

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 place 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 eUprava (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)**

All participants in proceedings (police, state prosecutor's office, courts and other state bodies, experts, court experts, court and other interpreters and conciliators) are obliged to observe this provision.

- **To use your own language or a language you understand (Article 8 of the ZKP)**
 - You will be advised of this right, which you may also forego if you are familiar with the language in which the proceedings are to take place.
 - In judicial proceedings, you have the right to:
 - an oral interpretation of what is being said;
 - at your explicit request, the right to receive written translations of documents essential to the exercise of your rights.
 - You may raise an objection to:
 - inadequate interpretation or translation;
 - interpretation or translation not being provided in all cases in which it has to be provided.
- **To be accompanied by a trusted person chosen by yourself when making initial contact with a competent authority (Article 65(4) of the ZKP)**
 - The trusted person may accompany you for the entirety of the proceedings and provide you with support.
 - The trusted person is not an authorised representative who exercises your interests in criminal proceedings (in this case, they would be assuming the role of a lawyer).
 - You may be accompanied by a trusted person if the nature and gravity of the criminal offence, your personal circumstances or the level of threat to which you are exposed so require.
 - The attendance of a trusted person may be refused if their presence would be detrimental to the interests of proceedings or your own interests (the trusted person may therefore not be anyone who could cause you damage or who is otherwise a party to or participant in proceedings).
- **To be represented in proceedings by an authorised representative, who may be a lawyer; if you are a minor victim of certain crimes, the representative will be appointed by the court if you have not selected one yourself beforehand (Article 65 of the ZKP)**

In criminal procedure conducted in cases of criminal offences against sexual inviolability and in cases involving domestic violence, slavery and human trafficking, you must, if you are a minor, have an authorised representative to safeguard your rights, particularly in connection with the protection of your integrity during hearings and enforcement of a claim for indemnification. This person must be present from the initiation of criminal procedure onwards. If you are a minor who is a victim of the criminal offences listed above, you must also have an authorised representative when you are being

examined during pre-criminal procedure. If you do not have an authorised representative, the court will appoint one for you *ex officio* from a list of lawyers.

- **To free health, psychological and other care and to support offered by social services centres and other organisations (Article 65(1)(1) of the ZKP and Article 14a of the Social Assistance Act [ZSV])**

In addition to health care services provided by the public health care system, as a victim of a criminal offence you also have the option of receiving expert support and expert counselling provided by a competent social services centre. In some cases, you may also receive help from non-governmental organisations.

Regardless of whether you file a criminal complaint, under the Social Assistance Act and as the victim of a criminal offence that has directly caused you to suffer damage of any kind, you are entitled to support for victims of criminal offences. This includes expert support and expert 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 criminal offence.

- **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)**

If you are a victim of violence, you have the option of moving to a crisis centre, where you will be offered expert help and accommodation. If you need support with accommodation after your residence at the crisis centre comes to an end, you may be moved to a safe house or shelter. You have the right to free legal aid and to have a person accompany you during proceedings, help you to protect your integrity and find appropriate solutions to address your situation, and give you psychosocial assistance. If necessary, the police or the court may prohibit a perpetrator of violence from approaching a place or person. The court may, at the victim's proposal, prohibit the perpetrator from entering common apartment and, if necessary, following the proposal of the victim, assign use of the apartment exclusively to the victim.

- **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)**

Various organisational measures can be taken during criminal proceedings themselves, such as issuing summons for a victim to attend a hearing at a different time to the accused.

- **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)**

- You may ask to be informed at any time.
- The request may be turned down, if the provision of information could place the perpetrator at risk.
- The police or the court shall inform you, if the perpetrator escapes from house detention.
- The court shall inform you if the perpetrator is released from house detention.
- The institution in which the perpetrator was being detained shall inform you if they are released or abscond from custody.

- **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)**

- You may file a request for information on the departure, release or escape of an offender, minor or person subjected to the safety measure of compulsory psychiatric treatment and confinement in a health institution with the General Office of the Penal Sanctions Administration of the Republic of Slovenia (Generalni urad Uprave Republike Slovenije za izvrševanje kazenskih sankcij), Beethovnova ulica 3, 1000 Ljubljana.

