



SLOVENIAN

MULTIDISCIPLINARY

COOPERATION

SYSTEM

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TABLE OF CONTENTS

Glossary.....	6
Definitions, Acronyms and Abbreviations.....	7
Introduction.....	8

01 Individual Needs Assessment and Procedural Accommodations for Child Victims with Intellectual and Psychosocial Disabilities in Slovenia 10

1.1 Individual assessment 11

1.1.1 Timing of individual assessments and the notion of criminal proceedings12

1.1.2 Identifying risks, vulnerabilities and barriers13

1.1.3 Workflow for assessing and addressing needs and barriers..... 19

Step 1 - Identifying risks, vulnerabilities and barriers..... 21

Step 2 - In-depth assessment of the child23

Step 3 - Ensuring continued updates to the individual assessment throughout the criminal proceedings 27

1.1.4 Collaboration paths in a multi-stakeholder system and barriers29

1.2 Setting procedural accommodations to adjust proceedings to child victims33

1.2.1. Accessibility and procedural accommodations.....33

02 Digital Information System for the Model Multidisciplinary Cooperation System 35

2.1 Proof of concepts: new solutions for victims with disabilities' participation in criminal justice36

2.1.1 Diana: Data Gathering37

2.1.2 Diana: Case Management System39

2.1.3 Diana: Risk and Procedural Accommodation Assessment – Red Flags 41

2.1.4 Diana: Expert System and Chatbot 42

2.1.5 Diana: Internal Encrypted Secure Chat 43

2.1.6 Diana Inclusivity: Assistive Technologies integrated to the system44

2.1.7 Diana: Cybersecurity 46

2.2 Conclusions48

03 Case Study 50

04 Annexes55

Glossary

Augmentative and Alternative Communication – A set of communication methods used to supplement or replace speech or writing for individuals with impairments in spoken or written language. This includes gestures, sign language, picture boards, and electronic communication devices.

Case Management System – A digital system used to manage, store, and provide access to case-related data. In the context of Diana, it ensures the secure handling of case information for legal and administrative purposes.

EU Victims' Rights Directive – A European Union directive that establishes minimum rights and standards for victims of crime across EU member states. It ensures that victims receive appropriate support, protection, and access to justice.

General Data Protection Regulation – A comprehensive data protection law enacted by the European Union to regulate the collection, processing, and storage of personal data. It grants individuals greater control over their personal information and imposes strict compliance requirements on organisations handling such data.

Individual Assessment – Within the meaning of the LINK project, individual assessment means comprehensive assessment of victim's needs for protection and participation, which is done by officials in pre-trial and trial proceedings.

Multidisciplinary Team – A collaborative team of professionals from different fields, such as legal, medical, psychological, and social services, who work together to address complex cases. MDTs are commonly used in cases involving vulnerable individuals, such as victims of crime or persons with disabilities.

Secure File Transfer Protocol – A secure method for transferring files over a network, using encryption to protect data during transmission. It is commonly used for safely exchanging sensitive documents, such as legal or case-related files.

SIGEN-CA – SIGEN-CA (Slovenian General Certification Authority) is the issuer of qualified digital certificates of the Certification Authority at the Ministry of Public Administration (MJU) for business entities and natural persons, who are registered in the Republic of Slovenia.

SIGEN-CA Web Qualified Digital Certificates – The SIGEN-CA certificates are designed for natural persons and business entities, and are used for: secure web communication according to SSL (Secure Sockets Layer) and TLS (Transport Layer Security) protocols, secure sending of email according to S/MIME (Secure Multipurpose Internet Mail Extensions) protocols as well as for services and applications, for which the use of web digital certificates of the Certification Authority at MJU is required. The certificates have the highest level of security and the strongest possible encryption.

Definitions, Acronyms and Abbreviations

ACRONYMS / ABBREVIATIONS	DESCRIPTION
AAC	Augmentative and Alternative Communication
MDT	Multidisciplinary Team
TF	Task force
VSO	Victim Support Office
SIGEN-CA	Slovenian General Certification Authority
GDPR	General Data Protection Regulation
DIANA	Digital Information and Assistance Network Application
CRPD	Convention on the Rights of Persons with Disabilities
CRC	Convention on the Rights of the Child
Victims' Rights Directive	Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

Introduction

The Slovenian Multidisciplinary Cooperation System explores ways in which the Model Multidisciplinary Cooperation System designed by Victim Support Europe and Consiglio Nazionale delle Ricerche as part of the LINK project could be adopted in Slovenia. The system aims to provide a practical solution for conducting individual assessment of child victims, particularly those with intellectual and psychosocial disabilities aged between 12 and 17 years, in a way that enables them to access and meaningfully participate in criminal proceedings. The paper describes both the situation of individual assessment as it is and envisions how it could be improved.³ This is the first idea for a different system, which will be evaluated and further developed by PIC – Legal Centre for Human Rights and the Environment, the author of this document, in future projects on this topic.

In the first part, the paper discusses **individual assessment of a victim** – how it is done and how it should or could be done to better assess their needs and position. It provides practice-oriented guidelines on how it could be done to render the whole of criminal justice process more friendly, particularly for children and people with disabilities. In order for the procedure to be accessible to children, individual assessment should be conducted together with the child and in a multistakeholder approach. Performing a thorough and sound individual assessment would enable officials to identify the needs of a victim and decide on procedural accommodations that would accommodate their needs in criminal proceedings, enabling their participation. Procedural accommodations would also ensure that victims, especially children, are less traumatised by the procedure itself.

In the second part, the system proposes a **Digital Information System** which would render the whole process of collecting information about the victim digital. It would

³ This document may be viewed as a follow up to the first deliverable of the project, the National Briefing Paper for Slovenia. Since the drafting of the first deliverable, additional information was acquired in consultation with relevant national stakeholders.

present a platform for sharing information between stakeholders while also including guidance on data protection, data sharing, ethics, digitalisation, online accessibility, security, interoperability with other systems and others.

Prior to delving into the substance of the (envisioned) system it is important to remind the reader that **accessibility is an unqualified right**. That means that a victim should not be required to request the criminal trial to be accessible – it should be accessible by default. The onus is thus on officials to ensure that the criminal trial process, pretrial proceedings and all proceedings related to that are accessible to all parties, no matter their disability or age-related status. The justice system must also be accessible to those groups of people.

01

PART 1

INDIVIDUAL NEEDS ASSESSMENT AND PROCEDURAL ACCOMMODATIONS FOR CHILD VICTIMS WITH INTELLECTUAL AND PSYCHOSOCIAL DISABILITIES IN SLOVENIA

1.1 Individual assessment

In Slovenia, a victim is assessed on multiple occasions, by multiple stakeholders, throughout pre-trial and trial proceedings. Analysis of how this is done, however, reveals **numerous shortcomings in the current system**. Challenges are even greater when it comes to assessing the needs of child victims and those with disabilities, as there is little to no guidance or training for the officials on how to do it. These assessments should evaluate each victim's specific needs and vulnerabilities to establish appropriate procedural accommodations, however, in practice, the lack of standardised and multistakeholder approaches result in varying quality of individual assessments across Slovenia. This highlights the urgent need to rethink the national system and establish protocols which would ensure that every child enjoys equal access to individual assessment, procedural accommodations and overall justice, regardless of their gender, disability or place of residence.⁴ While they enjoy all the right in law, the state does not ensure the right to be materialised in practice.

In order for a child victim to be able to participate in criminal proceedings, their needs ought to be promptly and carefully identified, recorded, taken into account and adhered to in practice. Appropriate procedural accommodations ought to be put in place in order to respond to individual needs of children and enable their participation. In the following sections we first present **the current state of play of individual assessment in Slovenia** and subsequently **propose a workflow for assessing and addressing victim's needs and barriers** in a systematic and standardised way.

