity home Postojna
PUBLIC INSTITUTION SOCIO - CELJE	Maternity home Celje
SOCIAL WORK CENTRE MARIBOR - BRESTERNICA	Maternity home Maribor

Among the forms of protection of children and adolescents against violence special mention should be made of youth crisis centres. The setting up of these centres is laid down in detail in the National Social Protection Programme up until 2005. A crisis centre addresses the needs of children faced with different forms of acute social problems and provides them with day care for up to three weeks. Children are allowed to come to the centre alone, in case of

domestic violence also without the consent of parents. During the time of their stay care is taken of a more permanent form of safety for the child, its protection and comprehensive treatment. Assistance to children is free of charge and is financed by the state. Crisis centres deal with threatened children and offer in the first place protection and personal assistance to children, adolescents or families by providing one-day care and assistance respectively with the possibility of a short-term placement, counselling and settling the conditions for their return to the domestic environment or family. In 2005, there have been 6 crisis centres operating as independent units of social work centres (in accordance with the National Social Protection Programme up until 2005 another two crisis centres are planned to be established in the Republic of Slovenia).

Counselling services offered to victims of violence within social work centres are free of charge. The same applies to counselling services performed through programmes of non-governmental organisations that do not offer placement. In programmes where victims have the possibility of placement (maternity homes and safe houses), users pay a monthly contribution for placement according to their financial fitness.

In 2005, the Ministry of Labour, Family and Social Affairs allocated 247 million SIT for 18 programmes of safe houses on various locations in Slovenia, one crisis centre and other programmes of assistance to victims of violence and additional 78,862,555 SIT for seven other programmes dealing directly or indirectly with these issues.

Social Protection Programmes are selected by public tender and are co-financed for the period of one or five years. The selected programme providers are obliged to submit to the provider of programme funds half-yearly and annual reports on their work and on the spending of funds. On the basis of the report submitted by the programme provider it is assessed whether the programme has been performed in accordance with the registered programme and with respect to the received funds and whether the funds were spent exclusively for the programme implementation. A certain share of the financed programmes is to be reviewed by an independent financial adviser because of the complexity of work and his/her knowledge related to accounting issues.

From the aspect of women being placed in safe houses, maternity homes and shelters it can, however, be estimated (results of the research "Violence against Women or How to Attain Zero Tolerance" carried out by the Institute of Medical Sciences at the Scientific Research Centre of the Slovene Academy of Sciences and Arts in the period 1998 – 2003) that they assessed their stay there as positive. Most important for them was to feel safe, have peace, have the possibility to talk about their experience and the fact that the counsellors had believed them. Nevertheless, when they arrived to the institution they had mixed feelings. On the one hand, they were satisfied to get away from home and, on the other hand, they felt insecure with their feeling of shame and loss because they left their home, the partner and their personal things. The support and understanding of the counselling staff and the cohabitants helped them to get rid of the feeling of social isolation and gradually they also regained self-respect. Women assessed professional assistance as extremely important for changing their lives in the future. Through the help of social workers they started to organize their lives (divorce, suits claiming violence, employment, solving the housing problem). After they had left the institution, they mostly faced social and economic problems, such as problems related to housing and employment, recovery of maintenance from ex-partners etc. Women who did not return to the violent partner were satisfied with their new way of life and made every effort to offer their children a safe home and tried to make up for the missed opportunities. They also started to build social relationships again and devoted more time to themselves.

The Minister of Labour, Family and Social Affairs appointed a Council on the Prevention of Violence against Women acting as a professional and advisory body in this field. The Council members are representatives of governmental and non-governmental organisations and their task is to prepare background documents and guidelines for the improvement of the regulatory framework dealing with the problem of violence against women.

### 3. Has your Government taken measures to prosecute and punish violence against women occurring in the family and community?

The Slovenian criminal law defines violent behaviour within the family as a minor offence or a criminal offence depending on the way it is committed, its consequences, duration or recurrence and other circumstances.

Between 2002 and 2004 the police recorded an increase in domestic crime with elements of violence. In 2002 there were 4,441 such criminal offences, a year later 5,224 and in 2004 there were 5,066 criminal offences with elements of violence.

