SLOVENIA

NATIONAL BRIEFING PAPER

Date

27/05/2024

Country and Partner

PIC – Legal Centre for the Protection of Human Rights and the Environment, Slovenia

Authors

Ana Bajt, Katarina Bervar Sternad

Research Team

Ana Bajt, Katarina Bervar Sternad

LINK- Linking Information for Adaptive and Accessible Child-Friendly Courts

The overall goal of this project is to strengthen and improve the integration of child protection systems into criminal proceedings in order to assist and protect child victims with psychosocial or intellectual disabilities from violence and discrimination. Its specific objectives are to:

1. **Raise awareness of criminal justice, child protection and other relevant professionals** on how to overcome participation barriers experienced by child victims, including girls, with intellectual and/or psychosocial disabilities, in the criminal justice system, with multidisciplinary cooperation in 6 countries (domestic level);

2. **Build capacity of criminal justice and child protection professionals to ensure multidisciplinary individual assessments** that provide procedural accommodations in the criminal justice system in accordance with EU and international human rights law; and

3. **Optimize cooperation and coordination between civil society, child protection system, and criminal justice professionals** to better support and protect children through the establishment of model multidisciplinary cooperation practices with children with and without disabilities, policymakers, and justice administrators.

The project consortium consists of 11 organisations, which will implement the action in 6 EU countries: Bulgaria, the Czech Republic, Italy, Lithuania, Portugal, and Slovenia, since these are where project activities will be conducted.

Acknowledgments

We would like to thank all the interviewees willing to take part in the project: criminal justice and child protection professionals, persons with experience of disability, and those working in the field of human rights protection and support services. Additionally, we would like to thank the Validity Foundation and VSE-Victim Support Europe staff for reviewing the text and providing feedback. We would also like to thank them for coordinating the LINK project in general.

Authors

Ana Bajt, Katarina Bervar Sternad

Research Team

Ana Bajt, Katarina Bervar Sternad

Contacts in Slovenia

PIC – Pravni center za varstvo človekovih pravic in okolja
Metelkova ulica 6, 1000 Ljubljana
www.pic.si

Project contacts

PIC – Pravni center za varstvo človekovih pravic in okolja
Metelkova ulica 6, 1000 Ljubljana
pic@pic.si

Publication date

May, 2024

Grant Information

101097047-LINK

Co-funded by the European Union

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.

TABLE OF CONTENTS

Executive summary

01 Introduction 11

02 Objectives and Methodology 18

03 Legislative and Policy Framework for Support, Accessibility, and Multidisciplinary Cooperation 21

04 ICT and AI in Criminal Justice System for Accessibility and Multidisciplinary Cooperation 46

05 Practical functioning of the Criminal Justice System 52

06 Children's Experiences of the Criminal Justice System 63

07 Conclusions and Recommendations 68

References 73

EXECUTIVE SUMMARY

Main Objectives of the Study

The aim of this National Briefing Paper is to identify ways in which criminal proceedings in Slovenia could be improved to ensure full participation and protection of child victims, particularly children with intellectual and psychosocial disabilities, in criminal proceedings.

The briefing paper is the first out of four steps foreseen for the implementation of the LINK project. The four steps are:

1. **Drafting the National Briefing Paper.** Mapping the information needs and recommendations of children with disabilities, using participatory and action-research methods. This includes an in-depth analysis of information, support and protection processes involving child victims of crime throughout the criminal justice system, identifying accessibility, cooperation and efficiency requirements;

2. **Development of a blueprint or proof of concept for a child-friendly, accessible technological system.** This will build upon the existing filing and case management system to enable the participation of child victims with intellectual and psychosocial disabilities and AAC users in criminal proceedings;

3. **Capacity-building activities to train criminal justice professionals and relevant stakeholders** on age-appropriate, gender-appropriate accommodations for child victims with intellectual and psychosocial disabilities, including AAC users. This will be done in co-production with criminal justice professionals, civil society organizations, and children with disabilities to identify and address requirements identified above.

4. **Dissemination of project results.** Organization of national children's advisory boards, national roundtables and international conferences for the dissemination of project results and broader involvement of civil society, criminal justice professionals and children with disabilities.

The four steps jointly aim to fulfil the objectives of the LINK project defined earlier.

Methods

The National Briefing Paper maps out the national legal and political framework concerning access to justice for children with disabilities. It focuses on analyzing the provision of reasonable and procedural accommodations in practice, as well as technology and artificial intelligence,

with the purpose of ensuring effective participation and protection of child victims in criminal proceedings.

After the legal and policy overview, the paper assesses the practical functioning of the criminal justice system in the case of children, analysing participation barriers that they experience in practice. On top of conducting a literature review, different stakeholders were consulted to obtain information in that regard: criminal justice professionals, support services professionals, public servants working in the relevant public institutions, and the non-governmental sector. Drawing from the literature review and interviews, the National Briefing Paper presents the lessons learned and shapes recommendations on how the justice system could be improved. Recommendations propose ways in which the justice system could ensure effective participation and protection of child victims, particularly those with disabilities, throughout criminal proceedings. The overall goal of the National Briefing Paper and the LINK project at large is also to elevate awareness about the barriers experienced by child victims with disabilities, particularly intellectual and psychosocial disabilities, in the criminal context, as well as some of the strategies to overcome them.

Key Recommendations

- **1. Empower the work of the Children's house (Hiša za otroke)** Enhance the Children's House's capabilities by expanding the staffing levels and establishing additional work sites across different regions. Ensure that personnel receive consistent training, with an emphasis on the convergence of child and disability issues.

- **2. Empower the work of the Victim Support Office (Služba za podporo oškodovancem).** Establish premises outside Ljubljana, in other district courts. Encourage exchange of knowledge between the offices across Slovenia, for exchange of good practices and support. Provide staff with regular trainings, particularly on the intersection of child and disability.

- **3. Training of professionals involved with children in the criminal setting.** Provide criminal justice professionals with regular trainings, focusing on the intersection of child and disability needs in general. Coordinate interdisciplinary trainings in order to foster greater collaboration among the various stakeholders, including law enforcement, prosecution, and social work centres. Facilitate educational sessions concerning disabilities and child-friendly justice. Promote the exchange of case-specific practical knowledge.

- **4. Develop a systematic procedure for promptly identifying protection requirements, with due consideration given to the child's potential disability.** Throughout criminal proceedings, ensure early identification of protection needs and a method for respecting the necessity for procedural accommodations.

- **5. Employ child-friendly and disability-cautious language to criminal court proceedings.** Employ easy-to-read formats, child-friendly language, and simple spoken language. Plan educational sessions on these methodologies.

- **6. Consider the implementation of a so-called "preparatory meeting" also in regular court proceedings, e.g. hearings of minors, not only for the hearings taking place in the Children's House.** It has been demonstrated that holding these meetings is an effective method for obtaining consensus regarding the preferences and requirements of children involved in criminal court proceedings.

- **7. Provide a non-exhaustive list of possible procedural accommodations participants in criminal proceedings may make use of.** Such list would enable users to understand that they can ask for accommodations that would enable their better participation and protection in court proceedings. The list could accompany the statement inviting the to-be-heard person to notify the court of any needs for accommodations they may have for the hearing.

- **8. In criminal proceedings, promote the utilization of Child Advocacy, which is administered by the Human Rights Ombudsman's Office.** Educate child advocates on this matter through training. Conduct an awareness campaign to educate children and others about the institute, including its purpose and methods of operation.

- **9. Establish a child-friendly electronic case-management system that would enable children to receive information about the case in which they are involved in an accessible and prompt manner.** In order to facilitate information exchange and promote collaboration among entities and organisations working on the same case involving the same child, the system could possess a multidisciplinary structure.

- **10. Disability should be taken into account in all phases of data collection, including pre-trial and trial proceedings.** Given the criticality of enhancing the involvement and safeguarding of individuals with disabilities, including children, in criminal proceedings, this

would facilitate additional research and policy recommendations concerning the domains of victimology and disability.

“Publications about violence, especially against children, attract enormous public and expert attention, as long as the normative perception is that these are young, beautiful and healthy people. When it comes to the vulnerable, they are less interesting victims who receive considerably less attention from the public as well as the profession.”

- N. Miklič, senior police inspector[1]

[1] Neža Miklič, ‘Zahtevnost kriminalističnega zbiranja osebnih dokazov o slabotnih osebah’ (2019) Criminalistic theory and practice, International Criminalistic Association

01

INTRODUCTION

Introduction

According to international standards, Slovenia rates highly when it comes to protection of children in legal proceedings. International indicators and scales on risks of child poverty and social exclusion, well-being, equity, access to justice, and human rights protection show that the Slovenian protection system is largely aligned with international child protection standards.[2] However, drawing from literature and practice on ground, there is still room for improvement in that regard, particularly when it comes to consideration of children with intellectual or psychosocial disabilities. This group in particular, is to be considered with great care due to the intersection of their vulnerability— being both a child and a person with disability. Vulnerabilities of parties have been recognized in both civil[3] and criminal law.[4] In this report, we explore the position of children in the justice system, particularly victims with intellectual and/or psychosocial disabilities, including Augmentative and Alternative Communication (AAC users), in Slovenia.

Pursuing this aim, the report provides an overview of the legal and political framework safeguarding the rights of child victims in criminal proceedings. It identifies procedural rights of child victims, discerning them depending on their age. It subsequently assesses the situation on ground and identifies the main barriers experienced by child victims while trying to exercise their rights in practice. Throughout both the analysis of the legal and political framework as well as the practice on ground, the research critically identifies room for improvement in the system. Based on the analysis, the research recommends ways in which the criminal proceedings could be improved in the case of child victims. The overarching research question of the paper is: to what extent does the current criminal proceedings system allow for participation and protection of child victims with disabilities? Furthermore, how could the system adapt to be more accessible to child victims? The research also explores the ways in which technology and artificial intelligence (AI) could be used in that regard.

As to the scope of the research, the report focuses on the position of child victims, not defendants, with disabilities in Slovenia. Under Slovenian criminal law, a victim is referred to as an "injured party", or "*oškodovanec*", although the term only recognizes a victim in a material sense, not more broadly. On the contrary, the term victim, or

[2] Republic of Slovenia (2019). https://www.gov.si/novice/30-let-konvencije-o-otrokovih-pravicah/
[3] In civil law, according to Non-Contentious Civil Procedure Act (ZNP-1), "[t]he court must adopt *ex officio* any measures aimed at protecting the rights and legal interests of children and persons who, owing to mental developmental disorders or other mental health problems or other circumstances, lack capacity to look after their own rights and interests."
[4] Particular care and due consideration of children with disabilities in legal proceedings are most clearly laid down in Article 18a of ZKP: "[t]he police, the state prosecution service, courts and other state authorities, experts, expert witnesses, court, and other interpreters and mediators must treat the injured parties, suspects, accused persons and convicts with particular care and act with due consideration where necessary because of their vulnerability such as age, health condition, disability, or other similar circumstances."

"*žrtev*", also implies the latter, namely the non-material consequences of the crime on a person, such as shock, trauma, pain, etc. Although the terms are not to be used synonymously, we use them interchangeably in this paper, also to stress the importance of seeing victims as victims in a broader sense, not only materially. Furthermore, the research focuses on the position of children in Slovenian criminal law, although it occasionally refers to the civil system for examples of good practice. The civil and criminal systems may sometimes also be mixed, for example, in cases concerning child custody and domestic violence. In such cases, the child may be involved in both proceedings.

By synthesising information from legal texts and policy documents, desk research and empirical observations collected via interviews and a focus group, the research contributes to adding knowledge in the field. Although some research articles have already been written on the topic in Slovenia, scientific literature on violence against persons with disabilities, as noted by Filipčič, remains scarce.[5] The topic is explored even less when it comes to violence against persons with intellectual and psychosocial disabilities, specifically.[6] Research papers, news articles, and other sources of information do exist, however, and inform this paper largely on the following topics: violence against persons with disabilities,[7] children as victims of domestic violence,[8] forensic collection of personal evidence on vulnerable persons[9] etc.

Overview of the national legal framework

Legislative framework governing substantive and procedural rights of children (with intellectual and psychosocial disabilities) concerns victim's rights legislation, disability-related acts, as well as acts and provisions focusing on children. Legislative and policy framework relevant for this paper involves:

Table 1: National legislative and policy framework.

[5] Katja Filipčič, 'Nasilje nad odraslimi z motnjo v duševnem razvoju : predavanje na srečanju "Posvet o pravnem in družbenem položaju odraslih z motnjo v duševnem razvoju" v organizaciji Slovenske akademije znanosti in umetnosti, Ljubljana, 21. mar. 2019' (2019)
[6] Katja Filipčič, 'Nasilje nad odraslimi z motnjo v duševnem razvoju : predavanje na srečanju "Posvet o pravnem in družbenem položaju odraslih z motnjo v duševnem razvoju" v organizaciji Slovenske akademije znanosti in umetnosti, Ljubljana, 21. mar. 2019' (2019)
[7] Darja Zaviršek, 'Nevidno nasilje - normativnost in normalizacija nasilja nad ljudmi z gibalnimi, senzornimi in intelektualnimi ovirami' (2003), Revija za kriminalistiko in kriminologijo - Ljubljana 54, available at: https://www.policija.si/images/stories/Publikacije/RKK/PDF/2003/01/RKK2003-01_DarjaZavirsek_NevidnoNasilje.pdf
[8] Dajana Janjatović, 'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029
[9] Neža Miklič, 'Zahtevnost kriminalističnega zbiranja osebnih dokazov o slabotnih osebah' (2019) Criminalistic theory and practice, International Criminalistic Association

Legislation relating to Criminal law
• Criminal Code (KZ-1)[10] • Criminal Procedure Act (ZKP)[11] • Witness Protection Act (ZZPrič)[12] • Crime Victim Compensation Act (ZOZKD)[13] • Enforcement of Criminal Sanctions Act (ZIKS-1)[14] • Legal Aid Act (ZBPP)[15]
Legislation relating exclusively on Children
• Protection of Children in Criminal Procedure and their Comprehensive Treatment under the Children's House Act (ZZOKPOHO) • Placement of Children with Special Needs Act (ZUOPP-1)
Family-related legislation
• Family Code (DZ)[16] • Domestic Violence Prevention Act (ZPND)[17]
Disability-related legislation
• Equalisation of opportunities for persons with disabilities act (ZIMI) • Social Assistance Act (ZSV)[18] • Mental Health Act (ZDZdr)[19]
Other
• Human Rights Ombudsman Act (ZVarCP)

The two main acts safeguarding the rights of victims are the **Criminal Code (KZ)** and the **Criminal Procedure Act (ZKP)**. The latter lays down procedural rules ensuring that no innocent person is convicted of crime and that criminal sanctions are imposed on perpetrators of criminal offenses in accordance with the law and based on due process. Important amendments have been made to KZ and ZKP when transposing the relevant EU directives into Slovenian law. Furthermore, the **Domestic Violence Prevention Act (ZPND)** is relevant when it comes to the participation and protection

of children in criminal proceedings. The act defines the concept of domestic violence particularly and the role and tasks of state authorities, holders of public authority, and others dealing with domestic violence, as well as lays down the measures for protecting the victims of domestic violence.