⁴ Ana Bajt in Katarina Bervar Sternad, *Linking Information for Adaptive and Accessible Child-Friendly Courts: Slovenian National Briefing Paper* (PIC - Legal Centre for the Protection of Human Rights and the Environment, May 2024) <<https://pic.si/wp-content/uploads/LINK-Linking-Information-for-Adaptive-and-Accessible-Child-Friendly-Courts.pdf>>

1.1.1 Timing of individual assessments and the notion of criminal proceedings

Within the framework of criminal law, official authorities in Slovenia ought to carry out individual assessment of a victim by virtue of Article 143.č of the Criminal Procedures Act and article 22 of the Victims' Rights Directive. According to both legal frameworks, they shall undertake individual assessment during their first contact with the victim, if possible. It is unclear, however, when exactly the individual assessment is to be conducted. Furthermore, the law does not provide clarity about when it is not possible for the individual assessment to be conducted during the first contact with the victim, i.e. what are the exceptions. In practice, individual assessment is conducted by the police in pre-trial procedure, once the police already acquired some information about the criminal act from material or personal evidence elsewhere. Only then, the victim will be individually assessed with the use of a form.

RECOMMENDATION: The individual assessment can be done earlier on in the process in order to identify personal needs and characteristics of a victim. The first assessment needs not to be thorough but rather record basic information about the victim in order to facilitate their involvement in the process and provide preliminary information to officials who will be in contact with them. By doing so, victims will be more likely to receive protection measures in time and the ability to participate in proceedings.

RECOMMENDATION: It might be useful to provide guidelines on when individual assessment needs not to be conducted during the first contact with the police to avoid situations when individual assessment could be conducted earlier but it was not. A reason for the delay might be the lack of professional staff at the police station to conduct the basic individual assessment, particularly when it comes to the assessment of a child victim with intellectual and psychosocial disabilities.

1.1.2 Identifying risks, vulnerabilities and barriers

By virtue of Article 22 of the Victims' Rights Directive, member states shall ensure that victims receive a timely and individual assessment which would help identify their specific protection needs and determine whether and to what extent they would benefit from special measures in the course of criminal proceedings (those are listed in Articles 23 and 24 of the directive). Their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation shall be taken into account when deciding if a victim would benefit from special measures.

However, the process of carrying out individual assessment and recording the needs of victims largely varies between member states. Definition of a need may be limited to "specific protection needs", evoking measures to ensure victim's protection, or extended to the victim's participatory needs, i.e. the needs the fulfilment of which would enable victim's participation. In other words, officials may limit themselves to gathering information on victim's needs for protection or also gather information on their needs regarding participation (e.g. communication needs). While the directive obliges states to provide special measures for protection, the state is equally obliged to ensure measures that would enable their participation.

By registering both their individual needs for protection as well as participation the victim will be better able and fit to understand and contribute to proceedings. This would not only benefit the victim but also officials who would acquire better and more accurate information about the crime from the victim's point of view. Getting acquainted with risks, vulnerabilities and barriers faced by a victim and mitigating them by means of adhering to proposed procedural accommodations victims would be better protected from secondary victimisation often caused by the criminal proceedings themselves.

In Slovenia, risks, vulnerabilities and barriers faced by a victim are to a different degree assessed by multiple stakeholders. While on some occasions information exchange

between them exists, oftentimes each stakeholders conducts their own assessment with little sharing involved.

Individual assessment of a victim by law enforcement authorities

In criminal law, the notion of "individual assessment" most closely links to individual assessment conducted by the police and the prosecution service in pre-trial proceedings within the meaning of Article 143č of the Criminal Procedure Act. According to the article, competent authorities are obliged to carry out individual assessment whenever a criminal complaint is filed, however the assessment can be adjusted to the gravity of the crime and the degree of obvious damage suffered by the injured party. With individual assessment, authorities establish whether a special need for protection of the injured party exists, by assessing the injured person's exposure to secondary and repeated victimisation, intimidation and retaliation. The article is a direct transposition of the Victims' Rights Directive.

Although victims enjoy the right to individual assessment by law, there are several issues with how individual assessment is currently carried out in practice. In the following we present the major issues identified.

1. **Individual assessment is not conducted for every victim of crime.** Although law enforcement authorities use a form that facilitates the carrying out of individual assessment, experience shows that not every victim receives the assessment.⁵ That is mostly due to the discretion of the police to decide whether a victim is in such a position that they may be exposed to secondary or repeated victimisation, intimidation or retaliation⁶ and thus have to be assessed. Furthermore, it has been observed that individual assessment is mostly done in cases of domestic violence and human trafficking and less so for victims of other criminal concerns.⁷

RECOMMENDATION: The individual assessment ought to be conducted for all victims of crime. Although the assessment might in some cases be deemed irrelevant (e.g. theft of a bicycle by an unknown offender), this would ensure that protection is ensured to all victims who might be in danger but are dismissed as not by the police. For petty crimes, officials could still use the form but tick a box that the crime did not involve violence.

2. **It seems that the form was primarily designed to assess victims of domestic violence.** The individual assessment form used by the police predominantly includes questions related to domestic violence and less so to other acts of criminal concern. While the assessment seems to be thorough for victims of domestic violence, the form does not seem to be relevant to the same extent for victims of other crimes (e.g. human trafficking).⁸ These are consequently assigned fewer points, which is supposed to reflect the fact that they are not highly endangered, even though in reality they are.

⁵ Information was obtained during the national training organised as part of the LINK project.

⁶ Information was obtained in a written form by the police representative as part of the LINK project.

⁷ Information was obtained during the national training organised as part of the LINK project.

⁸ Information was obtained during the national training organised as part of the LINK project.

- 3. Individual assessment is rarely updated by the prosecutor.** We learned from practice that the individual assessment forms are rarely if ever updated by the prosecutor service. The reason for that is mostly that in the Slovenian criminal system prosecutors have little contact with victims due to the laws of criminal procedure. The assessment is updated by the Victim Support Office, if a case is considered by a District Court of Ljubljana, as a victim is referred to the office by the judge.
- 4. Lack of Victim Support Offices and lack of referrals.** Victim's individual assessment file gets updated by the Victim Support Office officials who are trained to do so. The issue is, however, that victims can only access the office upon referral of the victim to the office by the court. Furthermore, Victim Support Office only operates at the District Court of Ljubljana and not in other district courts. Access to the Victim Support Office and having an individual assessment updated thus depend on the judge and locality of a victim.
- 5. Victims are uninformed of the officials' obligation to conduct individual assessment.** Victims are rarely knowledgeable of the fact that individual assessment should be carried out with a view to assess their needs. Hence, they cannot request it. It would be important to discuss whether the individual assessment form used by the police should be publicly available and published online in order to ensure transparency of the police work and greater public awareness about the assessment.
- 6. The individual assessment form does not target victim's needs for participation.** The current form used by the police does not include questions regarding victim's communication or other accessibility needs. Although the police might

not have the capacity to collect thorough information at the start, preliminary assessment of a victim should include basic information on victim's specific needs for participation, on top of their needs for protection.

Some additional barriers arise when it comes to minors.

7. **The form is not adjusted to the evaluation of minors.** The questions asked are of a general nature and not adjusted to the specificities of children. For the policeman to be able to collect information about the needs of a child, the policeman must be well versed in forming questions that are appropriate and understandable for the child, based on the questions on the form. Nonetheless, the major difference between individual assessment procedure involving an adult and that involving a child is that in the case of a child law enforcement authorities are not asked to provide answers to the questions listed – the form explicitly states that in the case of children only child's name and surname, personal identification number, their relationship to the suspect and whether the victim is a minor is to be provided, as well as specific measures proposed to protect them. The in-between phase of answering the questions is thus omitted. The rationale behind this is that a child is a victim with special protection needs by default, so the questions which are used to determine that need for adults need not to be answered. However, by not answering the questions, information about victim's personal circumstances are not registered.