#### Number of criminal offences with elements of violence (2002-2004)

Table 4

<i>CRIMINAL OFFENCES BY CHAPTERS AND ARTICLES OF THE PENAL CODE</i>	<i>NUMBER OF CRIMINAL OFFENCES</i>		
	<i>2002</i>	<i>2003</i>	<i>2004</i>
<b><i>TOTAL – ALL CRIMINAL OFFENCES</i></b>	<b><i>4,441</i></b>	<b><i>5,224</i></b>	<b><i>5,066</i></b>
<i>CO AGAINST BODY AND LIMB</i>	<i>1,734</i>	<i>1,747</i>	<i>1,670</i>
<i>127 MURDER, ATTEMPTED MURDER</i>	<i>45</i>	<i>39</i>	<i>53</i>
<i>133 ACTUAL BODILY HARM</i>	<i>1,232</i>	<i>1,269</i>	<i>1,204</i>
<i>134 AGGRAVATED BODILY HARM</i>	<i>231</i>	<i>182</i>	<i>191</i>
<i>137 ENDANGERING LIFE BY MEANS OF DANGEROUS INSTRUMENTS IN BRAWL OR QUARREL</i>	<i>201</i>	<i>225</i>	<i>197</i>
<b><i>CO AGAINST HUMAN RIGHTS AND LIBERTIES</i></b>	<b><i>1,634</i></b>	<b><i>1,792</i></b>	<b><i>2,082</i></b>
<i>143 FALSE IMPRISONMENT</i>	<i>73</i>	<i>58</i>	<i>67</i>
<i>145 THREATENING THE SECURITY OF ANOTHER PERSON</i>	<i>1,366</i>	<i>1,496</i>	<i>1,732</i>
<i>146 MALTREATMENT</i>	<i>183</i>	<i>220</i>	<i>268</i>
<i>CO AGAINST SEXUAL INTEGRITY</i>	<i>264</i>	<i>236</i>	<i>272</i>
<i>180 RAPE</i>	<i>39</i>	<i>49</i>	<i>46</i>
<i>181 SEXUAL VIOLENCE</i>	<i>42</i>	<i>43</i>	<i>38</i>
<i>182 SEXUAL ABUSE OF DEFENCELESS PERSON</i>	<i>11</i>	<i>7</i>	<i>9</i>
<i>183 SEXUAL ASSAULT ON A PERSON UNDER THE AGE OF 15</i>	<i>151</i>	<i>119</i>	<i>147</i>
<i>184 VIOLATION OF SEXUAL INTEGRITY BY ABUSE OF POSITION</i>	<i>18</i>	<i>12</i>	<i>21</i>

187 PRESENTATION AND MANUFACTURING OF PORNOGRAPHIC MATERIAL	3	6	11
CO AGAINST MARRIAGE, FAMILY AND YOUTH	350	705	445
200 ABDUCTION OF MINORS	34	63	30
201 NEGLECT AND MALTREATMENT OF MINORS	208	238	208
203 PERSISTENT NON-SUPPORT	104	396	197
CO AGAINST PUBLIC ORDER	459	744	597
299 VIOLENT CONDUCT	441	728	588

In the period from 2002 to 2004 the police recorded an increase in criminal offences with elements of violence with the perpetrator and the victim being married, common law partners or in an intimate relationship. Thus in 2002 there were 1,032 such offences, in 2003 1,236 and in 2004 there were 1,381 of them.

In most cases of the use violence in a relationship the perpetrator is the man and the victim is the woman. Of domestic violence perpetrators 88 % are men and 12 % women, with women being predominantly violent towards children and rarely towards parents or other adult family members, with the proportion of violence towards the partner being negligible. In almost a half of criminal offences of violence within the (extended) family the perpetrator and the victim are married, common law partners or former partners. In the year 2004 eleven women died as a result of domestic violence.

Article 11.1.4 of the Minor Offences Act lays down that it is a minor offence to disturb the peace or threaten the security of a person in private premises in an unlawful way.

In 2002 the police dealt with 3,038, in 2003 with 5,021, and in 2004 with 4,442 minor offences against public order with elements of domestic violence under the Minor Offences Act.

Considerable progress has been made in recent years in the prevention and detection of violent criminal offences and the status of victims in procedures at state bodies has improved. However, there are still obstacles:

- not enough beds in safe houses or alternative accommodation facilities;
- lack of psychological treatment for both victims and perpetrators;
- inadequate system of material aid to victims (the government has no compensation fund for victims of violence).