In addition to KZ, ZKP, and ZPND, another important act concerning the course of criminal proceedings and children is the **Protection of Children in Criminal Procedure and Their Comprehensive Treatment in Children's House Act (ZZOKPOHO).** The aim of the act, which entered into force in April 2021, was to establish a Barnahus-type Children's House in which proceedings would be adapted to children's rights and needs. By establishing such an institution, a major step has been made in Slovenian criminal law towards ensuring that child victims, witnesses, and in some cases, juvenile defendants can be heard in an environment that enables them to fully participate in criminal proceedings with a minimised level of distress. The act does not refer to children with disabilities but does include them. Provisions of the above core acts in the field of criminal law are further analysed in the relevant sections below.

Other acts pertain to the field of criminal law in Slovenia and are mentioned throughout the paper whenever and if relevant (Witness Protection Act (ZZPrič), Crime Victim Compensation Act (ZOZKD), Enforcement of Criminal Sanctions Act (ZIKS-1) and Legal Aid Act (ZBPP)).

When it comes to disability, the umbrella law in this field is the **Equalization of Opportunities for Persons with Disabilities Act (ZIMI)**. The act promotes and enforces equal opportunities for persons with disabilities and non-discrimination principles. The act does not focus on children specifically.[10] Additionally, the **Mental Health Act** relates to rights of people with intellectual and psychosocial disabilities; however, it is mostly not relevant to this research as it focuses on the rights of persons during medical treatment in an intensive care unit of a psychiatric hospital, care in a secure ward of a social care institution, and supervised care. The act also determines the health and social care system in the field of mental health and the providers of these services.[11]

Victims of crime may be entitled to free support within the framework of social assistance services laid down in the **Social Assistance Act (ZSV)**. This includes professional support and counselling by the competent social work centre.[12] Other acts of civil and other spheres of law listed above are mentioned and presented throughout

[10] The act that focuses on children with disabilities is the Placement of Children with Special Needs Act (ZUOPP-1), but it solely concerns education and the upbringing of children, not their rights in court proceedings or protection, and is thus not relevant for this research.
[11] Procedures before the court under the Mental Health Act include procedures for involuntary admission to intensive care units, to a secure ward of a social care unit or for medical treatment in supervised care on the basis of a court order.
[12]The Republic of Slovenia Supreme Court (2023), *Information for the injured party.* https://nasodiscu.si/uploads/cf7a1d43b4bb307ae7b08f883d6a3227/cf7a1d43b4bb307ae7b08f883d6a3227-original.pdf

the paper whenever relevant (Family Code (DZ), Human Rights Ombudsman Act (ZVarCP)).

Understanding disability in the Slovenian legal context

To understand the position of children with disabilities under Slovenian criminal law, their participation, and rights to protection, one shall also be briefed how disability is conceptualised and understood in the Slovenian legal context.

As the core act in the field of disability in Slovenia, **ZIMI** provides an authoritative definition of persons with disability. It defines them as people with

> "long-term physical, mental, or sensory impairments and/or developmental mental disorders that, through interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others."[13]

Slovenian glossary of legal terminology defines the term "person with disability" as:

> "a person who has a permanent congenital or acquired physical or mental disability which cannot be remedied by medical rehabilitation and is partially or totally incapable of education, work or independent life and is therefore recognised as having a special legal status"[14]

The latter is an example of understanding disability via a medical model. The medical model puts the medical diagnosis, not the individual, at the centre of understanding the individual. It focuses on their disability, injuries and limitations, viewing disability as a handicap that prevents the person from fulfilling certain roles. On the other hand, the definition of ZIMI recognises the need to understand disability through the prism of society and the barriers it poses due to its inaccessibility.

Several other concepts are used in the Slovenian (criminal) justice system which denote or encompass disability: "vulnerability of the injured party", "persons with special needs for protection", "personal characteristics" or "personal circumstances" of an individual … Furthermore, the concept of disability is often linked to vulnerability. According to Article 172 KZ, a "vulnerable person" ("slabotna oseba") is a person with

> "mental illness, temporary mental disorder, serious mental retardation, weakness or any other condition due to which that person is incapable of resisting".[15]

However, the concept of "vulnerability" does not apply only to people with disabilities, as other people may also be in a position of not being capable of resisting. Thus, the concept also includes people who, for example, ingested a rate-rape drug, alcohol, or an illegal drug and were incapable of defending themselves at the given moment. [26]

[13] Article 3, ZIMI
[14] ZRC Sazu https://isjfr.zrc-sazu.si/sl/terminologisce/slovarji/pravni/iskalnik?iztocnica=invalid
[15] Article 172, KZ, paragraph 1 in connection with paragraph 2 of the article

[16]The term “vulnerable person” is thus to be interpreted broadly. It is also important to note that the term only applies to adults. The terms “vulnerable person” and “vulnerability” are used in both ZKP and KZ.[17]

In the context of education, the term “children with special needs” is used in the Placement of Children with Special Needs Act (ZUOPP-1) to denote special educational needs of children and minors. Slovenian criminal law, however, does not seem to make reference to minors with disabilities, so the intersection is not explicitly recognized. The intersection can be inferred, though, as shown throughout the paper.

The way in which a person with disability may also be referred to may also depend on the context of the case, their disability, and barriers experienced (e.g., “delovni invalid” or “work-related disability”). All the terms thus mentioned have been used in practice, depending on the circumstances of the case and the matter concerned. However, no case so far seems to have concerned the definition of the term “disability” under Slovenian criminal law. Furthermore, according to the official case-law search engine (sodnapraksa.si), judgements of higher courts and the Supreme Court do not seem to make reference to ZIMI and its key definition of disability in the field of criminal law.

In the following chapters, we first present the study's goals and objectives as well as the methodology (Chapter 2). Subsequently, we undertake legislative overview, analysing the above listed acts together with the international framework. The findings of the desk research on the participation and protection of child victims in criminal proceedings are complemented by experiences from practice obtained via several semi-structured interviews (Chapters 3, 5 and 6). Special focus is also given to the use of information and communication technology (ICT) and artificial intelligence (AI) in the Slovenian (criminal) justice system, with regards to the participation and protection of children. The paper concludes by synthesising the outcomes of the research and proposing ways to enable, enhance and promote access to justice for children with intellectual and/or psychosocial disabilities in Slovenia.

[16] Neža Miklič, ‘Zahtevnost kriminalističnega zbiranja osebnih dokazov o slabotnih osebah’ (2019) Criminalistic theory and practice, International Criminalistic Association

[17] It is interesting to note that while in the translation of the KZ into English, the term “vulnerable” was translated from the Slovenian word “slabotna oseba”, (literally denoting a “weakened person”), the term in the English ZKP was translated from “ranljivost” (literally meaning “vulnerability”). Hence, although the English versions of KZ and ZKP bot use the term “vulnerability”, the terms used in the Slovenian, original law, differ between KZ and ZKP.

02

OBJECTIVES AND METHODOLOGY

The research goals are the following:

- legal and policy analysis of the current framework safeguarding the rights of child victims, particularly those with intellectual and/or psychosocial disabilities, in criminal proceedings
- legal and policy analysis of the current child protection system, particularly available to child victims with intellectual and/or psychosocial disabilities, in criminal proceedings
- analysis of the position of child victims in criminal proceedings in practice (disability-, age- and gender-appropriate accommodations to protect and support child victims)
- identification of ways in which criminal proceedings in Slovenia could be improved for child victims, particularly those with intellectual and/or psychosocial disabilities, in order to ensure their full participation and protection.

The overall objective of the research paper is to formulate recommendations for criminal justice professionals and institutions working with child victims. The research paper presents the basis for other steps in the LINK project.

To achieve the goals and objectives of the research, it combines legislative, policy, and literature analysis with small-scale empirical study. The letter complements the findings, or knowledge gaps, identified via desk research using semi-structured interviews.

The desk research involves the identification and analysis of relevant legislative and policy documents regarding the system of provision of reasonable and procedural accommodations in the criminal justice system for child victims with intellectual and psychosocial disabilities. In that regard, the paper first analyses the acts listed in the introduction as well as the relevant regional and international legislation and policies (e.g., VRD, CRPD). Furthermore, the research examines literature produced on the topic in the context of Slovenia in recent years.

Additionally, for the purpose of the research, five online semi-structured interviews were carried out together with one in-person focus group, which consisted of three participants. The focus group concerned the workings of the Children's House (Barnahus Project) and was thus attended by the director of the House, the in-house lawyer, and a representative from the Ministry of Justice involved with their work. Interviews were carried out with people in the fields of social work, police, advocacy. More particularly, we interviewed two social workers, a criminologist, a children's advocate (an internal organisational unit at the Ombudsman) and one speech and language therapist. On top of that, inquiries were made to public institutions using questionnaires in order to obtain further information about their work. We received replies from the following institutions (in a written format): the Victim Support Office at the District Court of Ljubljana ("Služba za podporo oškodovancem" pri okrožnem sodišču v Ljubljani, the Project Management Service at the Supreme Court of the Republic of Slovenia ("Služba za upravljanje projektov" na Vrhovnem sodišču

Republike Slovenije), and the Criminal Police Directorate at the General Police Directorate (“Uprava kriminalistične policije” na Generalni policijski upravi). All persons and institutions consulted have had the experience of working with persons with disabilities, including children with intellectual and/or psychosocial disabilities, although to different extents. To this date, no interview has been conducted with children with intellectual and/or psychosocial disabilities, as in the course of the project, no child with intellectual and/or psychosocial disabilities involved in criminal proceedings was identified or consent for the interview was given. More information about the profiles of people and institutions (e.g.,. gender, age range) is available in the table in Annex 1.

The empirical research (interviews, a focus group, and the inquiry via questionnaires) was conducted between December 2023 and February 2024. The data was analysed using content analysis. In Chapters 3, 4, and 5, a combination of the main findings of the desk and empirical research are presented. In the following chapter, we begin by mapping out the legal and policy framework concerning the position of child victims in criminal proceedings.

03

LEGISLATIVE AND POLICY FRAMEWORK FOR SUPPORT, ACCESSIBILITY, AND MULTIDISCIPLINARY COOPERATION

In this section, we present the main findings of the legislative and policy reviews, as well as the literature. Although the section is mostly subject to desk research, some of the findings have been complemented with information obtained via empirical research based on interviews, a focus group, and questionnaires. The first part presents the international framework regarding the position of child victims, while the second one focuses on the national context.

01 International framework for children with disabilities victims of crime in criminal proceedings

Directive 2012/29/EU establishing minimum standards on rights, support and protection of victims of crime (Victims' Rights Directive) was transposed into national law in 2019, amending several acts and legal documents pertaining to criminal justice in Slovenia, predominantly the Criminal Procedures Act (ZKP). Until November 2015, which was the due date for member states to transpose the directive, Slovenia had not made much progress as to the transposition of the directive, which was also reported upon by the European Parliament's Research Centre.[18] Upon an official notice to Slovenia by the European Commission via reasoned opinion in 2018, the National Assembly of Slovenia amended ZKP and implemented majority of victim's rights safeguarded in the long-overdue-to-transpose directive (the transposition was thus four years overdue). Table outlining the transposition of some of the core procedural articles of the directive is available in Annex 2.

Additionally, **Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography** was supposedly transposed in full into Slovenian legal framework within the timeframe officially set for transposition in law.[19] However, both in 2019 and in 2023 Slovenia received formal notices from the European Commission stipulating incorrect implementation of the directive in Slovenian law.[20] Infringement case involving two formal notices is still active.[21]

For full implementation of the Directive 2011/93/EU Slovenia needs to broaden the meaning of "abuse of position" in Article 174 of the Criminal Code with "abuse of influence over a child" referred to in Article 3, paragraph 5, point (i) of Directive. Regarding Article 17(4) and (5) Slovenia must ensure that jurisdiction for the listed offences committed abroad does not depend on dual criminality, nor on the victim's notification (request for prosecution), if required in the country of the offence. Concerning Article 22 on preventive intervention programmes or measures, Slovenia does not yet have any specific projects addressing only persons who are in fear of

[18] European Parliamentary Research Service, The Victims' rights Directive 2012/29/EU Implementation Assessment (December 2017) <www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/ EPRS_STU(2017)611022_EN.pdf> accessed 5 October 2021.
[19] http://pisrs.si/Pis.web/porociloIzjavaEu?celex=32011L0093
[20] INFR(2019)2239
[21] European Commission https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/

committing the offences in question. And lastly, in relation to Article 24 Slovenia needs to ensure that persons detained in criminal proceedings, both adults and minors, are provided with psychological assistance.

Slovenia succeeded to the **Convention on the Rights of the Child (CRC)** in July 1992 and ratified the **Optional protocol** of the convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography in August 2004, as well as the **Optional Protocol** to the Convention on the Rights of the Child on a Communications Procedure in 2018. The latest report on the implementation of CRC and the optional protocols dates to 2021 when the 5th and the 6th periodic reports were issued jointly. Concluding observations by the CRC Committee on the joint report are, however not yet available - only the ones dating to 2013. In 2013, the Committee recommended to the State to ensure that the child's views are *de facto* heard in court proceedings as well as proceedings in front of Social Work Centres. To this end, the State party should provide opportunities for children's views to be heard in legal proceedings, among others by expanding the system of a children's advocate, and should ensure that courts attach due weight to the views of the children concerned."[22] In response, the state explained in its 2021 report the various ways in which progress in that regard has been made.[23] Progress involved defining the term children's advocacy in law, by amending Human Rights Ombudsman Act ZVarCP in 2017, following the principle of child's best interest in all proceedings in front of courts and social work centres (CSDs), recommendations of the Child Rights International Network (CRIN), establishment of child-friendly and safe rooms, amendments to ZKP due to transposition of the Victim's Rights Directive (strengthening the procedural position of injured parties, appointment of a representative of children – victims of criminal offense, special rules regarding the questioning of children), as well as establishment of the Children's House.[24] Shadow report for this reporting period is not yet available.

In July 1992 Slovenia also signed the **Convention on Elimination of All Forms of Discrimination against Women (CEDAW)**, as well as ratified its **Optional Protocol**

[22] European Commission https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/

[23] Combined fifth and sixth periodic reports of the Republic of Slovenia on the basis of the Convention on the Rights of the Child and the Report outlining the actions undertaken to implement the provisions of the Optional Protocols; Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/

[24] Combined fifth and sixth periodic reports of the Republic of Slovenia on the basis of the Convention on the Rights of the Child and the Report outlining the actions undertaken to implement the provisions of the Optional Protocols; Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/

in May 2004. The latest periodic review was submitted in 2021,[25] as well as commented upon via concluding observations issued by the Committee on the Elimination of Discrimination against Women in 2023.[26] The Committee made no reference to children in the justice sphere that would be relevant for this research.