1.1.2.1 Risk assessment of a victim by the social work centres

Separately from the individual assessment carried out by law enforcement authorities, social work centres (CSDs) prepare a so-called “risk assessment” (ocena ogroženosti) to determine the extent to which a victim is at risk. CSDs make an expert assessment of the level of risk based on the behaviour of the perpetrator, the psychological and physical state of the victim, beliefs of the victim and the support of the victim’s social network. Social workers often do so with the use of a form. On the basis of the assessment, they draw up a support plan and a safety plan for the victim.

1.1.2.2 Assessment of a victim by NGOs

Some non-governmental organisations conduct their own individual assessment.⁹ Association for non-violent communication (DNK) and Ključ Society - Centre for Combating Trafficking in Human Beings, for example, use their own assessment forms to assess risks and threats experienced by a victim. The form also includes information on victim’s personal circumstances. It would be valuable if information acquired by NGOs could feed into a common public administration system including a file on a victim. NGOs working with the victim would also benefit from receiving more information about the victim via the system, if the victim authorises an NGO to have access.

Knowing the workflow of different stakeholders to conduct assessment of a victim one can note that there is little to no integration between them. Which brings us to another cross-sectoral barrier which will be addressed in Part 2 of this paper, by means of imagining a Digital Information System.

⁹ Information obtained during national training organised as part of the LINK project.

8. Lack of interoperability with other systems. Information gathered by the police using the form is oftentimes not shared with other relevant stakeholders, e.g. those ensuring protection to victims (social work centres and NGOs). It would be valuable to ensure interoperability with other information gathering platforms of public administration in order to ensure quick and up-to-date information flow. Some practitioners welcomed the idea of a digitised system for sharing information about a person or their case, with high data protection policies and safeguards.

Due to the barriers listed and questions raised, we propose far-reaching changes in the way individual assessment is carried out in Slovenia. In the following sections we propose ways in which the current flow for assessing individual's protection and participation needs could be improved.

1.1.3 Workflow for assessing and addressing needs and barriers

In order to establish a more comprehensive individual assessment some changes to the current system would have to be made. In short, a comprehensive individual assessment system would entail the following steps:

Step 1: Identifying risks, vulnerabilities and barriers. This would entail preliminary assessment conducted by the police. It would entail both identification of individual's needs for protection as well as other needs that relate to participation (communication needs, physical needs, support needs etc.).

Step 2: In-depth assessment (of the child). This would entail a more thorough gathering of information by the Victim Support Office or the Children's House. They would acquire additional information on the basis of a conversation with the (child) victim and obtain information from stakeholders other than the child too (e.g. family, school, health institutions).

Step 3: Ensuring continued updates to the individual assessment throughout the criminal proceedings. Updates would be ensured by the Victim Support Office and the Children's House. Initiative to update the individual assessment file could come from multiple stakeholders involved with the child.

Notable changes in the proposed workflow would entail:

- **Update to the individual assessment form** currently used by the police. The form would be updated in a way that would better record not only information on child's needs for protection but also their needs for meaningful participation. The individual assessment form should also inform the policeman how to acquire certain information, how to ask certain questions.
- **Establishment of a Victim Support Office in every district court.** All victims of crime should enjoy equal access to justice and be subject to needs assessment on an individual basis.
- **Discretion of the Victim Support Office to consider and assess victims.** Discretion for a victim to be considered by the Victim Support Office should no longer lie with the judge but the office itself. The office should be able to individually assess all victims of violent crimes, not only those referred to it by court.
- **Greater involvement of the Children's House.** When considering minor victims, children should be individually assessed the Children's House. The Children's House should be adequately equipped to conduct the second step in-depth assessment of an individual child. Child victims from outside Ljubljana should have equal access to services of the Children's House as those living in the capital – not only in law but also in practice. If a child is not considered in a Children's House, they should be assessed by an employee at the VSO with an expertise with children.

- **Involvement of a task force to monitor the process.** Withing the VSO a task force would be employed to monitor the implementation of procedural accommodations proposed on the basis of the individual assessment. The task force would be an internal organisation unit of the VSO.
- **A Digital Information System** would enable efficient information sharing across different sectors in public administration. It would connect and/or unify different operating systems currently used by the police, social work centres and judiciary. The police, VSO and others would all feed information about the victim obtained via individual assessment into one system.

1.1.3.1 Step 1 – Identifying risks, vulnerabilities and barriers

Step 1 in the individual assessment process would entail identification of risks, vulnerabilities and barriers experienced by a (child) victim by the police and sometimes by social work centres. It can be viewed as **a preliminary individual assessment**.

The police. For conducting preliminary individual assessment, the police would use a standardised form, just as it does now. The form would be, however, updated and available digitally, collecting disaggregated data about an individual. If the police are assessing a child or an adult in a vulnerable situation (due to their disability or personal circumstance that occurred before or as a cause of the crime), information will instantly be shared with the social work centre responsible. Information will be shared via DIS, with the police granting access to information to the responsible social work centre. Social services should always be involved when a case concerns a child.

Social work centre. Whenever social work centres would be the ones first in touch with a victim, they would register preliminary information using the same form as the police. Victims can access victim support services in Slovenia via the service *“socialnovarstvena storitev: Podpora žrtvam kaznivih dejanj”*. Importantly, however,

victims need not to report the crime to the police in order to use the services.¹⁰ Hence, the social work centres should ensure their preliminary individual assessment data is not shared with the police until the victim agrees to do so. If a victim at one point decides to announce the crime to the police, the social work centre would unlock information for the police. If a crime is committed against a child, however, social workers are obliged to report the crime to the police and grant them access to information via DIS.

Information collected from the victim would be made accessible to the victim and their parents, in case the victim is underage and there is no conflict of interest between the child victim and their parent. The victim has a general right to receive information in criminal proceedings.

The preliminary individual assessment form would include the following:

- ☐ Name and surname, *
- ☐ Address for postal correspondence, *
- ☐ Age, *
- ☐ EMŠO (Personal Identification Number in the Republic of Slovenia), *
- ☐ Telephone number *
- ☐ Email address *
- ☐ Gender,
- ☐ Disability status,
- ☐ Mother tongue and other languages understood at conversational level *

¹⁰ Support for victims of crime is intended for persons who have suffered any kind of damage as a direct result of a criminal offense. Anyone who is the victim of a criminal offense committed in the Republic of Slovenia is entitled to this service, regardless of whether they reported the offense. The service includes professional support and professional counseling. Professional support includes recognising the victim's distress, providing information, and offering guidance. Professional support and professional counselling are provided with the aim of enabling victims of criminal offenses to improve their psychological, social, and financial situation resulting from the criminal offense.

- ☐ Do they need an interpreter? *
- ☐ Do they have other communication needs? Do you observe anything else regarding their communication?
- ☐ Who do they trust most? Who is their primary support person?
- ☐ Names of experts that are known to the (child) victim and might be able to facilitate the assessment (e.g. psychologists, teachers, speech and language therapists),
- ☐ Recommendation for consideration in a Children's House.

The rest of the form would be the same as the one designed by the police. It would include both additional questions as well as a table where the police would propose specific protection measures based on their assessment.

Data marked with an asterisk would be mandatory to provide.

All the information should be classified as confidential.

