

ASPECTS OF DEALING WITH THE CRIME OF DOMESTIC VIOLENCE

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LEGISLATION

- A decade ago – domestic violence = like other violent act
- From 2008 domestic violence is independent offense
- Important three conditions:
 - intimate relationship between the perpetrator and the victim
 - violence acts happened more than once in certain time
 - the victim is subordinated to the abuser

THE LATEST VERSION OF CRIMINAL PROCEDURE ACT – VICTIMS RIGHTS:

- to careful treatment for reasons of vulnerability, such as age, health, disability or other similar circumstances
- to be accompanied by a trusted person chosen by herself when making initial contact with a competent authority
- to have any undesired contact with the perpetrator prevented, unless contact is necessary for pre-criminal or criminal procedure
- to be informed of the release or escape of a suspect from detention or house detention for the purposes of securing her personal safety
- to receive free legal aid

very important – the risk assessment

THE LATEST VERSION OF CRIMINAL PROCEDURE ACT – VICTIMS RIGHTS:

- to protective and other measures to ensure personal safety under the Criminal Procedure Act and the Witness Protection Act (ZZPri):
 - as a witness, to have your testimony recorded if you are under 15 years of age (Article 84(1) of the ZKP)
 - to be questioned (before the police) by the same person or a person of the same gender (Article 148b of the ZKP)
 - to give testimony with the assistance of an expert and in specially adapted premises (Articles 240(5) and 240(6) of the ZKP)
 - as a witness, to have your personal data protected and give testimony using technical resources such as a protective screen (Article 240a of the ZKP)
 - to give testimony via video link (Article 244a(1) of the ZKP)
 - to have the public excluded from the main hearing (Article 295 of the ZKP)
- to have your rights as referred to in Articles 65(5) and 240(6) of the ZKP respected by an expert who examines or interviews you in order to draw up an expert opinion (Articles 264 and 264a of the ZKP)
- to receive confirmation or a copy of the record on the reporting of a criminal offence when reporting a criminal offence (Article 147a of the ZKP)
- to receive information on the course of your case and on your role in pre-criminal or criminal procedure (Article 65a(3) of the ZKP)
- to be provided with the details of a contact person at the competent authority with whom you may communicate on your case (Article 65a(1)(8) of the ZKP)
- to highlight facts, propose evidence, and view and copy the case file in criminal procedure (Article 59 of the ZKP)
- to give your opinion on any intended dismissal of a criminal complaint regarding a criminal offence for which the law prescribes a prison sentence of more than eight years (Article 161(4) of the ZKP)
- to take charge of prosecution if it is not commenced or is abandoned by the state prosecutor (Articles 60 and 63(2) of the ZKP)

- to file a motion to enforce a claim for indemnification (Articles 100-111 of the ZKP)
- to receive free legal aid under the Legal Aid Act (ZBPP)
- under the Crime Victim Compensation Act (ZOKO), to be apprised of the method and conditions applying to exercise of the right to compensation for victims of intentional criminal offences involving violence
- to the payment and reimbursement of costs incurred in criminal procedure (Articles 92, 96(4) and 97 of the ZKP)
- to file an appeal against a judgment (Article 367(A) of the ZKP)

Regardless of whether you file a criminal complaint, under the Social Assistance Act and as the victim of a crime offence that has directly caused you to suffer damage of any kind, you are entitled to support for victims of crime. This includes specialist support and counselling provided by social services centres. This enables you to receive psychological, social and financial relief from the position into which you have been placed by the crime.

You may also contact the non-governmental organisations listed below:

- Društvo SOS telefon / SOS telephone helpline (<http://www.drustvo-sos.si/>)
- Društvo za nenasilno komunikacijo / Association for Non-Violent Communication (<https://www.drustvo-dnk.si/>)
- Društvo Zenska svetovalnica / Women's advice room (<http://www.drustvo-zenska-svetovalnica.si/>)
- Ključ – center za boji proti trgovini z ljudmi / Centre for the Fight Against Human Trafficking (<http://www.drustvo-kljuc.si/>)
- Društvo za pomoč žrtvam kaznivih dejanj – Beli obroč Slovenije / Association for Assistance to Victims of Crime (<https://www.belirobc.si/>)
- Združenje za MOC / Association Against Sexual Abuse (<http://spolna-olraba.si/>)

The rights listed in this pamphlet are explained in more detail at <https://www.policija.si/medijsto-sredisce/publikacije>.

Rights of victims of crime

You become a victim of crime when your personal or property rights are violated or threatened by a criminal offence in which you suffer damage, including physical, mental, emotional or economic damage. When the direct result of a criminal act is the death of a person, that person's spouse or extra-marital partner, direct blood relatives, adopted children or adoptive parents, brothers and sisters and any persons they supported or were obliged to support are also regarded as victims of criminal offence.

Under the Criminal Procedure Act (ZKP), you may report a criminal offence or file a criminal complaint with the state prosecutor or with the police. In the latter case, the police are obliged to accept the criminal complaint and forward it to the competent state prosecutor.