Slovenia ratified the **United Nations Convention on the Rights of Persons with Disabilities** in 2008 without reservations.[27] Initial report on implementation of the Following ratification of CRPD, the Equalization of opportunities for persons with disabilities Act, was adopted in 2010.[28] Regarding Article 12 (Equal recognition before the law) the concluding observations made by the UN Committee on the Rights of Persons with Disabilities pointed out "the discriminatory legal provisions in the Non-Contentious Civil Procedure Act and the Family Code [of Slovenia], which allow for the deprivation of the legal capacity, including business and procedural capacity, of persons with psychosocial and/or intellectual disabilities."[29] The Committee was concerned with the fact that in different areas of life the state appoints guardians as substitutes, rather than a form of support, for people with disabilities. It was also concerned by the lack of a supported decision-making regime replacing the current substitute decision-making regime. In relation to Article 13 (Access to justice), the observations point out the following concerns:

- "The lack of information on specific procedural, gender- and age-appropriate accommodation for persons with disabilities in judicial proceedings, in particular for deafblind persons;
- The lack of accessibility of the buildings of law enforcement agencies and the judiciary;
- Barriers to access to justice for persons with psychosocial and/or intellectual disabilities, in particular persons living in institutions and/or deprived of their legal capacity;

[25] Committee on the Elimination of Discrimination against Women Seventh periodic report submitted by Slovenia under article 18 of the Convention, due in 2021; Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2F7&Lang=en

[26] Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Slovenia* (2023); Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=en

[27] United Nations Treaty Collection, '15. Convention on the Rights of Persons with Disabilities' (2024), Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en

[28] United Nations Treaty Collection, '15. Convention on the Rights of Persons with Disabilities' (2024), Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en

[29] UNCRPD, Concluding observations on the initial report of Slovenia, 2018. Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/

- The fact that the State party has not formulated policies to empower persons with disabilities to be part of the justice system as direct or indirect participants, such as lawyers, court officers or law enforcement officials"[30]

In relation to Article 7 (Children with Disabilities), the Committee expressed concerns about "the absence of mechanisms to ensure the participation of children with disabilities in decision-making processes affecting their lives, in particular the lack of mechanisms to ensure the right of children with disabilities to have their views taken into account on matters pertaining to them and their families, including their participation in all protection mechanisms".[31] To that end, the Committee recommended that the State "adopt measures to fulfil the right of children with disabilities to express their opinion on all matters that affect them and to guarantee that they have disability- and age-appropriate support to realise that right, including in judicial, administrative, and policy making procedures."[32]

02 Intersectionality in the national legal framework

In the following section, we outline the position of child victims under Slovenian criminal law, providing an overview of the current legal framework that allows for participation of children, reflecting the rights guaranteed at the international level. Subsequently, the research paper will reflect the practice on ground, identifying and proposing ways in which children could better realize their rights in practice. While the Slovenian legal system may be open enough to safeguard the rights of children on paper, the legal provisions might not find its way into practice. Room for improvement does exist.

Age and victim's rights: enabling child victims to participate in criminal proceedings

Depending on their age, children enjoy different rights in criminal proceedings. In the following, we present the rights pertaining to minors of a certain age, providing the context to analyse the extent to which children with disabilities can exercise those rights in practice. Before diving in, however, it is important to note the presumption of minority enshrined in Article 64 ZKP. According to the article, "[i]f the age of the injured person is not clear and it is probable that he or she is a minor, the injured party shall be considered to be a minor." The article ensures that even in case of doubt, higher protection standards that normally apply to minors also apply to those deemed to be minors in case of doubt

[30] UNCRPD, Concluding Observations on the Initial Report of Slovenia, 2018. Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/

[31] UNCRPD, Concluding Observations on the Initial Report of Slovenia, 2018. Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/

[32] UNCRPD, Concluding Observations on the Initial Report of Slovenia, 2018. Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/

As for the reference, in Slovenia, criminal liability is incurred on people above the age of 14. Persons above the age of 18 can vote in elections and attend public court hearings.

- Appointment of counsels, children's advocates, and other support persons

In criminal cases involving crimes against sexual integrity, crimes against marriage, family and youth, the crimes of enslavement and the criminal offense of trafficking in human beings "an injured party who is a minor *must have, throughout the criminal proceedings, a counsel to ensure his or her rights, particularly regarding the protection of his or her integrity* during the hearing before the court and the enforcement of pecuniary claims". [33] A counsel shall be assigned to a minor *ex officio* by the court, should they not have one assigned yet. [34]

From the age of 15, a child alone can decide on the **appointment of a child advocate to accompany them** throughout court proceedings (without the necessity to obtaining consent of their parent or legal representative). [35]

Additionally, participation of children in criminal proceedings is also facilitated by them exercising their **right to be accompanied by a person of their choosing** (confidential person) during pre-trial and trial proceedings.[36] A confidential person may accompany the victim if the nature and gravity of the offence, the victim's personal circumstances or the level of threat to the victim make this necessary. [37] Yet, as pointed out by Janjatović, "[a] shortcoming of the current legislation is that the ZKP contains no clear provisions requiring the investigating or deliberating judge to check the *suitability* of the person of trust chosen by the child victim," which may be problematic if their presence is not in accordance with the principle of the best interests of the child.[38] The Victim Support Service provides guidance on the choice of a confidential person in the witness summons, but according to Janjatović, the judge should be obliged to check the suitability of the confidential person. Since the adoption of the amendment to the ZKP-N such refusal to be accompanied by the person of their own choosing has been enabled in certain cases.[39]

[33] Article 65(3), ZKP
[34] Article 65(3), ZKP
[35] Article 25a ZVarCP
[36] Article 65(4), ZKP
[37] Gov.si, 'Pravice žrtev kaznivih dejanj' (2024), Available at: https://www.gov.si/teme/pravice-zrtev-kaznivih-dejanj/
[38] Dajana Janjatović, 'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029
[39] e.g. Article 240(5), ZK – "The hearing of a witness who is a victim with special need for protection may be carried out, depending on his or her personal circumstances, with the assistance of an expert of the relevant profession, where a person of the witness's own choosing may also be present, *unless this would be contrary to the interests of successful implementation of pre-trial or criminal proceedings or the interests of the witness*."

- Filing and receiving legal documents

According to Article 54 of the Criminal Procedure Act (ZKP), **only minors above 16 may file a motion for prosecution** *(predlog za pregon)* **or private action on their own**, whereas younger children (and those without legal capacity) may file it via their legal representative. Similarly, Article 64 ZKP mandates that **minors above 16 are entitled to submit statements and perform procedural acts** if they are in the position of an injured party. If the injured party is in turn a younger child (or a person who has no legal capacity), their legal representative does this for them. Legal representatives, counsels, and NGOs working with children may support them in filing, receiving, and understanding legal documents, but the contents thereof are not adjusted to their levels of understanding it (e.g., written in simple language). Additionally, there is no public body specialized in aiding children in interacting with courts or institutions in general, for that matter. It is usually their counsel who interprets the legal documents to the child.

- Hearing of an injured party and witnesses

Children above 16 are summoned as witnesses directly, while for those below, this is done through their legal representatives (unless that is impossible due to urgency or other circumstances). [40] Underage persons who have close family ties to the accused and who are not capable of understanding the significance of **their right not to testify** due to their age and mental development may not be heard as witnesses. [41]

Minors below the age of 15 usually enjoy higher protection standards and more procedural rights than those above. For example, Article 84 ZKP mandates that **testimony by witnesses under 15** (who have been victims of crime referred to in Article 65 ZKP[42]) **should always be recorded**. A testimony can also be recorded in other cases upon an order by the investigating judge. Furthermore, for persons below the age of 15[43] and other minors if so necessary, as well as injured parties with special needs for protection, **the record of their previous questioning shall be read out at the main hearing**, as direct questioning is not permitted in their case. [44] By recording the testimony and reading it out at the main hearing, secondary victimization of the victim may be eased.

[40] Article 239(2), ZKP
[41] Article 236(3), ZKP; They may be heard only if the accused person demands so or if the court assesses that this is in the minor's best interest.
[42] (3) /…/ crimes against sexual integrity under Chapter XIX [of ZKP], crimes against marriage, family and youth under Chapter XXI of the Criminal Code, the crimes of enslavement under Article 112 and the criminal offence of trafficking in human beings under Article 113 of the Criminal Code
[43] (3) crimes against sexual integrity under Chapter XIX [of ZKP], crimes against marriage, family and youth under Chapter XXI of the Criminal Code, the crimes of enslavement under Article 112 and the criminal offence of trafficking in human beings under Article 113 of the Criminal Code
[44] Article 331(5), ZKP

Furthermore, “those under the age of 15 who have been victims of criminal offences against sexual integrity, neglect of a minor and cruel treatment or trafficking in human beings are, as a rule, **heard in the so-called safe room via audio-video connection**.” [45] Witnesses may also be examined in their abode if they are unable to respond to the summons by reason of old age, illness or serious bodily disability. [46] Furthermore, according to Article 178(4), **the accused person may not be present in the room during the examination of a witness younger than 15** who is the injured party of any of the criminal offenses referred to in Article 65(3) [47]. The accused person may also be removed from the room in case of witnesses over 15 if it is unlikely that they will tell the truth or are unwilling to testify during the procedure. [48] Furthermore, when it comes to minors, the public may be excluded from the hearing by the panel [49] or the injured party may be removed from the courtroom as soon as their presence is no longer required. [50] During the hearing of a witness below 15, other persons may be present in the room if that would protect the integrity of the witnesses. [51]

Although a higher degree of procedural protection exists for witnesses below the age of 15, the law commonly provides for similar protection measures and procedural rights for children above that age, if necessary. [52]

During court hearings, the hearing officer is responsible for the protection of children's rights. [53]

Although children enjoy the rights listed on paper, the extent to which they may enjoy them in practice differs. Thus, the enjoyment of the right does not only depend on the age of the child or the legal context, but also on the actual possibilities to exercise those rights in practice. For children with disabilities to be able to do so, certain accommodations and adjustments of legal proceedings may be needed. That is particularly true for children with intellectual or psychosocial disabilities, who face additional barriers in accessing justice in the criminal context.

[45] Combined fifth and sixth periodic reports of the Republic of Slovenia on the basis of the Convention on the Rights of the Child and the Report outlining the actions undertaken to implement the provisions of the Optional Protocols; Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/
[46] Article 239, ZKP
[47] (3) /…/ crimes against sexual integrity under Chapter XIX [of ZKP], crimes against marriage, family and youth under Chapter XXI of the Criminal Code, the crimes of enslavement under Article 112 and the criminal offence of trafficking in human beings under Article 113 of the Criminal Code
[48] Article 178(4), Second sentence.
[49] Article 331(3), ZKP
[50] Article 331(4), ZKP
[51] Article 178(4), ZKP
[52] For example, Article 331(5), Article 178(4) or Article 84 ZKP
[53] Combined fifth and sixth periodic reports of the Republic of Slovenia on the basis of the Convention on the Rights of the Child and the Report outlining the actions undertaken to implement the provisions of the Optional Protocols; Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/

Intersection of disability and crime: position of child victims with disability in Slovenia

Based on a review of international victimology studies, Zaviršek found in 2003 that children with disabilities fall victim of sexual crimes twice as often as children without disabilities.[54] Furthermore, girls with intellectual and/or psychosocial disabilities fall victims of sexual assault even more often.[55] In general, people with disabilities experience violence more often than the general population. On top of experiencing it, another issue arises, namely the lack of reporting. This renders such crimes against the most vulnerable ones even more invisible. Due to the very low reporting rates from the sides of victims with disabilities, or from the side of their social environment (e.g. family, friends, carers), Miklič describes this intersecting field between disability and crime, as the "dark field of criminality" - particularly due to the lack of reporting.[56]

Miklič argues that the lack of reporting and starting criminal proceedings arises due to several factors, particularly due to the specific position of vulnerable people, *inter alia* people with disabilities, in the society. One of the biggest barriers to reporting crimes is the general perception of people with disabilities as different or deviant people unable to report or even experience violence. People with disabilities are often treated as subjects of medical discourse and are understood as social, private or family "burden", as "perpetual children".[57] Furthermore, they may be perceived as violent, unemotional or having a deviant sexuality (being either asexual or having a pronounced sexuality).[58] According to Zaviršek, violence against the most vulnerable people is often met with greater unresponsiveness on the part of the welfare and judicial authorities, as well as the public at large.[59] Zaviršek for example noted that when violence is reported against a vulnerable person, the police will more likely define it as an "accident" rather than a crime. Thus, to enable a quality and effective investigation, Miklič notes, the societal status and the position of the vulnerable person must be considered and understood on behalf of the investigators.[60] Being aware of

[54] Darja Zaviršek, 'Nevidno nasilje - normativnost in normalizacija nasilja nad ljudmi z gibalnimi, senzornimi in intelektualnimi ovirami' (2003), Revija za kriminalistiko in kriminologijo - Ljubljana 54, available at: https://www.policija.si/images/stories/Publikacije/RKK/PDF/2003/01/RKK2003-01_DarjaZavirsek_NevidnoNasilje.pdf

[55] Darja Zaviršek, 'Nevidno nasilje - normativnost in normalizacija nasilja nad ljudmi z gibalnimi, senzornimi in intelektualnimi ovirami' (2003), Revija za kriminalistiko in kriminologijo - Ljubljana 54, available at: https://www.policija.si/images/stories/Publikacije/RKK/PDF/2003/01/RKK2003-01_DarjaZavirsek_NevidnoNasilje.pdf

[56] Neža Miklič, 'Zahtevnost kriminalističnega zbiranja osebnih dokazov o slabotnih osebah' (2019) Criminalistic theory and practice, International Criminalistic Association

[57] Neža Miklič, 'Zahtevnost kriminalističnega zbiranja osebnih dokazov o slabotnih osebah' (2019) Criminalistic theory and practice, International Criminalistic Association

[58] Neža Miklič, 'Zahtevnost kriminalističnega zbiranja osebnih dokazov o slabotnih osebah' (2019) Criminalistic theory and practice, International Criminalistic Association

[59] Darja Zaviršek, 'Hendikep kot kulturna travma: Historizacija podob, teles in vsakdanjih praks prizadetih ljudi' (2000)

[60] Neža Miklič, 'Zahtevnost kriminalističnega zbiranja osebnih dokazov o slabotnih osebah' (2019) Criminalistic theory and practice, International Criminalistic Association

the whole context and one's own prejudice towards persons with disabilities is key in carrying out a quality investigation of the crime from the very start.

To ensure quality investigation and fair treatment of victims throughout pre-trial and trial proceedings, a quality individual assessment must be conducted from the very start. At the same time, victims (with disabilities) and their social environment need to be informed of the importance of reporting crimes to the relevant authorities.

03 National framework to provide information, procedural accommodations and support for children with disabilities who are victims of crime

Throughout pre-trial and trial proceedings, the following institutions may come into contact with victims of crime: Police, Prosecution service, social work centres, Courts, Victim Support Service and Children's House (Barnahus project). Throughout proceedings, child victims may be accompanied by the following: Counsel, Child's advocate (Human Rights Ombudsman's unit) and non-governmental organisations (NGOs). In the following paragraphs we present the role of the listed authorities in protecting victims as well as enable their participation in criminal proceedings.