1.1.3.2 Step 2 – In-depth assessment (of the child)

In the second step, the in-depth individual assessment of a (child) victim will be conducted by the Victim Support Office or the Children's House. It will be conducted by specially trained personnel in either institution. The second step would consist of an in-depth individual assessment where specific needs of a (child) victim and barriers experienced will be identified. The time span between the preliminary and in-depth assessment should not be long, although the VSO or the Children's House would in any case be obliged to keep the assessment up to date. Identification of in-depth protection and participation needs would enable Victim Support Office or the Children's House to subsequently propose procedural accommodations and support measures for the victim. VSO's or Children's House opinion will have a significant say in the final decision on specific protection measures and procedural accommodations made available to the child by the court.

As Children's House is not accessible to everyone (their premises are currently only in Ljubljana), VSO would remain to be an important player in conducting second step individual assessment for children. Personnel assessing minors in either institution should receive appropriate training on how to collect information from children and other vulnerable victims so to ensure that their assessment is not traumatising the victim further. In that way, secondary traumatising due to the criminal process is mitigated. The current personnel is trained in law and additionally acquire (soft) skills on working with vulnerable victims by attending conferences, seminars and other forms of training. If they find that the vulnerability of the victim is high, or if they find that the victim has a disability or restriction, the office can also liaise relevant professionals and services, as mandated in Article 240 of Criminal Procedure Act.

The second step would ensure not only acquisition of additional information regarding **victim's special needs for protection but also participation**. It will be conducted within the Victim Support Office or the Children's House by a task force (a group of practitioners devoted to that victim) or a single case-manager, depending on capacities and complexities of a case.

The in-depth individual assessment form would include the following:

- ☐ Gender specific needs (e.g. speaking to a person of specific gender);
- ☐ Communication needs (preferred means of communication and ways for receiving information, such as braille, easy to read or tips such as speaking slowly, loudly etc.)
- ☐ Any assistive technology used and the specific technical requirements in that regard, especially when the child uses alternative and augmentative communication (ACC);
- ☐ Needs to adapt the physical environment (e.g. space for a wheelchair, no obstacles on the floor),

- Whether the victim lives in an institution or a group home and information related to that (e.g. support from staff or guardians inside, if there a conflict of interests between a guardian and a child),
- Specific environmental needs or risks (e.g. living in rural area without easy access to transport, having been victimised by neighbour),
- Needs for a support person (allowing the victim to be accompanied by a person of trust)
- Family situation and related vulnerabilities (e.g. who is the primary support person, substance abuse in the family),
- Sensory triggers (e.g. bright lights, loud noises ...),
- Other factors to be taken into account (e.g. healthcare schedule, school schedule, care arrangements ...)

In-depth individual assessment (Stage 2) would be completed on the basis of:

- observations by professionals
- an in-depth interview with the victim, whether an adult or a child¹¹
- observations and information from institutions with which a victim is involved

Professionals should make sure that they do not jump to conclusions quickly and rather **verify their observations with the child and an adult close to the child** (e.g. parent, guardian if there is no conflict of interest between them, or teacher, doctor).

In any case, the number of times that the victim is interviewed should be reduced to as few as possible in order to avoid secondary and repeated victimisation of the victim during trial and pre-trial proceedings. Information should primarily be obtained by the TF of the VSO, however questions could be proposed to them by different stakeholders.

¹¹ A court expert specialised in children should determine whether a child is old enough to be interviewed and provide testimony in criminal proceedings.

Conversation with the child should be conducted by a person trained in conducting individual assessment of children, be it within the Victim Support Office or by the Children's House staff. The staff conducting interviews should undertake training in forensic interviewing of children and use the *Protocol for the Forensic Interview with the Child* which was prepared by the Slovenian participants of the *PROMISE III* training on conducting forensic interviews with children.¹²

The issue with the propositions in the second step is that, as mentioned earlier, Victim Support Office is not established in all district courts across Slovenia.

RECOMMENDATION: The Ministry of Justice should set up the Victim Support Office in all district courts as priority. Accordingly, the ministry should secure sufficient financial and human resources for the office to run sustainably. Only in this way, the victims personal circumstances and needs would comprehensively be assessed and appropriately responded to during the criminal process. Every court needs such an office to be of service to the victims and recommending procedural accommodations for them.

The Digital Information System would thus contain information from both preliminary individual assessment (Step 1) and in-depth individual assessment (Step 2). It would also keep record of procedural accommodations proposed by the police, prosecution and VSO on the basis of the individual assessment. Information in DIS would be granted to the court as well as to the (child) victims in order for them to keep track of information shared about them. By registering information digitally and sharing them across different stakeholders, keeping track of their implementation would also be enabled.

¹² Perković Karada, M. et al, *Protokol forenzičnega intervjuja z otrokom* (2022) *PROMISE III* <<https://rm.coe.int/barnahus-slovenia-forensic-interviewing-protocol/1680a72551>>

Implementation of procedural accommodations would be monitored by the Victim Support Office, particularly by a task force (TF) employed to conduct the in-depth individual assessment of a victim in first place. Officials in charge of in-depth individual assessment would thus be the same as the ones monitoring the implementation of procedural accommodations. The primary goal of a TF would be to ensure not only that all experts in contact with the (child) victim are informed of the victim's individual needs for protection and participation (via DIS) but also to monitor their implementation. In the implementation phase, the TF or would advise officials how to implement the proposed procedural accommodation in practice. They would be available to the police, centres for social work, prosecutor, judges, advocates, court experts and others involved with the (child) victim, depending on the stage of procedure. Hence, the VSO would be of help not only to the (child) victim but also to the officials carrying out the procedure and acquiring information from the victim as part of their job.

The task-force would keep track of implementation in the DIS.

1.1.3.3 Step 3 – Ensuring continued updates to the individual assessment throughout the criminal proceedings

Individual assessment of a child should be continuously reviewed and updated once the second step in-depth individual assessment is completed. The update should capture all new information about the victim and register them in the DIS. That should be done by the TF of the VSO.

After the preliminary individual assessment, the police would normally no longer be involved with the assessment and proposal of procedural accommodation. In the current situation, they would hand down the assessment form to the prosecution which would be the next in line to update it. However, due to the nature of Slovenian procedural law, prosecutors are not normally in direct contact with the victim nor are they in the best position to assess them. As proposed earlier, a TF of the VSO would

be in a better place to take over the in-depth individual assessment as well as the updates later on. They are able to focus their work on victim support and evaluate, as well as re-evaluate the needs of an individual victim.

RECOMMENDATION: Ensure that VSO has the ability to update the IA, particularly when new information about the victim is acquired or when the process spans over a long period of time. This should be enabled in the DIS.

RECOMMENDATION: In order for other stakeholders to keep track of updates, the DIS should enable the automatic sending of pre-generated text messages informing other stakeholders that a change to the victim file has been made (notifications). Furthermore, a punctual log of anyone accessing, modifying or sharing the file should be added in order to keep track of the changes.

The child and their legal representatives should have a realistic possibility to request a review of the measures implemented to satisfy the child's protection and participation needs.

RECOMMENDATION: Enable the child and their legal representatives to access the digital file and be able to request a change of information. Enable them to request the review digitally, in the digital system itself so that all relevant stakeholders in contact with the child are informed of changes made.

Transition plan

Once criminal proceedings are finally concluded (regardless of the outcome of the case), the TF should establish a transition plan together with child protection services (CSDs) for each individual (child) victim. The transition plan would include information on how the child could gradually part from the criminal procedure process in which they were involved after they have testified and the process has concluded. The transition "back to normal" should be carefully thought through and carried out in a healthy way

for the child victim. The transition plan should always envision availability of psychosocial support to (child) victims.

RECOMMENDATION: Establish a transition plan for (child) victims involved in criminal proceedings. Record the transition plan in the DIS.

RECOMMENDATION: In establishing the transition plan, consult and involve responsible social work centres and non-governmental organisations. Enable them to access DIS and track information about the transition therein.