If you decide to file a criminal complaint with the police, you may do so:

- in person at any time and any police station or police department, where work or duty work is generally organised or takes places 24 hours a day (a police officer will draw up a record of the oral report, which is then signed by you and the police officer);**
- by dialling 113 or another police unit number as published in the public Telekom Slovenije telephone directory or via the police website (a police officer will record the report as an official record of a criminal complaint received, which he will then compile and sign);**
- in writing (if you so request, you will be issued with confirmation that you have submitted a criminal complaint to the police);**
- by email or via the e-uprava (e-administration) website.**

If you make an oral report, the police officer is obliged to warn you of the consequences of entering a false criminal complaint – specifically, that falsely reporting a crime is a criminal offence prosecuted ex officio. After receiving your criminal complaint, police officers are obliged to assess whether there are grounds for suspecting that a

crime offence has been committed, and to take all steps necessary to trace the perpetrator, prevent the perpetrator or participant from concealing themselves or escaping, uncover and secure any traces of the criminal offence and any items that could serve as evidence, and gather into the police investigation all information that could aid the success of the criminal procedure.

In order to establish whether there is a specific need for you to be protected, the police officer will, upon first contact and with the aim of assessing the degree to which your safety is threatened, ask a number of questions important for establishing whether further measures to secure your safety are required. The police officer might also obtain an opinion from the competent social services centre.

Based on your report, the police will gather documents and evidence important for any criminal proceedings that may follow. Following any guidance or instructions from the state prosecutor, the police will draw up a criminal complaint, enclosing with it any items, sketches, photographs, reports, records of activities carried out by the police, official notes, statements and other material that could aid the success of the criminal procedure. All of this is sent to the state prosecutor, who then decides how to proceed.

The state prosecutor may dismiss the criminal complaint, ask it to be supplemented or, in certain cases and with your consent, defer prosecution and assign the case to a mediation procedure. Here, the perpetrator is obliged to carry out community service or minimise or remove the consequences of the criminal offence in some other way. If they do so, the criminal complaint is dismissed. The state prosecutor may otherwise file an indictment directly with the court, or request that individual investigative acts or judicial investigation be carried out by an investigating judge. After investigation is completed, the state prosecutor decides whether proceedings should go ahead (they may withdraw from prosecution or file an indictment). During the trial, the court presents the evidence collected and decides on the guilt of the defendant. If the defendant is found guilty, the court passes the appropriate sentence.

AS A VICTIM OF CRIME, YOU HAVE THE RIGHT:

- to particularly careful and considerate treatment for reasons of vulnerability, such as age, health, disability or other similar circumstances (Article 18a of the ZKP)
- to use your own language or a language you understand (Article 8 of the ZKP)
- to be accompanied by a trusted person chosen by yourself when making initial contact with a competent authority (Article 65(4) of the ZKP)
- to be represented in proceedings by an authorised representative, who may be a lawyer; if you are a minor victim of certain crime offences, the representative will be appointed by the court if you have not selected one yourself beforehand (Article 65 of the ZKP)
- to free health, psychological and other care and to support offered by social services centres and other organisations (Article 65a(1)(1) of the ZKP and Article 14a of the Social Assistance Act (ZSVJ))
- to be apprised of assistance options and of measures under the Domestic Violence Prevention Act (ZPND) (Article 65a(1)(2) of the ZKP and the ZPND)
- to have any undesired contact with the perpetrator prevented, unless contact is indispensable to the successful performance of pre-criminal or criminal procedure (Article 65(5) of the ZKP)
- to be apprised of the release or escape of a suspect or the accused from detention or house detention for the purposes of securing your personal safety (Article 65a(4) of the ZKP)
- to request information on the departure, release or escape of a prisoner under the Enforcement of Criminal Sanctions Act (ZIKS) (Article 30b of the ZIKS-1)

COLLABORATION WITH NGO'S

- NGO's are important members in preventing domestic violence
- We often work together (on certain cases or in different events, in education or training)
- We have the same goal
- For the victims they are indispensable

Doživljate nasilje in ne morete poklicati na pomoč?

Uporabite spodnji znak in sporočite, da potrebujete pomoč.

Mednarodni znak
za pomoč
pri nasilju
v družini

#SignalForHelp



113



080 1200



policija.si



Dlan obrnite proti kameri in palec pokrčite navznoter.



Z ostalimi prsti oblikujte pest.



1. Palm to camera and tuck thumb



2. Trap thumb

TRAINING

- regular training for police officers
- with different lecturers: Police, NGO's, Social Service Centre, other experts
- attend at trainings and workshops of other governmental or non-governmental organizations.



A JOINT CALL TO REPORT VIOLENCE



COOPERATION WITH CENTRE FOR SOCIAL WORK

- annual meetings
- multidisciplinary Team for domestic violence
- when children need to be placed in a crisis center



EPIDEMIC COVID-19

- The Police is still available 24 hours a day
- We respond to every call for help
- We do everything to protect the victim
- We take prescribed measures against the perpetrator
- Victim attachment to the home make it difficult to report
- You can seek help at the nearest police station or call 113
- You can make an anonymous report by calling 080 1200 or submit an anonymous e-report of domestic violence on our website.



EPIDEMIC COVID-19



CALL ON NEIGHBOURS, April 8, 2020

- Home must be a safe place
- Do not close your eyes and do not overhear calls
- She may need help when she can not go out because of a violent relationship
- We cooperate with other organizations NGO, social work centers ...
- Virus against violence – the goal is the same: to save lives together

DEALING WITH THE CRIME OF DOMESTIC VIOLENCE

- Call for help: informations about violence, where, who...
- At the scene: clear message of police officer that violence is unacceptable
- We first examine the report of domestic violence from the point of view of a possible criminal offense - domestic violence
- Interviews with participants separately
- Pay attention to the possible presence of children
- Collect all the evidence