04 Individual assessment

The position of a victim is assessed on multiple occasions, by multiple actors, throughout pre-trial and trial proceedings. Individual assessment of an injured party (*individualna ocena*) is mandated in Article 143č ZKP. 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.[61] 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.[62] According to Article 144, ZKP, an injured person with special needs for protection, is

> "the injured person whose personal or property right has been significantly violated by the criminal offence, but who, owing to his or her personal characteristics or vulnerability, is in need of special protection due to the nature, gravity or circumstances of the crime or the conduct of the accused person or the injured party in pre-trial or criminal proceedings and outside

[61] Neža Miklič, 'Zahtevnost kriminalističnega zbiranja osebnih dokazov o slabotnih osebah' (2019) Criminalistic theory and practice, International Criminalistic Association
[62] Article 143č(1), ZKP

them, in order to protect his or her personal integrity during individual acts in pre-criminal and criminal proceedings".

From this it may be interpreted that persons with disabilities may also always be considered to have a special need of protection (owing to their personal characteristics or vulnerability). From the definition it also follows that the competent authority establishes whether the special need for protection exists in pre-trial proceedings, by examining personal characteristics of the injured person, the nature, gravity and circumstances of the crime, the conduct of the accused person and the injured person.[63] Minors are always considered to have a special need for protection.[64]

According to the law, particular consideration shall be given to the age and potential disability of the injured person and to the circumstances of the criminal offences committed as a result of prejudice, discrimination, exploitation or hatred, criminal offences involving the elements of violence or criminal offences against sexual integrity, and criminal offences involving the elements of terrorism, trafficking in human beings and crimes committed within the context of a criminal association.[65] Disability and age thus play an important role in deciding on the existence of a specific need for protection. In case it is recognized that an injured party has a specific need for protection, certain measures may be applied, provided that other legal conditions of the act are met.[66]

The measures include the following:

- The investigating judge may order that **an investigative act be recorded** with appropriate technical audio or audio-visual recording equipment /…/ The investigating judge shall inform the person to be heard of this in advance[67]

- Information provided by the victim of certain criminal offences[68], shall be **collected by the same person**, and if the victim so wishes, **by a person of the same gender**. The provisions of this Article shall not apply where the collection of information cannot be delayed or if such collection is prevented by temporary reasons of an organisational nature.[69]

- the hearing of a witness who is a victim with special need for protection may be carried out with the **assistance of an expert of the relevant profession**,

[63] Article 143č(2), ZKP
[64] Article 143č(3), ZKP
[65] Article 143č(2), ZKP
[66] Article 143č(4), ZKP; measures referred to in paragraph one of Article 84 ZKP, Article 148b ZKP, paragraphs five and six of Article 240 ZKP, paragraphs one and four of Article 240a ZKP, paragraph one of Article 244a ZKP and Article 295 ZKP may be implemented.
[67] Article 84(1), ZKP
[68] Criminal offences against sexual integrity, the criminal offence of domestic violence referred to in Article 191 of the Criminal Code, other criminal acts with elements of violence committed against a fellow human being, or a crime committed against the victim because of his or her gender
[69] Article 148b, ZKP

depending on their personal circumstances, where a person of the witness's own choosing may also be present, unless this would be contrary to the interests of successful implementation of pre-trial or criminal proceedings or the interests of the witness[70]

- The hearing of a minor, especially if such person has suffered harm from the criminal offence concerned, must be **conducted with particular care** in order to avoid possible detrimental consequences to his or her mental state; if necessary, the hearing of a minor shall be carried out with the **assistance of an educational or other expert**[71]

- the hearing of a witness who is a victim with special need for protection may be carried out in **specially adapted premises**, depending on his or her personal circumstances[72]

- Where the **disclosure of particular personal data** or of the entire identity of a particular witness would entail a serious threat,[73] the court may order one or more of the following measures to protect the witness or his or her close relative:
  - removal of all or particular data from the criminal case file;[74]
  - the marking of all or some of the data as data not available to the public due to the interests of the proceedings;
  - issuing an order to the accused person, his or her defence counsel, the injured party or his or her legal representatives and counsels to keep particular facts or data secret;
  - the assignment of a pseudonym to the witness;
  - hearing the witness by means of technical equipment (a protective screen, sound-altering device, transmission of sound from separate premises and other similar technical protective means).[75]

- **concealment of the identity of a witness** from the accused person and their defence counsel in its entirety, upon meeting certain conditions (anonymous witness)[76]

[70] Article 240(5), ZKP
[71] Article 240(4), ZKP
[72] Article 240(4), ZKP
[73] Serious threat to his or her life or body, or the life or body of his or her close relative (points 1 to 3 of paragraph one of Article 236, ZKP), or of persons proposed by the witness in accordance with the provisions of the act referred to in paragraph three of Article 141a of this Act
[74] Article 240(3), ZKP
[75] Article 240a(1), ZKP
[76] Article 240a(4), ZKP

- **The hearing of the accused person or witness may also be performed by the use of modern technical devices** for the transmission of image and sound (videoconference),[77] upon meeting certain conditions[78]

- From the opening of the session until the conclusion of the main hearing, the panel may, ex officio or upon a motion of the parties, at any time but always after hearing the parties, **exclude the public from all or part of the trial**, if this is necessary for the protection of confidentiality, maintenance of law, order and morals, the protection of the personal or family life of the defendant, the injured party or the witness, or the interests of a minor, or, if in the panel's opinion, a public trial would be prejudicial to the interests of justice[79]

The measures may be implemented if the individual assessment shows that the injured party has a special need for protection or that they would benefit from the measures. Some measures are age- and gender- specific (e.g., relating to the hearing of a minor).

Individual assessment is usually first carried out by the police. The police prepare and, if necessary, at a later stage, update the individual assessment before filing it with the State Prosecutor's Office. For the purposes of drafting the individual assessment, the injured party may be invited to the police station. In drafting the assessment, the opinion of the competent social work centres may also be sought.[80]

The police file the individual assessment to the State Prosecutor's Office as part of the criminal complaint[81] or as part of the report, if pursuant to the information and evidence gathered, the police finds that there are no grounds for a criminal complaint.[82] The State Prosecutor's Office may update the individual assessment during the course of pre-trial and criminal proceedings.[83]

The prosecutor can dismiss the criminal complaint, request a court investigation or bring a direct indictment against the alleged perpetrator. if, on the basis of the evidence gathered, there are reasonable grounds to suspect that the suspect has committed the offence reported, the prosecutor files an indictment with the competent court. The prosecutor files individual assessments together with the indictment. Individual assessment is not available digitally (nor is the criminal case file).[84]

[77] Article 244a(1), ZKP
[78] Article 244a(2), ZKP
[79] Article 295, ZKP
[80] Article 143č(5), ZKP
[81] Article 143č(5), ZKP
[82] Article 147(10)
[83] Article 143č(5), ZKP
[84] Victim Support Office at the District Court of Ljubljana

Depending on their competences, the investigative judge, presiding judge or the panel decide on the implementation of measures listed above (Article 143č(4), ZKP).

Furthermore, the judge may decide, on an individual basis, to refer the injured party to the Victim Support Office if they intend to hold a hearing with them. The judge can only refer the party if the office exists as part of the district court. The office is consulted to express their view on the implementation of protective measures during the hearing. In forming its opinion, the office considers the individual assessment conducted by the police during the pre-trial phase.

From this, it follows that criminal proceedings may be adjusted for child victims based on individual assessment, identification of a special need for protection and implementation of protective measures, particularly by the court during hearings.

Other provisions, on the other hand, require state authorities to adjust proceedings based on the age and/or disability of injured parties or other persons in criminal proceedings.

Article 473 ZKP, for example, makes age- and gender-specific provisions, stating that "[m]inors deprived of their liberty must be provided with care, protection, and all necessary individual help that they may require considering their age, gender, and personality." [85] Similarly, Article 18.a ZKP mandates that the police, the state prosecution service, courts and other state authorities, experts, expert witnesses, court and other interpreters, and mediators treat injured parties, suspects, accused persons, and convicts with special care due to their vulnerability, such as age, health condition, disability, or other similar circumstances. Although the two provisions do not explicitly mention "procedural accommodations," they may be interpreted as requiring the implementation of age- and disability-specific accommodations. No precedent has been found, however, which would show the use of the provision to require procedural accommodations in practice in that regard.

05 Information Provision and Coordination

The right to information

Article 65a(1) ZKP protects injured parties' right to be informed by specifying the types of information that competent authorities and persons in pre-trial and trial proceedings must provide to victims of crime. The non-exhaustive list of information that is to be provided to the injured parties includes:

[85] Even personality is listed here as a characteristic calling for particular care, protection and individual help.

- right to free medical, psychological and other assistance and support;
- assistance and measures pursuant to the Act governing the prevention of domestic violence;
- protective and other measures for ensuring personal security under this Act and the Act governing the protection of witnesses;
- the rights referred to in Article 65 of this Act and the right to free legal aid under the Act governing free legal aid;
- the possibilities for compensation for damages under this Act and the Act governing compensation to victims of crime;
- payment and reimbursement of the costs incurred by the injured party under Article 92 of this Act;
- the right to interpretation and translation under this Act;
- the contact person of the competent authority with whom he or she can communicate about his or her case;

The Article further stresses that:

> "[t]he amount and type of information referred to in the preceding paragraph shall depend on the personal characteristics and vulnerability of the injured party, his or her specific needs for protection, the nature, gravity and circumstances of the crime and the stage of pre-trial or criminal proceedings."

From that it follows that the content of information and the ways in which it is conveyed shall depend on, inter alia, vulnerability and specific needs for protection of the party involved. Young age and disability of a person would make it mandatory for competent authorities to convey information in a way adjusted to them. The fact that a person's age and disability (along with their health condition and other circumstances) fall within the scope of vulnerability is laid down in Article 18a of ZKP.

For certain information, however, the injured party needs to make an official request to the court in order to receive them. For example, an injured party has **the right to be informed about the escape or release of a person** from pretrial house detention, detention or prison by the police or the court upon making a request.[86] Injured party, adult or minor, should be informed of this right by the competent authority during the first contact in pre-trial or criminal proceedings.[87] However, the exercise of that right is limited because the injured party does not receive such notification by default, only upon making a request. For some victims, that might represent an additional burden and also raise questions the correctness of the transposition of the EU's Victims' Rights Directive in that regard in practice. [88] This inadequacy is somewhat mitigated by

[86] Article 65a(4), ZKP; Article 18 and 30b, ZIKS-1
[87] Article 65a(4), ZKP
[88] PIC, 'Voices for Justice: Victims of crime with disabilities in Slovenia' (2022), Available at: https://validity.ngo/wp-content/uploads/2022/04/National-finding-report-Slovenia-en-220426-1.pdf

paragraph 4 of Article 30.b ZIKS-1, which states that when the accused begins serving the sentence, the court notifies the victim who has not yet submitted a request for such notification of their right to submit one. [89] A request from the injured party to be informed of the status of proceedings shall be recorded by the competent authority in such a way that professionals involved (the police, the competent state prosecutor, and the judge) are aware of it and honour the request.

In civil law cases, Social Work Centres are required to notify the child in an appropriate manner of the commencement of legal proceedings in which they are involved.[90]

The right to information: authorities providing information to child victims

Several actors are involved in providing information to victims of crime, including children.

Victims receive information about their rights and availability of protective measures in writing from the court, on a separate form, when they are summoned to a hearing. The document outlining their rights is not publicly available because it is linked to criminal proceedings being initiated (it is only obtained once the victim's status as a victim has been formally recognized).[91] The injured party can familiarise themselves with the proceedings via hard-copy brochures available at the court. Additionally, information can also be accessed online.[92] Brochures as well as online information do not seem to be adjusted to the needs of people with intellectual or psychosocial disabilities, e.g., via easy-to-read materials or materials adjusted to AAC users.[93] However, in the words of the Project Management Service at the Supreme Court of Slovenia, "the general information about the judiciary on the website is written in plain language for the purpose of inclusiveness."[94]

In the invitation letter, the witness is informed of the possibility of informing the court about any possible accommodations they would need throughout the hearings. As explained by the Project Management Service at the Supreme Court of Ljubljana, court staff have access to pre-verified templates for invitations via the internal i-K system. The templates contain a special addendum explaining that persons with disabilities

[89] PIC, 'Voices for Justice: Victims of crime with disabilities in Slovenia' (2022), Available at: https://validity.ngo/wp-content/uploads/2022/04/National-finding-report-Slovenia-en-220426-1.pdf
[90] Article 96 (1), ZNP
[91] Victim Support Office at the District Court of Ljubljana
[92] Article 65a(3), ZKP; Official website providing information about legal proceedings before the court: https://nasodiscu.si/ The contents are, to some extent, also available in English and other foreign languages.
[93] Only the Constitution of the Republic of Slovenia seems to be put into an easy-to-read format and in a comics format, which makes the content adjusted to the needs of people with disabilities and children. Available here: https://nasodiscu.si/ustava-republike-slovenije
[94] Only the Constitution of the Republic of Slovenia seems to be put into an easy-to-read format and in a comics format, which makes the content adjusted to the needs of people with disabilities and children. Available here: https://nasodiscu.si/ustava-republike-slovenije

and other persons with special needs have the right to participate equally in the proceedings, requesting the invitee to notify the court before the hearing if they would like to exercise.[95] The person receiving the invitation is thus responsible for notifying the court of any accommodations they might need. Not all victims and witnesses, however, understand the meaning of that provision in the invitation letter and can thus not exercise their right in practice. Sometimes victims and witnesses also do not understand what kind of accommodations they could ask for.

For cases pending in front of district courts of Ljubljana, Maribor and Celje, the **Victim Support Service (SPO)** is, inter alia, in charge of providing more in-depth information,[96] explanations, and assistance to the injured parties. According to the SPO in Ljubljana, the office was established precisely because not all written rights are read and understood by the victims of crime, so they are there to explain those to them at any time and in any way during the procedure.[97] Although the work of SPO is predominantly triggered upon a request made to them by the court, the office also provides some general advice to victims before criminal proceedings are initiated (e.g. how to initiate proceedings, file a complaint).[98] If a victim steps into contact with them,

> "*we explain that if they think a crime has happened (is happening) to them, they can file a criminal complaint with the police or prosecutor's office. Until then, we do not provide them with comprehensive legal advice in the framework of the SPO (we do not have a legal basis for that). However, once the procedure has been completed, we are available to answer any questions they may have about the pecuniary claim, as they are usually interested in how and from whom they can expect to recover "damages" in relation to the criminal offence they were harmed by."* [99]

According to them, they are in contact with the victim before the hearing takes place, being available to answer any question the victim may have about the procedure, rights and safeguards available to them before, during and after criminal proceedings. Support offered by SPO is thus mostly available after the crime has been reported. In that regard, we can understand their work as "reactive" rather than "proactive".