1.1.4 Collaboration paths in a multi-stakeholder system

As part of the second step in-depth individual assessment, the SPO shall first identify stakeholders relevant to the victim and the individual assessment process. They can do so by:

Mapping stakeholders – a step in which all relevant authorities, institutions, service providers and other relevant actors that are in contact with the child and can provide information on them are identified;

Categorising and cataloguing the roles – a step in which each stakeholder's role is identified regarding what type of information the stakeholder could provide on the child as well as what kind of service they could offer to the child;

Mapping gaps in the ability of official authorities to respond to the needs of child victims (e.g. psychosocial support is not available in a region where the child lives);

Involvement of the child's family

In all proceedings involving children, their family members should be involved. They should not, however be involved if there is a conflict of interest between them and/or if they are themselves involved in the crime (either as perpetrators or accomplice).

If family members are not involved with the crime, they may represent a good source of information and transition.

Cooperation with other stakeholders

Cooperation with other stakeholders is beneficial for two reasons:

it reduces the number of times that a child is interviewed, diminishing risks for repeated and secondary victimisation;

the interview with a child is more comprehensive as professionals from multiple fields of work are involved and information from different aspects of child's life can thus be gathered;

In conducting the second step, SPO should **cooperate with criminal justice professionals** (the police, the prosecution, the court) **and child protection professionals** (social work centres) in order to gather additional information about the child's needs and options for procedural accommodations.

Furthermore, valuable information could also be obtained **from other public offices and institutions** who are regularly in contact with the child, such as kindergardens, schools, medical institutions ... Sometimes, those institutions come in contact with the child victim even prior to the police contact or social work centre. With the use of digital information system, a shared digital system, staff working in those institutions could valuably contribute to gathering information about the child in one place, informing authorities in contact with the child about their characteristics, circumstances and needs. Professionals such as the child's teacher might also be better-versed in communicating with the child, especially if the child has a disability. Such professionals already established a connection with the child which perhaps renders them more appropriate and efficient for receiving information. It would hence be valuable for the

VSO to include them in the interview with the child or the general information gathering process.

The system should, however, take into account the risks of information sharing.

RECOMMENDATION: The DIS should ensure that certain institutions only have access to enter information to the system and not obtain it from there. In this way, they could still feed information to the system but not acquire information they are not authorised to.

Enhancing cooperation between stakeholders

Cooperation and referral pathways between stakeholders in Slovenia could be enhanced by **establishing cooperation protocols**. Signed cooperation protocols would serve as a common ground for cooperation on information-gathering process and ensuring of procedural accommodations for (child) victims. They would not only establish means of cooperation but would also codify the agreement that institutions will collaborate in the first place. On the basis of the cooperation protocol, VSO could reach out to other institutions and acquire information from them in an authoritative way. A network of signed cooperation protocols would result in quicker access to relevant information and recording of that information in the digital system. Networks would be formed at the level of district courts as this is where the Victim Support Office will be established to receive victims. Cooperation protocols would include a clause that the Digital Information System will be used for information sharing between stakeholders.

The cooperation protocols would be signed by the following at the district level:

- Victim Support Office of the district court
- District court
- Police Directorates relevant to the district
- District State Prosecutor's Office
- Children's House
- Social Work Centre, relevant unit

While many such agreements already exist orally (e.g. between a local social work centre and the police), cooperation protocols would formalise them and ensure continuation even after a change in organisation (e.g. a staff member who established cooperation with the police leaves the organisation). Cooperation agreement would also ensure that different stakeholders remain in regular contact with one another, updating each other on specificities of a particular case via the digital information system.

1.2. Setting procedural accommodations to adjust proceedings to (child) victims

1.2.1 Accessibility and procedural accommodations

On the basis of preliminary and in-depth individual assessment official authorities would propose procedural accommodations which would enable (child) victims to better participate in trial and pre-trial proceedings. Procedural accommodations would primarily be proposed by the police, as it is done now, and would subsequently be reviewed, updated and substantiated by the TF of the VSO during the in-depth individual assessment.

The police / social work centre and the TF of the VSO would propose to the official authority (e.g. the court) how to carry out the procedure in two steps. In the first step – during the preliminary assessment – the police / social work centre would answer the form using YES or NO questions. In the second step, the TF of the VSO would substantiate upon answers provided by the police and propose which procedural accommodations would be beneficial to the (child) victim from their perspective. The second form would provide space for substantiated answers.

Although the VSO would provide an authoritative proposal of procedural accommodations, it would still be up to decision-makers to decide which procedural accommodations will be granted and provided in practice. The TF of the VSO would monitor if and how the procedural accommodations that they have proposed have been implemented. They would also update the list of procedural accommodations if new information about the victim was acquired.

In the Annex 1 and Annex 2, we propose how the two forms could look. The list is a non-exhaustive guidance through a spectrum of different needs and procedural accommodations which may arise and be relevant for a specific (child) victim. There

should always be room for registering new needs into the system and procedural accommodations.

FORM 1: Preliminary procedural accommodations (Annex 1)

The police / social work centre recommends that these procedural accommodations be applied throughout pre-trial and trial proceedings concerning the (child) victim.

FORM 2: In-depth procedural accommodations (Annex 2)

The Victim Support Office (SPO) recommends that these procedural accommodations be applied throughout pre-trial and trial proceedings with the (child) victim:

02

PART 2
DIGITAL INFORMATION
SYSTEM FOR THE MODEL
MULTIDISCIPLINARY
COOPERATION SYSTEM

2.1 Proof of concepts: new solutions for victims with disabilities' participation in criminal justice

In this chapter we present a blueprint of DIANA, the Digital Information System for victim support. DIANA was conceptualised by Victim Support Europe and Consiglio Nazionale delle Ricerche in the Model Multidisciplinary Cooperation System, with a view of establishing a secure digital system where information about victim's needs and procedural accommodations could be shared. In this chapter we speculate, how DIANA could be implemented in Slovenia to ensure greater victim support during trial and pre-trial proceedings. The implementation focuses on child victims with intellectual and psychosocial disabilities; however, the system could be applicable to other victims of crime too.

On the DIANA system

DIANA is designed to manage and centralise critical data on victims, with a particular focus on children with intellectual and psychosocial disabilities. Its purpose is to support individual assessments, facilitate procedural accommodations, and enable collaboration between multiple stakeholders. Most importantly, it is also a digital tool to facilitate access to information to the child, and where relevant, family, of their rights, case and what will happen in proceedings. To achieve this, the system collects detailed information, including victim contact details, crime specifics (such as type, severity, and context), demographic data (age, gender, and disability status), family and socio-economic background, risk factors, and the procedural stage of the case. By adopting a structured and inclusive approach, Diana serves as a centralised repository for victim data, enabling timely and effective interventions and sharing of information between stakeholders and the victim.

The system is accessible to users with different needs, using, for example, easy-to-read formats, screen readers, alternative and augmentative communication. The Diana system has been envisioned as a multi-function, multi-role application that integrates several critical features. These include victim data collection, procedural accommodation definition and examples, risk assessment, data management, access to expert system information through an AI chatbot, and a secure communication tool for operators. It also includes tips for how to obtain information that feeds into the digital system.

The system supports victims directly by providing access through a dedicated website or application available on PC, Mac, Android, and iOS. Vulnerable victims, including those with disabilities or children, can use the platform to report crimes, seek support, or receive procedural and legal guidance. All application interfaces will comply with accessibility standards for persons with disabilities. The design incorporates widely used solutions to ensure ease of use, which will be further explored in subsequent sections.

Furthermore, Diana provides support to criminal justice professionals, such as police officers, prosecutors, judiciary staff, anti-violence centres, healthcare providers, and lawyers. By centralising data and facilitating collaboration among these stakeholders, the system strengthens victim support processes while reducing redundancies and risks of secondary victimisation due to the criminal process.