#### *Statistical information*

Statistical data on the criminal offences against violence, formed upon information from the Statistical office of the Republic of Slovenia for the years 2002, 2003 and 2004, includes number of filed cases, number of prosecutions initiated and the number of convictions. However, statistical data does not divide offences upon sex of a victim, but on the sex of a perpetrator. Therefore, the number of offences are only illustrative in they do not present the real assessment. Besides that, since criminal offences of exploitation through prostitution and trafficking in human beings are incriminated only since 2004 by a new Amendment (Official Gazette RS, No. 40/2004) into the Penal Code, they are not included in statistical data.

Table 5: statistical data on the criminal offences prohibiting violence against women for the year 2002:

The Penal Code (Official Gazette the Republic of Slovenia, No. 95/2004,official consolidated text)	No. of filed cases	No. of convictions
127- murder	53	26
128- involuntary manslaughter	1	0
133- simple assault	1640	484
134- serious bodily harm	334	190
135- particularly serious bodily harm	32	13
136- participation in fighting	34	8
137- threat with a dangerous instrument in a fight or quarrel	171	30
180- rape	80	24
181- sexual violence	31	7
182- sexual abuse of a weak person	14	3
183- sexual assault on a person younger than 15	152	49
184- violation of sexual inviolability with abuse of authority	13	7
185- exploitation through prostitution	7	1
187- pornographic material	3	2
202- violation of family obligations	2	1
299- violent conduct	366	98
387- enslavement	1	0

Table 6: statistical data on the criminal offences prohibiting violence against women for the year 2003:

The Penal Code (Official Gazette the Republic of Slovenia, No. 95/2004,official consolidated text)	No. of filed cases	No. of convictions
127- murder	42	19
128- involuntary manslaughter	0	0
133- simple assault	1642	413
134- serious bodily harm	289	173
135- particularly serious bodily harm	16	13
136- participation in fighting	30	1
137- threat with a dangerous instrument in a fight or quarrel	191	17
180- rape	79	26
181- sexual violence	43	9
182- sexual abuse of a weak person	22	6
183- sexual assault on a person younger than 15	147	55
184- violation of sexual inviolability with abuse of authority	19	6
185- exploitation through prostitution	1	0
187- pornographic material	5	0
202- violation of family obligations	5	0
299- violent conduct	552	154

387- enslavement	2	0
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Table 7: statistical data on the criminal offences prohibiting violence against women for the year 2004:

The Penal Code (Official Gazette the Republic of Slovenia, No. 95/2004,official consolidated text)	No. of filed cases	No. of convictions
127- murder	75	24
128- involuntary manslaughter	1	0
133- simple assault	1689	584
134- serious bodily harm	274	170
135- particularly serious bodily harm	19	8
136- participation in fighting	24	2
137- threat with a dangerous instrument in a fight or quarrel	140	26
180- rape	64	22
181- sexual violence	33	10
182- sexual abuse of a weak person	10	4
183- sexual assault on a person younger than 15	121	43
184- violation of sexual inviolability with abuse of authority	8	1
185- exploitation through prostitution	5	2
187- pornographic material	8	2
202- violation of family obligations	4	1
299- violent conduct	578	222
378- enslavement	0	0
378.a- trafficking in human beings	0	0

#### *Alternative justice mechanism*

A novelty, adopted into the Criminal Procedure Act (Official Gazette of the Republic of Slovenia, No. 72/1998), has introduced the settlement procedure. Article 106.a provides that the public prosecutor may transfer the report of a crime or an indictment (e.g. during pre-trial procedure or during the main-hearing) for which a financial penalty or up to three years in prison is prescribed into the settlement procedure. If special circumstances exist, settlement may also be permitted for the criminal offences of aggravated bodily harm and grievous bodily harm. The public prosecutor dismisses the report, when receiving a notification of the fulfilment of the agreement.

#### *Obstacles in prosecuting and punishing perpetrators of violence against women*

According to information from non-governmental organisation Amnesty International, women often do not inform police on violence, or they do are not willing to testify in the main hearing. Such kind of conduct prevents effective prosecution and punishment of perpetrators of women violence.

#### *Infliction of Damage*

According to the Articles 132 and 133 of the Civil Code (Official Gazette of the Republic of Slovenia, No. 83/2001 and No. 32/2004), victim of a violence, which suffers damage because of the infliction of physical or mental distress or fear, may demand a reimbursement of it.

Furthermore, the "Act on compensation to crime victims" was adopted by the National Assembly in October 2005, which establishes an overall scheme for indemnification of the

victims of violent criminal offences. According to the schedule of the Government of the Republic of Slovenia, the new act will be debated in the National Assembly in the year 2005.