In addition, the child's **counsel** ("pooblaščenec") plays an important role in keeping the child informed and involved in criminal proceedings, together with the child's parents or legal representatives. The counsellor equips the child with information about legal proceedings, their rights, and possibilities for adoption of procedural accommodations in their case. The counsellor should be the one interpreting information for the child in a way that is understandable to them. According to Janjatović, counsellors should have been better aware of their key role in providing information to children and limiting the

[95] Electronic answers received from the Project Management Service at the Supreme Court of Slovenia as part of the LINK project inquiry.
[96] SPO provides them with the types of information listed in Article 65 ZKP. https://mreza-za-otrokove-pravice.si/2019/12/09/sluzba-za-podporo-oskodovancem-pri-okroznem-sodiscu-v-ljubljani/
[97] Victim Support Office at the District Court of Ljubljana
[98] Victim Support Office at the District Court of Ljubljana
[99] Victim Support Office at the District Court of Ljubljana

traumatization of children throughout the proceedings. According to her, they should acknowledge better that their role in representing a child extends beyond providing them with information in a rigid sense. According to her, they should. [100] Communication between the child and their counsel thus differs on a case-to-case basis.

The right to participate: communication with the court

Children can participate in legal proceedings once they are informed of their rights and are able to express their views; that is, when communication between the child and the court takes place. In that regard, the Non-Contentious Civil Procedure Act explicitly safeguards the child's right to express their own opinion and the obligation of the Social Work Centre to inform them of their right in an appropriate manner. [101] However, the child's opinion may not always be decisive if state authorities assess that their wishes do not correspond to what they deem is in their best interest. [102] Furthermore, in certain cases where direct hearing or questioning of a child may pose risks to their emotional stability and health and would not be suitable, an expert's opinion reflecting the child's view might rather be used as evidence. [103]

In the criminal law context, ZKP does not seem to expressly safeguard the right of a child to express their opinion in a similar way but does so by safeguarding the right to be heard and provide testimony in general. ZKP also ensures that the criminal procedure is adapted to the child's age, which gives them the option to participate in proceedings more easily. Participation of a child is also enabled via other procedural accommodations presented and analysed in the following sections.

06 Special child protection units/departments

Social Work Centres. Social Work Centres (CSDs) are key in providing professional support and counselling to victims of crime in Slovenia. CSDs work in the fields of, inter alia, child and family protection (measures to protect the best interests of the child),

[100] Dajana Janjatović, 'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029

[101] Article 96(1), ZNP;

[102] Človekove pravice, 'Vodič po človekovih pravicah: Child's right to be heard' (2021), Available at: https://www.clovekovepravice.si/en/themes/family/child/the-child-protection-in-state-proceedings/a-child-s-right-to-be-heard

[103] Človekove pravice, 'Vodič po človekovih pravicah: Child's right to be heard' (2021), Available at: https://www.clovekovepravice.si/en/themes/family/child/the-child-protection-in-state-proceedings/a-child-s-right-to-be-heard

protection of people with disabilities, and offering other social protection services such as support for victims of crime. [104] Social workers provide support on the basis of Article 65a(1) ZKP mentioned above and Article 14a of the Social Welfare Act (ZSV). Support is provided to direct victims of crime or their close relatives if the offence results in the death of a person (direct victim). Professional support includes identification of the beneficiary's distress, provision of information, and guidance to the victim. The victim is aided throughout the process to make appropriate psychological, social, and financial improvements to the situation resulting from the crime. Professional support offered by the CSDs is not conditioned upon officially reporting a crime.

Social workers collaborate with courts by providing forensic expert opinion in relevant cases. Social workers assist the court in fair, quality and timely manner. decision-making.[105] At the request of the court, they provide expert opinion in the following areas of law: Family Code (DZ) 107, Mental Health Act (ZDZdr) 108, Domestic Violence Preventive Act (ZPND) 109, and Enforcement of Criminal Sanctions(ZIKS-1).[106]

The Victim Support Service unit. *Služba za pomoč oškodovancem (SPO).* SPO at the District Court of Ljubljana, Maribor, and Celje operate as units pertaining to the district court, providing legal services to injured parties in criminal proceedings. The SPO unit at the Ljubljana District Court is, however, supposedly organised to a greater extent than in the other two district courts. The service helps victims, judges, and court staff communicate with victims and develop measures to protect them. The aim of the service is to prevent secondary victimization, feelings of discomfort, fear, and unpleasant emotions. The service workers explain to victims the procedure, provide information and assistance, refer them to regional CSDs and relevant NGOs, ask them about their feelings of threat and interactions with the defendant, and explain the possibility of pursuing a pecuniary claim and free legal aid (BPP). The service is particularly intended for victims with special protection needs, which include children and persons with disabilities, who have suffered sexual crimes and offenses against marriage, families, and children. [107] The SPO also has a safe room dedicated to conducting interviews with children and other victims, as well as a videoconferencing system for conducting interviews via this medium. [108]

[104] CSD Slovenije, Varstvo otrok in družine https://www.csd-slovenije.si/delovna-podrocja/#varstvo-otrok-in-druzine
[105] Association of Social Workers of Slovenia (Commission for Forensic Expertise in the Field of Social Work) (2020). *General and Specific Professional Guidelines for The Experts' Opinion for Social Work (2020).* Available at: https://www.gov.si/assets/ministrstva/MP/DOZPU/SICT/Splosne-in-posamicne-smernice-za-strokovno-podrocje-socialno-delo.pdf
[106] Zakon o izvrševanju kazenskih sankcij (ZIKS), Official Gazette RS no. 110/06, 76/08, 40/09, 9/11, 96/12, 209/12, 54/15, 11/18 and 200/20
[107] Mreža za otrokove pravice, 'Služba za podporo oškodovancem pri okrožnem sodišču v Ljubljani' (2019), Available at: https://mreza-za-otrokove-pravice.si/2019/12/09/sluzba-za-podporo-oskodovancem-pri-okroznem-sodiscu-v-ljubljani/
[108] Electronic exchange of information with SPO.

The SPO in Ljubljana currently employs two people: a Head of Service who is a Bachelor of Laws, and a Justice Counsellor with a bachelor's degree in theology. They both have skills in legal and psychological support, according to them. From their interview answers, it follows that, according to them, the current profile and staffing of the SPO are sufficient to meet the needs on ground.[109]

Children's House. *Hiša za otroke.* Barnahus-type Children's House may be viewed as the most important novelty in the field of child protection in criminal law cases in Slovenia. It offers premises and support to carry out effective and child-friendly hearings, with minimized levels of trauma and reduced secondary victimization. Further information on the functioning of the Children's House is available in Chapter 5 on the provision of support and information. It shall be stressed on this occasion, however, that the work of the Children's House and that of the Victim's Support Office do not overlap. The latter has its own system for supporting child victims considered in their premises. [110] It is also important to stress that the management of the Children's House is open to accommodating the needs of children with intellectual or psychosocial disability and AAC users in their work; however, they have expressed their need to be further trained in that regard.[111]

Children's advocate. *Zagovornik otrok.* An internal organizational unit at the Human Rights Ombudsman ("Ombudsman") specializes in child's advocacy and protection of children's rights in legal proceedings. [112] The unit coordinates the work of the so-called children's advocates, who provide "professional assistance to a child, enabling them to express their opinion in all procedures and cases the child is involved in and to communicate the child's opinion to the competent authorities and institutions that decide on his or her rights and best interests.". [113] Children's advocates may be instituted in both criminal and civil law proceedings but have largely been used in civil law cases, e.g., divorce, removal of the child from the family, placement in institutional or foster care, and contact of the child with their legal guardians. [114] On paper, children can turn to the advocate in all types of procedures and cases in which they are involved, not only court cases but also when interacting with social work centres, schools, police, and other institutions. [115] In practice, children's advocates are engaged almost exclusively in court cases. Professional assistance provided by the advocates includes provision of psychosocial support, conversations about the child's

[109] Victim Support Office at the District Court of Ljubljana
[110] Victim Support Office at the District Court of Ljubljana
[111] Director, House of Children, female; Lawyer, House of Children, female; Ministry of Justice, male
[112] Chapter III.a CHILDREN'S ADVOCACY, ZVarCP
[113] Article 25a(2) ZVarCP
[114] Varuh človekovih pravic, 'Kdaj in kako do zagovornika' (2024), Available at: https://www.varuh-rs.si/nc/o-varuhu/organizacijske-enote-in-svet-varuha/zagovornistvo-otrok/levi-meni/kdaj-in-kako-do-zagovornika/?categories=127
[115] Varuh človekovih pravic, 'Kdaj in kako do zagovornika' (2024), Available at: https://www.varuh-rs.si/nc/o-varuhu/organizacijske-enote-in-svet-varuha/zagovornistvo-otrok/levi-meni/kdaj-in-kako-do-zagovornika/?categories=127

wishes, feelings and opinions, provision of information to the child about the course of proceedings in a child-friendly manner, and accompanying them to institutions that decide on their best interests. Overall, they aim to seek the best solutions for the child, together with the child. [116] The child's advocate is there to empower the child. The advocate is not, however, the child's counsel. [117]

Ombudsman for children's rights. Identification of needs and barriers experienced by children in court proceedings is also one of the tasks of an internal organizational unit at the Slovenian Ombudsman Office, coordinating children advocates. In the field, important changes are also to be made in the following years, as in June 2023, the Slovenian Ministry of Justice issued a draft amendment to the Ombudsman Act, introducing to the organization a special institute, an Ombudsman for children's rights, who would be responsible exclusively for tasks related to the protection of children. The Children's Ombudsman would be tasked with participation in legal proceedings and investigations, coordinating advocacy, trainings, and awareness-raising campaigns in the field of child protection.[118]

Support available to children with disabilities who are victims of crime

If there is a conflict of interest between the child and their legal representative ("zakonit zastopnik"), a special representative, namely a "collision guardian" (kolizijski skrbnik) is appointed to a child. According to Article 269 of the Family Code, a social work centre or court shall appoint a collision guardian to a child for whom parents exercise parental responsibility, in cases where their interests are in conflict. Collision guardian is a type of special-case guardian under the Family code.

The conflict can also be mediated, or at least talked through with the child's counsel or the child's advocate (Human Rights Ombudsman's unit), who can in certain instances be attributed to the child even without the consent of their legal representative. The role of the child's advocate is to communicate the wishes of the child and their position regarding the matter in question. The institute is mostly used in civil law, however. The proposal for appointing the advocate may be sent to the competent social work centre or court by the Ombudsman.[119] In criminal law cases, a child victim, just like an injured

[116] Varuh človekovih pravic, 'Kdaj in kako do zagovornika' (2024), Available at: https://www.varuh-rs.si/nc/o-varuhu/organizacijske-enote-in-svet-varuha/zagovornistvo-otrok/levi-meni/kdaj-in-kako-do-zagovornika/?categories=127

[117] Article 25a(2) ZVarCP

[118] MMC rtvslo.si, 'Obeta se ustanovitev varuha otrokovih pravic' (2023), Available at: https://www.rtvslo.si/slovenija/preberite-tudi/obeta-se-ustanovitev-varuha-otrokovih-pravic/672762

[119] Republic of Slovenia, Human Rights Ombudsman (n.d). https://www.varuh-rs.si/nc/o-varuhu/organizacijske-enote-in-svet-varuha/zagovornistvo-otrok/levi-meni/kdaj-in-kako-do-zagovornika/?categories=127

party who is a victim of violence, has the right to be accompanied by a person of his or her choosing throughout pre-trial and criminal proceedings (unless this is contrary to the interests of the successful implementation of the proceedings or the benefit of the injured party). [120]

Support is available to child victims via a helpline, such as SOS telefon and TOM telefon. The services are not conditioned upon the child reporting the crime, as the service is run by NGOs. Prior to filing a criminal complaint, a child and/or their carer can also seek support at the Social Work Centres.

07 Trainings for professionals

According to publicly available information, **trainings on disability and victimology** only take place to a limited extent in Slovenia. An **online training module** on disability rights is available on the **Council of Europe HELP platform** (in Slovenian), where criminal justice professionals as well as the public at large can inform themselves about the international legal framework safeguarding the rights of people with disabilities in Europe.[121] In Fall 2022, an **online seminar** has been carried out by CIP – the Judicial Training Centre in Slovenia[122], which introduced the online HELP module, presenting the module to state lawyers, judges, prosecutors, and other legal experts.[123] In the seminar, the representatives of the Slovenian Human Rights Ombudsman and the representative of the Advocate of the Principle of Equality office shared their own views and experiences of working in the field of disability rights protection. Prior to that, in Spring 2021, the Association of State Prosecutors and the Police, together with CIP, carried out an **expert consultation on consideration of vulnerable children in the justice system**. Most recently, **expert consultation on "Can children with disabilities be both victims of violence and credible witnesses?"** took place in Murska Sobota, organized by the Domestic Violence Prevention Group for Pomurje.[124] The group was established under the auspices of the CSD Pomurje and the Police Directorate Murska Sobota.

[120] Article 65(4), ZKP
[121] Council of Europe (n.d.). Rights of Persons with Disabilities. Available at: https://help.elearning.ext.coe.int/course/view.php?id=5812
[122] The Judicial Training Centre ("Center za izobraževanje v pravosodju") is the central body for judicial education, which operates under the auspices of the Ministry of Justice, providing trainings, qualification courses and educational modules for the workers in the justice system in Slovenia.
[123] https://cip.gov.si/aktivnosti/detajli/?ID=5fc805d2-5d57-ec11-9c77-005056818ee6&Tag=470
[124] Okoli 250 udeležencev na strokovnem posvetu z naslovom Ali so otroci s posebnimi potrebami lahko žrtve nasilja in hkrati verodostojne priče? (2023)

https://www.policija.si/medijsko-sredisce/sporocila-za-javnost/sporocila-za-javnost-pu-murska-sobota/120427-v-murski-soboti-okoli-250-udelezencev-na-strokovni-posvetu-z-naslovom-ali-so-otroci-s-posebnimi-potrebami-lahko-zrtve-nasilja-in-hkrati-verodostojne-price

Furthermore, in the combined 5th and 6th CRC periodic review, the Slovenian government assured that trainings have been organized on appropriate response and referral of children to responsible institutions, as well as available hotlines, as recommended by the Child Rights International Network, for all professionals in contact with children.[125]

It is difficult to analyse which categories of criminal law practitioners receive information from such trainings as the trainings are commonly organized for criminal law practitioners in general, not per sector. As to trainings for sectors, the following information has been gathered via interviews:

Children's advocates receive specialist training organised by the Ombudsman's Office, as mandated by the law.[126]

SPO staff attend conferences, seminars and other forms of training to broaden their knowledge and skills. If they find that the vulnerability of the victim is high, or if they find that the victim (who may also be an adult) has any disability or restriction, they can also liaise with the relevant professionals and services, as mandated in Article 240 of ZKP.[127] According to SPO, they improve their service with every new, which also makes them identify the weaknesses of the current system and the room for improvement. Although in their opinion SPO collaborates well and effectively with the police, prosecution and court services, they also noted that trainings aimed at networking between institutions working on the same or similar issues would be beneficial. SPO of the Ljubljana District Court, for example, has no information on the workings of SPO as part of other district courts, i.e., Maribor and Celje.[128]

Police staff is key in carrying out individual assessment of the injured party and should thus be appropriately trained in that regard, with the purpose of recognising victimisation and appropriately responding to it. As noted in the interview with police, there is a significant lack of training in that respect, at least when it comes to their staff members. When considering the trainings carried out thus far, they see them as the first initial "baby-steps" made in the field, which are in need of further attention. According to them, the field requires specific knowledge, "a specialisation within a specialisation" in Slovenian criminal law. The topic involves a spectrum of specificities, when one is considering communication and work with people with intellectual and psychosocial disabilities.[129] According to the interviewee, this is an area where it seems

[125] Combined fifth and sixth periodic reports of the Republic of Slovenia on the basis of the Convention on the Rights of the Child and the Report outlining the actions undertaken to implement the provisions of the Optional Protocols; Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/
[126] Article 25b(3), ZVarCP; Children's Advocate interview
[127] Victim Support Office at the District Court of Ljubljana
[128] Victim Support Office at the District Court of Ljubljana
[129] Police officer, female

that the experts should be involved and prepare materials on the subject, for informational purposes.[130]

Although some trainings have been carried out, as well as the online module been made available, no systemic training has been set up to regularly ensure advancement of legal and practical skills of justice professionals in disability issues and victimology.