The following sections explore viability of Diana in the Slovenian context.

2.1.1. Diana: Data Gathering

The following users will be involved in the data gathering process:

- Victims of crime who want to report a crime or receive support:
 - Victims,
 - Victims with disabilities,
 - Child victims.
- Victim protection and support Actors:
 - Criminal Justice Professionals:
 - Police,
 - Prosecutor's office,
 - Lawyers and attorney (authorised by the victim),
 - Judges and court staff,
 - Support Service Professionals,
 - Social work centres,
 - Victim Support Offices,
 - Non-governmental Organisations.
 - Others:
 - Medical professionals,
 - School staff.

DIANA will gather the following data from victims:

- Contact details;
 - First name
 - Surname;
 - Permanent address (street name, house number, postal code)
 - ID number;
- Gender (as stated in the passport)
- Date of birth
- Information on disability;
- Family status;
 - spouse, no children
 - spouse with children
 - partner in a registered partnership, no children
 - partner in a registered partnership with children
 - cohabiting partner, no children
 - cohabiting partner with children
 - father/mother without spouse
 - child.
- Education data;
- Type of crime suffered;
- Manner of the offence (time, place, means used to commit the crime);
- Motives for crime (violence against the person, in a domestic environment, with racial hatred, for the purpose of discrimination ...);
- Criminal record of the offender;
- Previous complaints filed by the victim.

The system would also provide information on how to gather the data (how to pose questions, how to refer to the victim, how do adjust the asking on the basis of victim's communication needs ...). As stressed in Part 1 of tis paper, it is crucial that the officials are informed of appropriate ways to talk to the victim in proceedings in order not to victimise the victim any further. Informing the officials will be particularly important when the second step of the assessment will be conducted as more thorough

information is sought. The system will propose questions for each piece of data that will be collected, as exemplified below.

Appropriate approach to the victim is especially important when dealing with underage victims.

Data will be collected in brackets. All brackets will need to be filled in in order to complete this step of data gathering. If no information is provided by the victim, the official should insert number 0 into the bracket.

All data needs to be well defined by the system in order for it to be clear to the official filling it in. The filling in of the data should not obstruct the official from their conversation with the victim. The system should be easy for the official to navigate, making them quick but precise in filling it in. This would also ensure clear presentation of the data and enable the system to draw statistical information. In that regard, drop-down lists should be preferred over open-ended boxes to be filled in by the officials.

2.1.2 Diana: Case Management System

Access to the system

Natural persons could sign into the system using the SIGEN-CA certificate. SIGEN-CA (Slovenian General Certification Authority) is the issuer of qualified digital certificates of the Certification Authority at the Ministry of Public Administration (MJU) for business entities and natural persons, who are registered in the Republic of Slovenia. The SIGEN-CA certificates are used for:

- Secure web communication according to SSL (Secure Sockets Layer) and TLS (Transport Layer Security) protocols,
- Secure sending of email according to S/MIME (Secure Multipurpose Internet Mail Extensions) protocols,

- Services and applications, for which the use of web digital certificates of the Certification Authority at MJU is required (e.g. portals such as *e-davki* or *e-uprava* for taxes services or administration services).

Judicial representatives, protection professionals and others will authenticate their identities through a multi-factor authentication (MFA) system before accessing sensitive information. For authentication, they will use the same system as they currently use for accessing their databases.

Navigating in the system

Each new person entered into the system would receive their own DIANA number. Officials and natural persons would use that number to refer to the case when communicating with one another.

Accessibility of the system

Documents should be uploaded into the system in a pdf format. An internal AI tool could aid in rendering them child-friendly by modifying the text and adapting it to the needs of children (including visual representation of information). Article 143.d of the Criminal Procedure Act mandates that where decisions in criminal law concern the rights of vulnerable parties or other participants in proceedings, the decision-maker may, at his or her discretion, attach to the decision a legible or simplified explanation which is not legally binding, stating that such explanation is not legally binding. The simplified explanation could be created using internal AI tool in DIANA.

Additionally, AI could be used to format the text into easy-to-read or text accessible to AAC users. DIANA would also include a feature to read the pdf document out-loud. For that, common rules and templates for designing documents should be in place. Only in that way the system can ensure readability of pdfs.

Whenever one has difficulty understanding documentation, VSO should avail themselves to explain it to the victim (online or in person). For that purpose, an online

video-link connecting the victim with VSO could be established via DIANA. Using a secure video-link, victims could consult VSO for any questions regarding their case. The victim would first access reception desk of VSO for any questions of general nature and, if questions relate to a specific case and are of personal nature, consult a member of TS from the VSO. Video-link would grant greater accessibility to victims in remote places. Via video-link and in person the TF member of the VSO could verify degree to which the victim understands information and documentation.

2.1.3 Diana: Risk and Procedural Accommodation Assessment – Red Flags

FORM 1 and FORM 2 proposed in Part 1 of this paper may be used for **setting procedural accommodations for each (child) victim**. DIANA will integrate the two forms into its system and make information available to relevant parties carrying out and participating in procedure.

As proposed in Part 1, DIANA will also provide a way for the victim to request an edit to their file and/or file a complaint. In this way, the victim has a say in which procedural accommodations would suit them best, although it is still up to an individual judge to decide which ones will be granted to them and adhered to in practice.

At the level of legislation, it would be beneficial if Slovenian criminal procedural law directly codified procedural accommodations, and not only as a matter of protecting victims but also enabling them to effectively participate in criminal proceedings. By directly recognising obligation of official authorities to adapt criminal proceedings to the needs of individual victims or other parties in law, victims would have more chances to experience these accommodations in practice too. Even a simple and broad provision such as “The court must ensure that all proceedings, communications, and premises in the context of criminal proceedings are accessible to persons with disabilities.” would ensure that victims have something to hang onto. Legal framework that enhances obligation of official authorities to provide accessible environments to (child) victims

would also be more in line with the Convention on the Rights of the Child and the Convention on the Rights of People With Disabilities.

When it comes to risk assessment, a common digital platform such as DIANA would address issues currently faced by judiciary and (child) protection services, which is lack of interoperability of digital systems used in public administration and overall lack of digitalisation of services. By ensuring interoperability, employees in public administration could share information more easily with one another, whether among same service providers (e.g. between social work centres across the country) or among different stakeholders. Social work centre, for example, only has access to their internal database as databases of social work centres across the country are not connected. The perpetrator may be, for example, processed at a certain social work centre without their knowledge that the same perpetrator was already processed earlier in another one, for another offense. Perpetrators may thus relocate and switch between institutions without them knowing that.

2.1.4 Diana: Expert System and Chatbot

The AI-led chatbot will provide information on legal proceedings and support systems available to the user. The chatbot will include a disclaimer that the information provided is not official but only of informative nature. The chatbot will suggest to the user to verify information with the VSO.

The AI-led chatbot will provide information on:

- Information about the procedure in which the user is involved;
 - Steps of the procedure;
 - Current point in the procedure;
- Individual assessment form, as filled in by official authorities;
 - Preliminary individual assessment;
 - In-depth individual assessment;
- Procedural accommodations proposed by official authorities
 - STEP 1: Preliminary procedural accommodations
 - STEP 2: In-depth procedural accommodations

- Support services available to the user at a certain point in proceedings;
 - Location of the support
 - Contact details
- Information about other relevant institutions;
 - Court units;
 - Social work centres;
 - Non-governmental organisations.
- Transition plan, as proposed by official authorities
- Procedure for requesting an edit to information registered in the system;
- Procedure for filing a complaint;
- Information on other ways of getting involved in proceedings;
- Glossary (explanation of key legal terms)

For children, information will be provided in a child-friendly language. Information will be supported with photography and video material.

DIANA would also include a section with Frequently Asked Questions (FAQ).