[130] Police officer, female

04

ICT AND AI IN CRIMINAL JUSTICE SYSTEM FOR ACCESSIBILITY AND MULTIDISCIPLINARY COOPERATION

“Using a voice communicator in court opens up new horizons for all stakeholders, allowing me to effectively represent my clients and contribute to the justice system. This adaptation is an important step towards greater inclusiveness and ensuring that the justice system reflects and serves the whole of society, regardless of an individual's physical abilities. However, the success of this integration requires commitment and adaptation both on the part of the individuals using these technologies and on the part of the legal system, which must provide the appropriate support and infrastructure.”

- Dr. Sara Ahlin Doljak, Lawyer, mediator and associate professor[131]

[131] Doljak S. a. (07.03.2023). *Brez glasu v predavalnicah in sodnih dvoranah.* https://www.iusinfo.si/medijsko-sredisce/kolumne/brez-glasu-v-predavalnicah-in-sodnih-dvoranah-310975

01 Technology is used by criminal justice professionals, child protection units/professionals, and court staff to share information about what has been done in the case.

This section discusses the use of ICT technologies and artificial intelligence in the Slovenian justice system. The paper covers both current and future technologies.

The court staff uses the Information System for Monitoring Criminal Proceedings, or i-K system, to share case-related information. The system is used to share case-related information internally, that is, among court staff. The Slovenian Supreme Court's Project Management Service (Služba za upravljanje projektov, Vrhovno sodišče RS) describes the i-K system as a centrally managed back-end system for supporting criminal processes. It is used in all Slovenian courts for procedural issues. It is used for a variety of criminal case-related tasks that are completed and recorded in the system. [132] The system is used by court staff who are authorized to use it, such as registrars, typists, assistants, and judges. Their roles determine their rights and access. Other criminal justice professionals cannot access the system, as it is only used internally. Furthermore, it is incompatible with the systems used by other judicial authorities. However, as explained by the Project Management Service, the system will soon allow for electronic exchange of documents and machine-readable data with other judicial authorities. The system is currently being renovated. [133]

The i-K system allows for the systematic assignment of criminal cases. The i-K system does not allow special adaptations for users with disabilities.

02 Technology in use in criminal justice in order to inform the citizens or to support citizens' filing criminal complaints to courts or obtain information about their case, rights or proceedings

[132] Electronic answers received from the Project Management Service at the Supreme Court of Slovenia as part of the LINK project inquiry.
[133] Electronic answers received from the Project Management Service at the Supreme Court of Slovenia as part of the LINK project inquiry.

Information system "e-Sodstvo". Rules on electronic operations in civil procedures and in criminal procedure[134], inter alia, electronic filing and the performance of electronic tasks in civil and criminal proceedings. The processes take place via the "e-Sodstvo" online platform. E-processing is already used in civil proceedings, but it is less common in criminal proceedings. According to the Project Management Service at Slovenia's Supreme Court, the development of all e-processes based on the Rules is nearing completion. The implementation will take place in the year 2024.

With the renovation, users will have access to a variety of e-procedures, including the ability to submit electronic applications in criminal proceedings via the e-Sodstvo portal and the e-Sodstvo dropbox, both of which are currently in testing. [135]

The information system will allow the delivery of messages to secure electronic mailboxes opened by authorised secure electronic mailbox providers and directly to the information systems of external stakeholders.

Several types of users will be able to perform criminal tasks, as well as civil tasks (e.g., land registry, insolvency proceedings, non-contentious civil procedure, family law, succession). When using the portal, users who identify themselves with a username and password, as well as a qualified certificate, are eligible for the majority of e-tasks. Users who do not identify themselves or who only provide a username and password have limited access to the website.

Qualified users include, among other things, professional users (who, in civil or criminal proceedings, act as a representative, agent, or advocate of a party or participant and perform those acts in the proceedings as part of their service or as an assistant to the court 136) and users - parties or participants in the proceedings. Thus, natural persons can access the portal under certain conditions.

The hearing schedules for each court are available on the sodisce.si website.

03: Technical accessibility for people with disabilities.

In Slovenia, there are no online alternative dispute resolution systems, such as mediation or arbitration.

The e-Sodstvo portal is not (yet) fully accessible to people with disabilities, according to the Project Management Service. The redesign of the sub-portal to allow e-filing in criminal proceedings is included in the redesign of the Judiciary-wide website. The redesign will provide a single-entry point to all general information and sub-portals for e-filing for all court proceedings and will comply with the Accessibility of Websites and

[134] Rules on electronic operations in civil procedures and in criminal procedure (Official Gazette of the Republic of Slovenia, No 158/20 and 28/23)
[135] Electronic answers received from the Project Management Service at the Supreme Court of Slovenia as part of the LINK project inquiry.

Mobile Applications Act (ZDSMA). The redesign of the Judiciary's website will be carried out in the framework of the Environment, Business and Citizen Friendly The e-Court Project (Okolju, podjetjem in državljanom prijazno e-sodišče) is currently underway as part of the Recovery and Resilience Plan. [136]

The system does not seem to be particularly adjusted to children.

In terms of ICT technology, there is currently no subtitling of audio-visual recordings, such as for deaf and deaf-blind people. According to the Project Management Service at the Slovenian Supreme Court, the Ministry of Justice must provide funding for the equipment purchase. The Supreme Court plans to purchase the software in the near future. [137]

04 AI projects in civil and criminal justice that improve victims' access to justice

The Project Management Service states that the court staff's use of the i-K system's functionalities does not anticipate the use of AI. However, separate projects are underway. The production of hearing transcripts and the transcription of a judge-dictated court decision are both using AI on a pilot basis. It is planned to be used for document search, for analysing case law, for anonymizing court decisions at all levels, and for classifying motions for review in court proceedings. The development is being carried out within the framework of Supreme Court projects.[138]

[136] *Electronic answers were received from the Project Management Service at the Supreme Court of Slovenia as part of the LINK project inquiry.* The Recovery and Resilience Plan (RRP) is a national programme of reforms and investments to mitigate the economic and social impact of the COVID-19 pandemic in Slovenia and to contribute to the objectives of the European REPOWEREU plan to reduce dependence on Russian fossil fuels and accelerate the green transition. https://pisrs.si/pregledPredpisa?id=PRAV13993

[137] Electronic answers were received from the Project Management Service at the Supreme Court of Slovenia as part of the LINK project inquiry.

[138] Users - the parties or participants in the proceedings—are divided into the following groups: parties or participants in proceedings: legal persons or natural persons, state authorities, and local authorities.

05

PRACTICAL FUNCTIONING OF THE CRIMINAL JUSTICE SYSTEM

»The greatest virtue needed to work with victims is the ability to listen, as this is the only way to prepare victims for the process and for coming to court in the way that is most optimal for them.«

- Staff of the Victim Support Office at the Ljubljana District Court[139]

[139] Victim Support Office at the District Court of Ljubljana

01 Individual assessment and referral

As mentioned earlier, individual assessment, which includes the assessment of the position of the child in relation to the perpetrator and the crime, is carried out by the police and may subsequently be updated by the prosecution service. In practice, the police carry out the assessment in the following way: once the criminal complaint is lodged to the police, specialist criminal investigators will be activated. They will be activated depending on the type of suspected crime and their expertise, or if there is a witness with a certain personal characteristic (e.g., down syndrome), depending on their specialist knowledge in the field (specialist interrogative skills). Criminal investigators will then take over the case from the police officer at the police station and run the whole investigation from start to finish. [140] In certain cases, however, police officers will be the first ones on ground to carry out investigative activities; in such cases, they will be the ones carrying out the first interview. [141] If the criminalist later assesses that it would be necessary to obtain further information from the victim, they will carry out a subsequent interview. [142]

The interview by the police may be audio-visually recorded but that is not obligatory. [143] Some police investigators may record the interview in order to better capture the mime and other physical features of the witness during the interview (which may be telling in itself in future investigations) and also for themselves in order to evaluate their own investigative work and improve it. [144]

The police will collect all the information—personal and material evidence—in a formal notice, i.e. *uradni zaznamek o zbranih obvestilih* ("official record of notifications collected"), and forward it to the prosecution service. In most cases, the prosecution service will not be involved in police investigations, although they may be contacted for some guidance. Once the prosecution service receives the evidence from the police, they will take up the case and be exclusively in charge of conducting proceedings. The prosecution service will inform the police should the indictment be filed to the court.

[140] Police officer, female
[141] Neža Miklič interview: As explained by the interviewee, there has been a situation where a child with deficits has been involved in neglect from their mother. When in contact with the police officers, they found out, in talking to the child, that their mother was using them for some form of prostitution, allowing other people to abuse the child for some financial gain. At that point, the police officers continued the conversation with the child, but solely for the reason that the child had already spoken, and it would have been very pointless to interrupt and call other investigators because the child was talking freely about it.
[142] Neža Miklič interview: An investigator (criminal investigator or police officer) can also be summoned to a hearing later on in criminal proceedings and be heard as personal evidence in court due to having interviewed the victim. The court may hear the investigator in order to check upon their professionalism and legality of obtaining information during the first interview, i.e. how the questions were asked.
[143] Police officer, female
[144] Police officer, female

On contrary, social work centres may be present during police investigations and the first interview of the police with the child victim. If the abuse is committed within a family (also a wider family), the police activate CSDs early on in proceedings in order to receive from them key information about the family, should have been in touch with them. If the regional CSD has not been in touch with the family yet, they get involved only if the case concerned is about a parent endangering their child. CSDs get activated on the basis of the Family Code. CSD staff do not pose direct questions to the child during the police interview but are present both in order for the interview not to take place twice (so they, as the child protection service, can receive information about the case at the same time) and in order to protect the child and their interests, replacing the crucial role of their parent or guardian. [145] Both CSD and the police prepare their own reports about the interview. The police do not forward their report to CSD (only to the prosecution service together with evidence) but only inform them in written form about how they have dealt with the case, how they have closed it on their side, and under which number it is kept. [146]

02 Procedural accommodations

Proposing procedural accommodations

Some of the procedural accommodations are safeguarded in Articles 23 and 24 of the VRD. The table showing the transposition of the core articles of the VRD concerning individual assessment and procedural accommodations is available in Annex A: Comparison table.

On the basis of the information in the criminal file they have received and their own consideration of the injured party, SPO determines and suggests procedural accommodations. As a general rule, the SPO starts to hear an injured party when they receive a letter from the judge/judicial assistant indicating that they intend to hear the injured party.[147] In the letter, SPO is asked to give opinion on possible protective measures, i.e., procedural accommodations, to be offered to victims during the hearing. SPO interviews the victim in person or over the phone to ascertain these details, unless they believe a face-to-face interview would be more efficacious. Before engaging in conversation with the victim, SPO personnel acquaint themselves with the written materials that have been provided to them or issued to them. This may include the issued request for an investigation, the individual assessment document, the accused's interview, the decision to initiate an investigation, and more. As per the SPO, the determination and implementation of protective measures are predicated upon the victim's apprehension and the extent of their vulnerability to further victimization, the latter of which is fundamentally linked to

[145] Police officer, female
[146] Police officer, female
[147] Victim Support Office at the District Court of Ljubljana

the gravity of the offense. [148] The relationship between the accused and the victim is critical information for the SPO staff, as it serves as the foundation for determining the necessary protective measures that the court should implement during hearings.

Choosing protective measures involves the victim as well. The SPO staff informs victims of the vast majority of the protective measures mandated by criminal law. SPO staff further elaborates that "vast majority" because, “for example, if the victim and the defendant are still living in the same flat, it is not usually necessary to carry out a videoconference because the victim's fear is not so strong.” In this case, for example, they would not inform the victim of their right to carry out the hearing via videoconference, as they deem that irrelevant.

On the basis of their interview with the victim, SPO staff updates the individual assessment form, updating and confirming the level of risk previously assessed by the police and the prosecutor’s office. The SPO submits the proposal with the safeguard measures to the judge in writing, filing the proposal in the criminal file. It is important to note that the file shall never contain personal data or contacts of the victim that could be harmful to the latter; they shall remain exclusively part of the SPO file.

According to the SPO staff, the judges are generally in favour of the SPO's proposals on procedural safeguards; they take note of the suggestions made and ensure that they are implemented. [149] However, as pointed out by Janjatović, although most of the protective measures of the directive have been transposed into national law and have been to different extents put into practice (particularly when made obligatory by the directive), the application of certain safeguards is conditioned upon the age of the victim or a witness or the severity of the crime committed and is not applied to child or juvenile victims or witnesses in general. According to her, given the definition of a child under the Convention on the Rights of the Child, procedural safeguards should be made available to all minor victims of crime.[150]

According to Janjatović, “[i]mportant details in space that make the hearing more pleasant for children are, in particular, privacy (soundproofing), child-friendly furniture and equipment (tables and chairs in two sizes, a sofa or armchair, a soft carpet), and the use of neutral colours and materials that can be useful for eliciting information from the child (crayons, paper, toys, etc.).”[151]

[148] Victim Support Office at the District Court of Ljubljana
[149] Victim Support Office at the District Court of Ljubljana
[150] Dajana Janjatović, ’Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini’ Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029
[151] Dajana Janjatović, ’Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini’ Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029;

Implementing procedural accommodations

Adaptation of hearing premises. Article 23(2)(a), VRD, and Article 240(6), ZKP, safeguard the right of victims to be carried out in specially adapted premises, particularly victims and witnesses below the age of 15. In practice, hearing facilities in courts vary in degree of adaptation to accommodate the needs of children across Slovenia. All district courts in Slovenia, according to research by Janjatović, provide child-friendly facilities. [152] In addition, safe rooms exist for children in several places, mostly in centres for social work and crisis centres, representing a safe premise to testify outside the court premises. According to data from 2012, such rooms existed in Ljubljana, Maribor and Celje, Krško, Radovljica, Novo mesto, Murska Sobota, Nova Gorica, Trbovlje and Koper. [153] According to Janjatović, although the use of child-friendly interview rooms means good practice, efforts should be made to ensure that, wherever possible, the child is given the opportunity to not have to come to court in person, by using facilities outside the court's environment. [154] In the opinion of the SPO staff interviewed, Slovenia has made a remarkable progress in designating special rooms and premises for trial purposes involving children. In the opinion of the authors of this paper, however, it is important to note that court rooms and premises outside the court's environment are adapted to different extents to children's needs, the design of some being more child-friendly and welcoming than others.