2.1.5 Diana: Internal Encrypted Secure Chat

To facilitate coordination between actors using Diana, the application will include the implementation of an internal chat. This will allow the exchange of communications in "one-on-one" or group chat.

Communications will be secured through an encryption method based on end-to-end encryption technology. This method ensures that data is encrypted from the moment it leaves the user's device until it is received and decrypted by the server. This protects sensitive data during transmission. The system will utilise TLS (Transport Layer Security) to encrypt data in transit and "encryption at Rest", thus storing sensitive data in an encrypted format on the server using strong encryption algorithms like AES-256.

2.1.6 Diana Inclusivity: Assistive technologies integrated to the system

With the aim of encouraging participation and inclusion of all types of users in the DIANA, the application will be equipped with different **assistive technologies and inclusion methods**. As regards disability, the aim of the system-integrated or system-compatible assistive technologies will be to allow access and use of the system also for users with different types of disabilities. The following is a non-exhaustive list of assistive technologies supporting different types of disabilities that will be compatible or integrated with Diana.

Visual Impairments

Diana users may experience difficulties due to a wide spectrum of vision impairments. In order to support their inclusion and participation, the application will be **compatible with Screen Reader**, enabling blind or visually impaired users to navigate the platform and access content through audio output. Diana will integrate **Text-to-Speech** technology that will automatically convert all the text appearing in the application into speech. For that, all text and documents need to be properly formatted. Additionally, any visuals ought to be subtitled with a description in order to be interpreted in text.

Physical Impairment

Some physical impairment may affect the person's ability to write, access and sign documents and other items presented digitally. Diana will support the integration with technologies such as **word prediction software**. Many modern computers, tablets, and smartphones include built-in word prediction features. **Keyboard navigation** (reduction of keystrokes required to type) also assists individuals with physical disabilities. This is particularly helpful for individuals with limited dexterity or strength, like for example **full navigation via keyboard shortcuts** and **voice command options**. Diana can also be integrated or compatible with **speech recognition technology**, which allows users to

control their computer and input text using their voice. This technology can assist individuals who find it challenging to use a standard keyboard and mouse.

Learning/Intellectual Impairment

DIANA can be integrated or compatible with assistive technology that support learning/intellectual impairments that may affect users' ability to understand information provided, communicate effectively, and remember critical information. The application may support the integration or compatibility with speech synthesis and communication app supporting symbol grids and Picture Exchange Communication System. Speech synthesis will include the use of symbols and pictures alongside text provided by DIANA. This can help users with intellectual disabilities to understand legal documents and communications more easily.

Additionally, Diana will include **tools for visual reminders**, like alarms with icons or apps that use pictures to signal tasks, that help users to stay on track with dates or appointments (e.g. hearings). Visual reminder tools will incorporate also memory aids that may help users remember important information and can assist individuals in recalling details about their case, the sequence of events, or instructions provided by the application.

The integration with **Text-to-Speech** and **Speech Recognition tools** already mentioned can be also useful for the inclusion of people with learning/intellectual impairments since they may aid comprehension for those struggling with reading or support the input of a text to a computer.

Children

Regarding the inclusion of children and victims with a lack of knowledge of legal terms, information provided through the application will be **simplified** and based on the use of **accessible language**. If need be, the AI-powered system will also reformulate sentences in easy to read format.

2.1.7 Diana: Cybersecurity

The sensitivity of the data processed by the application requires a special attention to the security of the technology used. This concerns, on the one hand, data stored in the case management system and, on the other hand, information exchange and document flow. Both functions, in fact, can be exposed to illegal attacks from the outside or unauthorised access, putting at risk the users of the application and their data.

For the CMS, the stored data will be made secure by applying blockchain technology.

Blockchain technology may enhance database security by providing a decentralised, transparent, and tamper-resistant framework for storing and managing data.

The blockchain features improving security applied to Diana are:

- **Decentralisation:** Decentralisation regards the distributed Ledger. Instead of storing data on a single server or centralised database, blockchain technology distributes data across multiple nodes (computers) in a network. Each node has a copy of the entire blockchain, reducing the risk of a single point of failure.
- **Immutability:** Immutability refers to the tamper-resistant feature of block-chain, because once data is recorded on the blockchain, it becomes extremely difficult to alter. Each block of data is linked to the previous one through cryptographic hashes, creating a chain of blocks. If someone tries to change any data in a block, it will invalidate the hashes of subsequent blocks, alerting the network to the tampering.
- **Transparency and traceability:** Transparency and traceability is ensured by the open ledger. In many blockchain systems, the ledger is public, meaning that anyone can view the recorded transactions. This transparency can deter fraud and enhance trust in the system. Even in private blockchains, where access is restricted, the traceability of transactions is maintained among authorised participants.
- **Access control:** access control will be guaranteed through permissioned blockchain. In a permissioned blockchain, access to the network is restricted to

authorised users. This ensures that only trusted parties can participate in the data management process, reducing the risk of unauthorised access.

As regards document flow, including chat and data exchange, in order to ensure a secure and reliable exchange of documents, Diana will involve a combination of technologies designed to protect integrity, confidentiality, authenticity, and availability of exchanges.

The following technologies will be integrated:

- **Data encryption** (see section 1.2.4).
- **Secure File Transfer Protocols** that establish an encrypted link between a web server and a browser, ensuring that all data passed between them remains private.
- **Content Filtering** that monitors and control the transfer of sensitive documents based on pre-defined policies, ensuring that sensitive data is not accidentally or maliciously shared.
- **Endpoint Protection** that can be deployed on endpoints (e.g., computers, mobile devices) to monitor and control document exchange activities, preventing data breaches.
- **Virtual Private Networks (VPNs)** that can create a secure tunnel between the user's device and the internet, ensuring that all data, including documents, is encrypted during transmission, even over unsecured networks.

2.2 Conclusions

In this paper we proposed ways in which the Model Multidisciplinary Cooperation System, envisioning DIANA, could be implemented in Slovenia. The propositions are of speculative nature and there is a long way to envision their implementation in practice. However, this paper may function as food for thought when the change of the system will take place also in practice.

In this paper we take the position that the Slovenian authorities, when conducting individual assessment, should note down not only individual's needs for protection but also their needs for participation. While the current system is rather set for recognising their protection needs, there is plenty of room to improve it in practice on top of improving the system for recognising victim's needs for participation. Victims who feel heard and secure are not only protected from secondary victimisation but can also give better evidence and provide quality information to the officials. Empowering victims to participate not only benefits them but also the whole of justice process.

DIANA was envisioned to share information among stakeholders and also to connect them when it comes to gathering information and making decisions in the same case. Ensuring better information flow would not only ensure the victims are treated with care and compassion but would also empower them to participate in proceedings concerning them. Rendering the system digital, which is a long-needed adjustment of the Slovenian criminal system (or legal system in general) would not only contribute to quicker information sharing but also up-to-date and accurate information provided from the victim. The victim would have access to review information shared about them and ask for an edit in case they deem it inaccurate. Justice professionals would be able to identify needs of a victim from their digital case file and adjust proceedings according to that. This would especially be important and beneficial for vulnerable victims, such as underage victims and/or victims with disabilities. Enabling victims to participate and being protected while doing so would also enable justice professionals to receive

accurate information from them without traumatising them further. By ensuring procedural adjustments, we will be on a better path to protect victims from secondary and repeat victimisation, intimidation and retaliation, including against the risk of emotional or psychological harm, as put forward in the Victims' Rights Directive. Although Slovenia is far from accommodating individual needs of victims, especially when it comes to doing so in the whole of its territory, it is stimulating to be able to at least envision a better system.

03

PART 3 CASE STUDY

3.1 Case study n°1

3.1.1 Reporting the incident

Erik, a 12-year-old boy is accompanied by his mother on a walk. For transport and communication, Erik uses an electric wheelchair with AAC technology. Crossing a park, Erik and his mum notice that a group of teenagers are filming them and giggling. His mother tells them to stop, explaining that Erik does not agree with being filmed. As they won't stop, Erik and his mother quickly leave the park and visit the nearby police station.

At the police station, policeman on duty admits them and sits down with them for a conversation. Erik's mother and Erik report to the policeman what has happened. The policeman registers that a group of teenagers reportedly visually recorded Erik without his consent and thereby substantially interfered with his privacy. It is unknown whether they did that to transmit such a recording directly to a third party or make it accessible to them.

Such behaviour is unlawful by means of Article 138 of the Criminal Code (KZ-1).

3.1.2 Individual assessment

After the policeman takes note of the crime reported, they conduct **preliminary individual assessment** with Erik and his mother. The policeman gathers the following information about Erik:

- ☐ Name and surname, *
- ☐ Address for postal correspondence, *
- ☐ Age, *
- ☐ EMŠO (Personal Identification Number in the Republic of Slovenia), *
- ☐ Telephone number *
- ☐ Email address *
- ☐ Gender,
- ☐ Disability status,

- ☐ Mother tongue and other languages understood at conversational level *
- ☐ Do they need an interpreter? *
- ☐ Do they have other communication needs? Do you observe anything else regarding their communication?
- ☐ Who do they trust most? Who is their primary support person?
- ☐ Names of experts that are known to the (child) victim and might be able to facilitate the assessment (e.g. psychologists, teachers, speech and language therapists),
- ☐ Recommendation for consideration in a Children's House.

The policeman registers preliminary individual assessment information into DIANA. If a casefile on Erik has not been opened yet, the policeman does so. The policeman opens the file concerning Erik using Erik's EMŠO.

Preliminary individual assessment is updated with an **in-depth individual assessment**, conducted by the Victim Support Office. The employee of the VSO registers information acquired via in-depth individual assessment also in DIANA. VSO gathers the following information about Erik:

- ☐ Gender specific needs (e.g. speaking to a person of specific gender);
- ☐ Communication needs (preferred means of communication and ways for receiving information, such as braille, easy to read or tips such as speaking slowly, loudly etc.)
- ☐ Any assistive technology used and the specific technical requirements in that regard, especially when the child uses alternative and augmentative communication (ACC);
- ☐ Needs to adapt the physical environment (e.g. space for a wheelchair, no obstacles on the floor),
- ☐ Whether the victim lives in an institution or a group home and information related to that (e.g. support from staff or guardians inside, if there a conflict of interests between a guardian and a child),

- Specific environmental needs or risks (e.g. living in rural area without easy access to transport, having been victimised by neighbour),
- Needs for a support person (allowing the victim to be accompanied by a person of trust)
- Family situation and related vulnerabilities (e.g. who is the primary support person, substance abuse in the family),
- Sensory triggers (e.g. bright lights, loud noises ...),
- Other factors to be taken into account (e.g. healthcare schedule, school schedule, care arrangements ...)

In-depth individual assessment (Stage 2) would be completed on the basis of:

- observations by professionals
- an in-depth interview with the victim, whether an adult or a child¹³
- observations and information from institutions with which a victim is involved

On the basis of preliminary and in-depth individual assessment, the police and the VSO fill in FORM 1 and FORM 2 on preliminary and in-depth procedural accommodations. Both forms appear in Erik's digital file in DIANA and Erik has access to them.

3.1.3 Legal proceedings

During legal proceedings, Erik is invited to testify. He is permitted to testify with the support of his mother, who was registered as his support person. In addition, a speech and language therapist is engaged to support communication between Erik and the investigative judge.

¹³ A court expert specialised in children should determine whether a child is old enough to be interviewed and provide testimony in criminal proceedings.

3.1.4 Support after the trial

After the trial, Erik stays in touch with the Victim Support Office. They inform him where exactly he could seek additional help and what types of services are available to Erik nearby. The same information is registered in Erik's digital information system, operating in form of DIANA. If Erik does not feel the need to access support right after proceedings have ended, he still has access to information where he could seek support after.

04

ANNEXES

ANNEX 1

FORM 1 (Preliminary procedural accommodations)

Interviews can be carried out in official premises, with certain physical adaptations (e.g. of waiting spaces, interviewing room, toiletries).	YES	NO
Interviews are to be carried out in a victims' home or in another place.	YES	NO
Interviews are to be conducted by a person of certain gender.	YES	NO
Interviews are to be carried out by an expert.	YES	NO
All interviews are to be conducted by the same person.	YES	NO
Apply measures to avoid visual contact between a victim and a perpetrator.	YES	NO
Apply measures to ensure that a victim may be heard in the courtroom without being present.	YES	NO
Avoid unnecessary questioning concerning the victim's private life not related to the criminal offence.	YES	NO
A hearing is to take place without the presence of the public.	YES	NO
Appoint a collision guardian to the child victim.	YES	NO
Apply measures to satisfy sensory needs of the victim.	YES	NO
Provide interpretation and translation services.	YES	NO
The victim has difficulties communicating or has specific communication needs.	YES	NO
Conceal address and residence data of the victim.	YES	NO
Allow the presence of a support person.	YES	NO

ANNEX 2

FORM 2 (In-depth procedural accommodations)

Interviews can be carried out in official premises, with certain physical adaptations (e.g. of waiting spaces, interviewing room, toiletries).
Can the victim independently access the location of the building? Can the victim enter the building without obstructions? E.g., in need of a ramp, elevator.
Interviews are to be carried out in a victims' home or in another place.
Why do you recommend that the interview is carried out in a victim's home? If not at home or in official premises, where do you recommend the interview to be conducted?
Interviews are to be conducted by a person of certain gender.
By a person of which gender? Male, female, non-binary ...
Interviews are to be carried out by an expert.
By an expert of which profession? Why do you recommend that expert?
All interviews are to be conducted by the same person.
Who is to carry out the interview?
Apply measures to avoid visual contact between a victim and a perpetrator.
What kind of measures do you propose to be applied? E.g. separate building entrances, protective screens, video-conferencing ...
Apply measures to ensure that a victim may be heard in the courtroom without being present.
What kind of measures do you think would be beneficial? E.g. video-conferencing ...

Avoid unnecessary questioning concerning the victim's private life not related to the criminal offence.
What kind of questions do you think would be particularly intrusive (and are unnecessary)?
A hearing is to take place without the presence of the public.
Why do you recommend a hearing to take place without the public?
Appoint a collision guardian to the child victim.
In what ways do you think a child would benefit from having a collision guardian appointed?
Apply measures to satisfy sensory needs of the victim.
Does the victim have specific hearing needs? E.g. in need of a hearing loop. Does the victim have specific seeing needs? E.g. accompanied by a guide dog. Does the victim have specific needs as to communication? E.g. uses AAC.
Provide interpretation and translation services.
What kind of interpretation and translation services do you think the victim is in need of?
The victim has specific communication needs.
What kind of communication barriers does the victim experience? What needs does the victim have and how could they be satisfied? E.g. allowing leading questions, avoiding compound questions, finding alternatives to complex hypothetical questions, providing extra time to answer, permitting breaks, adjusting the pace of proceedings ... • How could the text be formatted? E.g. spacing, font, braille, to be read out loud ... • What form could the text take? E.g. plain language, easy to read, child-friendly language ...

Conceal address and residence data of the victim.
<i>Why do you recommend address and residence data of the victim be concealed?</i>
Allow the presence of a support person.
<i>Who is that support person? In what ways can they support them?</i>
Other needs and appropriate accommodations?
<i>Do you notice any other needs the victim has? How could they be address throughout the procedure?</i>