The hearing of a witness by an expert. According to Article 23(2)(b), VRD, and Article 240(4) and (5), ZKP, the hearing of a victim or a witness is to be carried out by an expert. In practice, as pointed out by Janjatović, persons conducting the Interviewers are not always properly trained for the task, which is contrary to the CoE's Guidelines on child-friendly justice.[155]

Collection of information by the same person of the same gender. The same person and a person of the same gender must collect information from specific victims of criminal offenses in accordance with Article 23(2)(c) and (d), VRD, and Article 148b, ZKP, under specific circumstances. Contrary to the CoE's Guidelines on child-friendly justice, however, the interviews are in practice not always conducted by the same

[152] Dajana Janjatović, 'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029

[153] Mojca Jagodič, 'Uporaba otroku prijazne sobe za razgovor : diplomsko delo univerzitetnega študija' (2013) Univerza v Mariboru, available at: https://dk.um.si/IzpisGradiva.php?lang=slv&id=41484

[154] Dajana Janjatović, 'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029

[155] Dajana Janjatović, 'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029

person,[156] although the practice has shown that the trauma is much lower if the same person re-interviews the child.[157]

Hearing of a witness by means of technical equipment. According to Article 23(3)(a) and (b), VRD, and Article 240a(1) and Article 244a(1), ZKP, the following measures are to be made available under certain circumstances:

- avoidance of visual contact (hearing the witness by means of technical equipment—a protective screen, sound-altering device, transmission of sound from separate premises and other similar technical protective means),
- removal of all or particular data from the criminal file or from the public (issuing an order to the public to keep particular data secret, the assignment of a pseudonym to the witness).

According to the Project Management Service at the Supreme Court of Slovenia, the use of ICT technologies for the transmission of images and voice (videoconferencing) is carried out in accordance with the provisions of the ZKP, that is, in all court proceedings, if the presiding judge decides on its use. It may be used for all participants in the proceedings if the presiding judge so decides. It is carried out in the courtrooms of the courts.

Avoid unnecessary questioning concerning the victim's private life. According to Article 23(3)(c), VRD, measures to avoid unnecessary questioning about the victim's private life not related to the criminal offence shall be available.

Exclusion of the public from the hearing. According to Article 23(3)(d), VRD, and Article 295, ZKP, if certain conditions are met, public shall be excluded from the hearing, from all or from parts of the trial.

Audio or audio-visual recording of the investigative act. According to Article 24(1)(a), VRD, and Article 143(1), ZKP, the testimony of a witness or a victim during judicial investigation may be recorded, but the testimonies of children below the age of 15. The person shall also be informed beforehand that the investigative act will be audio or audio-visually recorded.

03 Provision of support and information

SPO adapts its methodologies and modes of communication to accommodate the specific requirements of children, including those who have intellectual or psychosocial disabilities. They provide children with information via their parents, legal guardians, or legal representatives, as per their assertion. In person interviews with older children

[156] Dajana Janjatović, 'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029

[157] Peter Umek, 'Dejavniki intervjuvanja mlajših otrok' (2015) Osebni dokazi v teoriji in praksi

are also permissible with the parental consent of the legal guardian. Prior to the interview, we will facilitate the child's access to a designated, adapted space known as a "safe room," should they desire to view it in person. If the child has any intellectual or other disabilities, we explain the rights to the child in a way that is appropriate to him or her, if necessary, with the help of specialised professionals. The child may express his/her wish for action."[158]

Barnahus project: children's house

Children's House. The Children's House ("Hiša za otroke") is the most specialized unit in the field of judicial protection of children in the criminal justice system. The House can be understood as a support unit for children who find themselves involved in criminal proceedings. child-friendly way. It provides an environment where children undergo criminal proceedings, namely the giving of testimony, in a child-friendly way. The house was established on the basis of the Barnahus model in 2021 on the basis of the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act (ZZOKPOHO). The staff of the Children's house carry out forensic interviews adapted to individual needs of children on the basis of a protocol and apply modern methods of psychosocial support to children and their families.[159] As of May 2022, Children's House has been operating as a pilot project under the auspices of the Ministry of Justice.[160] They currently employ the following staff: a psychologist, a social pedagogue, a social worker, a lawyer, an IT specialist and the head of the main office. The Children's House currently employs 7 people.[161]

In one year, they have handled 26 cases involving children, all cases concerning crimes against sexual integrity, which have been the focus of their work from the start.[162] Through the interview carried out with representatives of the Children's house we learned that they have encountered children with developmental disabilities or other specific needs, but that the basic training for conducting forensic interviews does not include the training in working with children with specific needs.[163] In individual cases, in cases involving autism spectrum disorders, workers at the Children's House inform themselves individually via various textual sources about the condition to make informed decisions and issue reports concerning the case.[164] As there is currently no systemized way to inform themselves about the specificities of working with people

[158] Victim Support Office at the District Court of Ljubljana
[159] Hiša za otroke Presentation of the Children's House project (Barnahus project) https://www.hisa-za-otroke.si/en/o-hisi-za-otroke/predstavitev-projekta/
[160] Hiša za otroke https://www.hisa-za-otroke.si/en/
[161] Hiša za otroke https://www.hisa-za-otroke.si/kdo-smo/
[162] Hiša za otroke v letu dni obravnavala 26 otrok, žrtev spolnih zlorab (2023) 24.ur; Available at: https://www.24ur.com/novice/slovenija/hisa-za-otroke-v-letu-dni-obravnavala-26-otrok-ki-so-bili-zrtve-spolnih-zlorab.html
[163] Director, House of Children, female, Lawyer, House of Children, female; Ministry of Justice, male
[164] Director, House of Children, female, Lawyer, House of Children, female; Ministry of Justice, male

with disabilities, they would welcome further trainings in that regard.[165] Other interviewees have a very positive feedback on the work by the Children's House.[166]

Information on the criminal justice process for kids is provided via **booklets**, prepared by the Ministry of Justice, in collaboration with UNICEF and the Judiciary of the Republic of Slovenia. The booklet by the Ministry informs children about the reasons for visiting the court and how a child can get ready for that. It also involves information about how the court (arrangement) looks like, who works at the court, the role of witnesses, rights of children at the court, techniques to calm down if in distress and frequently asked questions and answers.[167] The booklet is primarily intended for children below the age of 14. Similar booklets have also been created by the ministry for the parents and their legal representatives of children summoned to testify, in order to help them better understand the position of the child. Additionally, judiciary has also issued three booklets explaining children their role of giving a testimony - one for girls between the age of 5 and 9,[168] a similar one for boys,[169] and another one for both girls and boys between the ages of 10 and 14.[170] Children who are summoned to court as witnesses receive a booklet together with the summons to the hearing.[171] The booklets by the judiciary are also available online.[172] No official booklet, however, seems to be adapted to people with intellectual and psychosocial disabilities, including children. A short section on reporting rape and sexual assults and reporting to the police is available in the booklet on sexual violence by Zveza Sožitje (an NGO) in an easy-to-read format.[173]

In any case, Janjatović has underlined the point previously made by FRA on the basis of research, namely that although age-adapted booklets are a step in the right direction, the written material must be supplemented by oral explanations from an adult, where the onus to do so is on the Victim Support Service and the child's legal representative.[174]

[165] Director, House of Children, Female; Lawyer, House of Children, female; Ministry of Justice, male
[166] Social worker, female
[167] Ministrstvo za pravosodje RS, Priprava otroka na sodišče: Brošura za otroke (2017).
[168] https://www.sodisce.si/mma_bin.php?static_id=20220721115656 Different booklets for girls and for boys have probably been created due to Slovenian grammar, where the form of sentences is strongly gendered.
[169] Judiciary of the Republic of Slovenia https://www.sodisce.si/mma_bin.php?static_id=20220721115657
[170] Judiciary of the Republic of Slovenia https://www.sodisce.si/mma_bin.php?static_id=20201119103419
[171] Dajana Janjatović, 'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029;
[172] Judiciary of the Republic of Slovenia https://www.sodisce.si/znanje/publikacije/
[173] Zveza Sožitje (2019). https://www.zveza-sozitje.si/modules/uploader/uploads/news/files_news/Spolnonasilje.pdf
[174] Dajana Janjatović, 'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029;

In addition to booklets, information is also provided to child victims via two telephone lines, the SOS telephone and TOM telephone. The services are not conditioned upon the child reporting the crime.

06

CHILDREN'S EXPERIENCES OF THE CRIMINAL JUSTICE SYSTEM

01 Barriers to the participation of children with disabilities in criminal proceedings

Barriers to children's participation in criminal proceedings

Janjatović points out to several barriers experienced by victims, including children, during the course of criminal proceedings:

- the number of times victims have to testify;[175]
- the length of criminal proceedings;
- the uncertainty of the outcome of the procedure;
- the poor knowledge and understanding of the court proceedings;
- the relationship with the perpetrator;
- the associated feelings of guilt.[176]

When it comes to the numerous times victims have to give testimony, Janjatović points out that:

> *"Slovenian legislation does not yet contain provisions in this direction, so it may happen that a child may testify about an event as many as seven or more times (at school, at the social work centre, before a commissioner, before the police, before an expert, during an investigation (possibly several times), if the child reaches the age of 15 during the proceedings, also at the main hearing, etc.)."*

Reducing the number of times children give testimony would, according to Janjatovič reduce stress and ensure children's effective participation in court proceedings. [177] Otherwise, just like due to the other barriers listed before, children would experience secondary and repeat victimization. In other words, the inability to cope with the barriers would lead the child to secondary and further victimization throughout the process. As pointed out by Janjatović, secondary victimisation may sometimes cause even more trauma to a child than primary victimisation, i.e., the crime itself. [178]

[175] Even just awareness about the number of times the victim may have to testify may have a deterrent effect on the victim to file a criminal complaint in the first place.
[176] Dajana Janjatović,
'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univ erza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029; Parameters contributing to secondary victimization were identified by the author via empirical research, collecting subjective observations from experts.
[177] Dajana Janjatović,
'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univ erza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029
[178] Jose Manuel Bautista Vallejo,
'Trpinčenje in zloraba otrok: kriminološki vidiki in znanje za pedagoško intervencijo. Revija za kriminali stiko in kriminologijo, 56(1) (2005)

Furthermore, victims in general oftentimes do not report the crime due to **financial reasons and the fear of losing their home**, should they share it with the perpetrator or are financially dependent on them. [179]

Moreover, certain barriers are specific to people with disabilities. Abuse of children with disabilities is usually not reported to the police due to several factors: [180]

- **Children with disabilities are often not seen as subjects of abuse.** Abuse is usually connected to a certain group of children - beautiful, handsome, an, blue-eyed – which is also the image used in the media. According to the interviewee, society cannot internalise the fact that abuse is also, and oftentimes particularly, about children who, at first glance, look a little different. Hence, children with disabilities receive much less attention from the public, the media, and, unfortunately, also the professional public.

- **Children with disabilities are often not informed about violence.** what is appropriate, allowed, or forbidden by law. Oftentimes, parents do not educate children with disabilities about the possible dangers and forms of abuse; thus, they do not know how to respond in such situations (escape or resist, report to the police, etc.). One of the interviewees told me about an actual case in this regard:

  "There was this case that disturbed me very much, where the perpetrator took her away; she was an adult but with an obvious intellectual disability, he took her to the next flat, and the professional to whom the woman spoke about the abuse the next day said to her, okay but why didn't you scream? No one teaches these people or children what to do, and at the same time, the perpetrators take advantage of the very fact that there is no response on the other side."

  - *Police staff interview*

Furthermore, due to a lack of knowledge, children with disabilities often associate pretended or hoax kindness with real kindness and do not understand that kind behaviour can hide certain other motivations and may be used for other purposes.

- **Violence against persons with disabilities may, to some extent, be tolerated.** Sometimes, people with disabilities are stereotypically and prejudicially still believed to be difficult, that they experience violence differently, that they have provoked it, have highly sexualized behaviour, etc.

[179] Dajana Janjatović,
'Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini' Doktorska disertacija (2021) Univ erza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029
[180] Police officer, female

Hence, in those cases, violence and sexual abuse are not perceived as what they are.

- **Credibility of their testimony.** Due to their disability, and especially when it comes to people with intellectual and psychosocial disabilities, their testimony may also not be taken as credible and reliable. While perpetrators may intimidate them with "and who is going to believe you?" family members and others may doubt their testimony and experience themselves. Credibility of their testimony may also be doubted by the judiciary in actual court proceedings, due to their lack of knowledge in this field. [181]

There seems to be no standard protocol in place that would ensure that judges or court staff synchronize the way in which children are considered in court. However, a protocol for the forensic interview with the child ("Protokol forenzičnega intervjuja z otrokom") exists in the case of Children's house for the cases processed therein. Although, in theory, court staff is bound to follow the overarching principle and guidelines on child-friendly justice, it will still be largely up to individual judges to decide how the proceedings will be carried out.

As far as the authors of this paper are aware, Slovenian courts have not issued any child-friendly judgments in civil or criminal cases.

In the 2015 case of Y. v. Slovenia, the ECHR rendered an important decision regarding the procedural rights of a minor involved as a victim in criminal proceedings in Slovenia. [182] In the case, the applicant alleged that the criminal proceedings taking place in Slovenia, which concerned the alleged sexual assaults against her, had been unreasonably delayed, lacked impartiality, and exposed her to several traumatic experiences violating her personal integrity. Although the accused was acquitted of all charges of sexual abuse against the applicant, the applicant filed a case with the ECHR, which confirmed that the State had not ensured a prompt investigation and prosecution of the applicant's complaint of sexual abuse (the criminal complaint was lodged in 2002 and the judgement by the first instance court was delivered in 2009), was violating Article 3 of the ECHR, and had not protected the applicant's personal integrity in the criminal proceedings (most of X's questions were of a distinctly personal nature, and the accused was afforded a wide scope of cross-examination[183]), violating Article 8 of the Convention. The ECHR ruled that the state is to pay 9,500 EUR in respect of non-pecuniary damages and 4,000 EUR in respect of costs and expenses incurred before the Court.

Children can access support offered by CSD at any time, free of charge, even prior to submitting a criminal complaint against abuse.

[181] Electronic communication with a clinical psychologist and a court expert.
[182] https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-154728%22]}
[183] Para 109 of the judgement; According to the Court, »curtailing his personal remarks would not have unduly restricted his defence rights. Yet such an intervention would have mitigated what was clearly a distressing experience for the applicant. «

02 Overcoming barriers

There are three major helplines operating in Slovenia to provide advice and support to children: Društvo SOS (NGO), ZPMS - Zveza prijateljev mladine Slovenije (NGO) and NIJZ - National Institute of Public Health (public body). According to Društvo SOS, their staff working on ground and in the psychosocial support programme have had no experience working with child victims of crime, especially not with children with intellectual or psychosocial disabilities who have been involved in criminal proceedings. [184]

Additionally, Društvo Beli obroč and Društvo Združenje za moč are non-governmental organizations specializing in the field of victim support, undertaking advocacy actions, and providing legal and psychosocial support.

03 Data Collection

The existing data collection practice by the police does not factor in disability per se but does disaggregate data on the number of criminal assaults committed against a vulnerable person ("slabotna oseba"). The term, however, as explained earlier, covers a wider spectrum of vulnerable people, including not only people with disabilities (adults) but also persons unable to defend themselves at a given moment (e.g., drug or alcohol-induced). Information on the number of assaults against people with disabilities, including the different types, would need to be deduced on a case-by-case basis via case-law review. [185]

There is no statistic available on the number of people using AAC in Slovenia. According to the statistical data received for this research, there has been an increase in the number of people using communicators. According to URI Soča, which is the only institution lending communicators in Slovenia, the number of new devices loaned to users in the past four years is the following: [186]

Table 2: The number of new communicators loaned to users by URI Soča.

	Adults	**Children**
2020	34	9

[184] Information received via electronic communications with the NGOs.
[185] Police officer, female
[186] Information received via electronic communications with URI Soča.

2021	44	13
2022	52	31
2023	74	38
2024 (up to April 3rd, 2024)	15	8

The programme for loaning communicators covers a period of 4 years. Before 2020, the users were given a communicator for permanent ownership. Statistics on how many were issued do not exist.

07

CONCLUSIONS AND RECOMMENDATIONS

01 Good practices

Before conducting a comprehensive analysis of other organisations that intervene in criminal court proceedings involving children and offering suggestions on their operations, this paper would like to emphasise the significance of establishing a Children's House in Slovenia, similar to the Barnahus model that was recently introduced. The implementation of the project significantly transformed the domain of children's criminal law in Slovenia. The house's endorsement of a multidisciplinary approach has since become the benchmark and sole viable method for addressing children in criminal proceedings. As a result, The Children's House stands as a noteworthy landmark and a potentially replicable model for other jurisdictions to follow. The initial pilot project in Slovenia could have benefited from further expansion to accommodate a greater number of cases and children who had experienced trauma. We anticipate this to be the path forward with adequate funding, personnel, and training. Consequently, the initial recommendation that ensues is an appeal to enhance its capabilities and provide this alternative for every minor involved in criminal proceedings in Slovenia. Always, there is potential for improvement, even in exemplary good practices.

02 Conclusions

With this National Briefing Paper, our objective was to present a comprehensive outline of the legal and practical framework that encompasses the plight of children with disabilities who have been victimized by crime in Slovenia. This paper provides a comprehensive examination of the pertinent legal sources that protect the rights of children during criminal proceedings, with a particular emphasis on their status as child victims who have disabilities. However, legally recognized rights are meaningless if they fail to be implemented in practice. Gender and age-appropriate procedural accommodations are necessary to ensure that children can participate effectively in criminal proceedings while experiencing minimal exposure to trauma. Child victims' participation can be encouraged in a variety of ways, including by providing them with information in a manner that is appropriate for their age, accompanying them throughout the proceedings, and regularly inquiring about their preferences, wishes, and condition. The paper concludes with recommendations that public institutions tasked with effecting change may find useful, as they are based on an overview and consultation with relevant experts in the field regarding unanswered questions.

03 Recommendations

1. Empower the work of the Children's house (*Hiša za otroke*) Enhance the Children's House's capabilities by expanding the staffing levels and establishing additional work sites across different regions. Ensure that personnel receive consistent training, with an emphasis on the convergence of child and disability issues.

2. Empower the work of the Victim Support Office (*Služba za podporo oškodovancem*). Establish premises outside Ljubljana, in other district courts. Encourage exchange of knowledge between the offices across Slovenia, for exchange of good practices and support. Provide staff with regular trainings, particularly on the intersection of child and disability.

3. Training of professionals involved with children in the criminal setting. Provide criminal justice professionals with regular trainings, focusing on the intersection of child and disability needs in general. Coordinate interdisciplinary trainings in order to foster greater collaboration among the various stakeholders, including law enforcement, prosecution, and social work centres. Facilitate educational sessions concerning disabilities and child-friendly justice. Promote the exchange of case-specific practical knowledge.

4. Develop a systematic procedure for promptly identifying protection requirements, with due consideration given to the child's potential disability. Throughout criminal proceedings, ensure early identification of protection needs and a method for respecting the necessity for procedural accommodations.

5. Employ child-friendly and disability-cautious language to criminal court proceedings. Employ easy-to-read formats, child-friendly language, and simple spoken language. Plan educational sessions on these methodologies.

6. Consider the implementation of a so-called "preparatory meeting" also in regular court proceedings, e.g. hearings of minors, not only for the hearings taking place in the Children's House. It has been demonstrated that holding these meetings is an effective method for obtaining consensus regarding the preferences and requirements of children involved in criminal court proceedings.

7. Provide a non-exhaustive list of possible procedural accommodations participants in criminal proceedings may make use of. Such a list would enable users to understand that they can ask for accommodations that would enable their better participation and protection in court proceedings. The list could accompany the statement inviting the to-be-heard person to notify the court of any needs for accommodations they may have for the hearing.

8. In criminal proceedings, promote the utilisation of Child Advocacy, which is administered by the Human Rights Ombudsman's Office. Educate child advocates on this matter through training. Conduct an awareness campaign to educate children and others about the institute, including its purpose and methods of operation.

9. Establish a child-friendly electronic case-management system that would enable children to receive information about the case in which they are involved in an accessible and prompt manner. In order to facilitate information exchange and promote collaboration among entities and organisations working on the same case involving the same child, the system could possess a multidisciplinary structure.

10. Disability should be taken into account in all phases of data collection, including pre-trial and trial proceedings. Given the criticality of enhancing the involvement and safeguarding of individuals with disabilities, including children, in criminal proceedings, this would facilitate additional research and policy recommendations concerning the domains of victimology and disability.

REFERENCES

Neža Miklič, ‘Zahtevnost kriminalističnega zbiranja osebnih dokazov o slabotnih osebah’ (2019) Criminalistic theory and practice, International Criminalistic Association

Gov.si, ‘30 let Konvencije o otrokovih pravicah’ (2019), Available at: https://www.gov.si/novice/30-let-konvencije-o-otrokovih-pravicah/

Katja Filipčič, ‘Nasilje nad odraslimi z motnjo v duševnem razvoju : predavanje na srečanju "Posvet o pravnem in družbenem položaju odraslih z motnjo v duševnem razvoju" v organizaciji Slovenske akademije znanosti in umetnosti, Ljubljana, 21. mar. 2019’ (2019)

Darja Zaviršek, ‘Nevidno nasilje - normativnost in normalizacija nasilja nad ljudmi z gibalnimi, senzornimi in intelektualnimi ovirami’ (2003), Revija za kriminalistiko in kriminologijo - Ljubljana 54, Available at: https://www.policija.si/images/stories/Publikacije/RKK/PDF/2003/01/RKK2003-01_DarjaZavirsek_NevidnoNasilje.pdf

Dajana Janjatović, ’Preprečevanje sekundarne viktimizacije otrok, žrtev nasilja v družini’ Doktorska disertacija (2021) Univerza v Ljubljani. Available at: https://repozitorij.uni-lj.si/IzpisGradiva.php?lang=slv&id=125029

Na sodišču, ‘Information for the injured party’ (2023), Available at: https://nasodiscu.si/uploads/cf7a1d43b4bb307ae7b08f883d6a3227/cf7a1d43b4bb307ae7b08f883d6a3227-original.pdf

ZRC SAZU, ‘Pravni terminološki slovar’ (2024), Available at: https://isjfr.zrc-sazu.si/sl/terminologisce/slovarji/pravni/iskalnik?iztocnica=invalid

European Parliamentary Research Service, ‘The Victims' rights Directive 2012/29/EU Implementation Assessment’ (2017), Available at: www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf

Evropska Komisija, ‘Incorrect implementation in Slovenian legislation of Directive 2011/93/EU on combating child sexual abuse - INFR(2019)2239’, Available at: https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/

Gov.si, ‘Combined fifth and sixth periodic reports of the Republic of Slovenia on the basis of the Convention on the Rights of the Child and the Report outlining the actions undertaken to implement the provisions of the Optional Protocols’ (2024), Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/

Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Slovenia* (2023); Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=en

United Nations Treaty Collection, ‘15. Convention on the Rights of Persons with Disabilities’ (2024), Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en

UNCRPD, ‘Concluding observations on the initial report of Slovenia’ (2018), Available at: https://www.gov.si/en/topics/international-human-rights-law-documents-and-slovenias-reporting/

Gov.si, ‘Pravice žrtev kaznivih dejanj’ (2024), Available at: https://www.gov.si/teme/pravice-zrtev-kaznivih-dejanj/

Darja Zaviršek, ‘Hendikep kot kulturna travma: Historizacija podob, teles in vsakdanjih praks prizadetih ljudi’ (2000)

PIC, ‘Voices for Justice: Victims of crime with disabilities in Slovenia’ (2022), Available at: https://validity.ngo/wp-content/uploads/2022/04/National-finding-report-Slovenia-en-220426-1.pdf

Na sodišču, ‘Splošne informacije za udeležence v sodnih postopkih’ (2024), Available at: https://nasodiscu.si/

Na sodišču, ‘Ustava Republike Slovenije’ (2019), Available at: https://nasodiscu.si/ustava-republike-slovenije

Mreža za otrokove pravice, ‘Služba za podporo oškodovancem pri okrožnem sodišču v Ljubljani’ (2019), Available at: https://mreza-za-otrokove-pravice.si/2019/12/09/sluzba-za-podporo-oskodovancem-pri-okroznem-sodiscu-v-ljubljani/

Človekove pravice, ‘Vodič po človekovih pravicah: Child’s right to be heard’ (2021), Available at: https://www.clovekovepravice.si/en/themes/family/child/the-child-protection-in-state-proceedings/a-child-s-right-to-be-heard

CSD Slovenije, ‘Varstvo otrok in družine’ (2024), Available at: https://www.csd-slovenije.si/delovna-podrocja/#varstvo-otrok-in-druzine

Association of Social Workers of Slovenia (Commission for Forensic Expertise in the Field of Social Work), ‘GENERAL AND SPECIFIC PROFESSIONAL GUIDELINES FOR THE EXPERTS' OPINION FOR SOCIAL WORK’ (2020), Available at: https://www.gov.si/assets/ministrstva/MP/DOZPU/SICT/Splosne-in-posamicne-smernice-za-strokovno-podrocje-socialno-delo.pdf

Varuh človekovih pravic, ‘Kdaj in kako do zagovornika’ (2024), Available at: https://www.varuh-rs.si/nc/o-varuhu/organizacijske-enote-in-svet-varuha/zagovornistvo-otrok/levi-meni/kdaj-in-kako-do-zagovornika/?categories=127

MMC rtvslo.si, ‘Obeta se ustanovitev varuha otrokovih pravic’ (2023), Available at: https://www.rtvslo.si/slovenija/preberite-tudi/obeta-se-ustanovitev-varuha-otrokovih-pravic/672762

Council of Europe, ‘Rights of Persons with Disabilities’ (2024), Available at: https://help.elearning.ext.coe.int/course/view.php?id=5812

Ministrstvo za pravosodje, ‘HELP e-tečaj – Pravice oseb z ovirami’ (2024), Available at: https://cip.gov.si/aktivnosti/detajli/?ID=5fc805d2-5d57-ec11-9c77-005056818ee6&Tag=470

Policija.si, ‘Okoli 250 udeležencev na strokovnem posvetu z naslovom Ali so otroci s posebnimi potrebami lahko žrtve nasilja in hkrati verodostojne priče?’ (2023), Available at: https://www.policija.si/medijsko-sredisce/sporocila-za-javnost/sporocila-za-javnost-pu-murska-sobota/120427-v-murski-soboti-okoli-250-udelezencev-na-strokovni-posvetu-z-naslovom-ali-so-otroci-s-posebnimi-potrebami-lahko-zrtve-nasilja-in-hkrati-verodostojne-price

Dr. Sara Ahlin Doljak, ‘Brez glasu v predavalnicah in sodnih dvoranah’ (2024), Available at: https://www.iusinfo.si/medijsko-sredisce/kolumne/brez-glasu-v-predavalnicah-in-sodnih-dvoranah-310975

Mojca Jagodič, ‘Uporaba otroku prijazne sobe za razgovor : diplomsko delo univerzitetnega študija’ (2013) Univerza v Mariboru, Available at: https://dk.um.si/IzpisGradiva.php?lang=slv&id=41484

Peter Umek, ‘Dejavniki intervjuvanja mlajših otrok’ (2015)

Hiša za otroke, ‘Predstavitev projekta’ (2024), Available at: https://www.hisa-za-otroke.si/en/o-hisi-za-otroke/predstavitev-projekta/

Hiša za otroke, ‘Kdo smo’ (2024), Available at: https://www.hisa-za-otroke.si/kdo-smo/

24.ur, ‘Hiša za otroke v letu dni obravnavala 26 otrok, žrtev spolnih zlorab’ (2023); Available at: https://www.24ur.com/novice/slovenija/hisa-za-otroke-v-letu-dni-obravnavala-26-otrok-ki-so-bili-zrtve-spolnih-zlorab.html

Ministrstvo za pravosodje, ‘Priprava otroka na sodišče: Brošura za otroke’ (2017).

Sodišče.si, ‘Gre na sodišče’ (2022), Available at: https://www.sodisce.si/mma_bin.php?static_id=20220721115656

Sodišče.si, ‘Gre na sodišče’ (2022), Available at: https://www.sodisce.si/mma_bin.php?static_id=20220721115657

Sodišče.si, ‘Ko moraš na sodišče kot priča’ (2020), Available at:https://www.sodisce.si/mma_bin.php?static_id=20201119103419

Sodisce.si, ‘Publikacije’ (2024), Available at: https://www.sodisce.si/znanje/publikacije/

Zveza sožitje, ‘Spolno nasilje’ (2019), Available at: https://www.zveza-sozitje.si/modules/uploader/uploads/news/files_news/Spolnonasilje.pdf

Jose Manuel Bautista Vallejo,
‘Trpinčenje in zloraba otrok: kriminološki vidiki in znanje za pedagoško intervencijo. Revija za kriminali stiko in kriminologijo, 56(1), (2005)

ECHR, ‘CASE OF Y. v. SLOVENIA’ (2015), Available at: https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-154728%22]}