- If you have already filed a request for information on the release or escape of a prisoner during pre-criminal procedure and have not withdrawn or amended the request, you shall be deemed to have also filed a request for the institution in which the convicted person is serving their sentence or is subjected to a protection and safety measure to inform you of the departure, release or escape of the convicted person, minor or person undergoing compulsory psychiatric treatment.
- If you have not filed a request for information, the court will inform you of the options regarding provision of information within eight days of the offender beginning their sentence or undergoing the education or safety measure.
- The prison facility in which the offender is serving their sentence or the correctional facility in which the minor is subjected to the measure will then invite you to sign an agreement setting out the method and scope of provision of information on the departure, release or escape of the accused or the minor. The health institution in which a person subjected to a safety order of compulsory psychiatric treatment and confinement is located shall inform you, if that person departs, is released or escapes from that facility under the terms of the previously signed agreement setting out the method and provision of information on the departure, release or escape of the person concerned.
- The request for information may be turned down, if it could lead to the person, who is imprisoned being placed under threat by the victim of crime.

- **To protective and other measures to ensure personal safety under the Criminal Procedure Act and the Witness Protection Act (ZZPrič)**

The Criminal Procedure Act provides for quite a few protective measures. The police and the state prosecutor's office shall assess the level of risk to which you are exposed. To reach their assessment, they will ask you a few questions; you may answer these if you wish. This assessment will be taken into account when any protective measures are ordered:

- recording of the testimony of a witness (victim) of sexual, etc. crimes who is under 15 years of age is compulsory (Article 84(1) of the ZKP);
- questioning (before the police) shall be performed by the same person or a person of the same sex (Article 148b of the ZKP);
- the giving of testimony with the assistance of an expert and in specially adapted premises (Articles 240(5) and 240(6) of the ZKP);
- protection of a witness's personal data and the giving of testimony using technical resources such a protective screen (Article 240a of the ZKP);
- the giving of testimony via video link (Article 244a(1) of the ZKP);
- exclusion of the public from the main hearing (Article 295 of the ZKP).

The Witness Protection Act is a systemic act that provides protection to important witnesses in cases of more serious criminal offences, if there exists a real danger to their life or limb or the life or limb of another at-risk individual and such protective measures are required in order to avert the danger. Victims of criminal offences are most often also witnesses. Their cooperation is voluntary, and measures also include the arrangement of documents, changes of identity, relocation, etc.

- **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)**

- You may only be examined, if this is necessary; otherwise, the expert is obliged to conduct their work on the basis of medical documentation or other information in the files.
- During the examination, the expert must respect your physical and mental integrity.
- A person you trust may be with you during an interview with an expert.
- Interviews with an expert may be conducted in specially adapted premises (e.g. a safe room).

- **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)**
 - The confirmation of submission of a report contains the case number, the time and place of submission of the complaint, your name, date of birth, personal identification number (EMŠO), address or place of residence, any other contact details, the criminal offence committed and, if known, details on the time and place at which the criminal offence was committed and on any damage caused by the criminal offence, and a statement to the effect that the person submitting the criminal complaint is the victim of the crime.
 - The confirmation will also advise you of the requirement to inform the police of any change of address or place of residence (Article 66) and of your right to take charge of the prosecution (Articles 60, 62 and 433).
 - If you do not speak or understand the language in official use, assistance will be given to you during the criminal complaint submission procedure by a person who understands or speaks a language you understand or speak as well as the language in official use.
 - At your request, you will be provided with a translation of the written confirmation of submission of the complaint in a language you understand free of charge.

- **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)**
 - You may check which stage the pre-criminal procedure is at using an app on the police website. To use the app, you must enter your first name, surname, personal identification number (EMŠO) and email address, and the date on which the criminal offence was reported (https://www.policija.si/apps/obvescanje_oskodovancev/form.php)
 - You may also send questions on the course of the case to the competent state prosecutor's office or the court.
 - You may request that the court send you the final judgment (i.e. the judgment that can no longer be contested by appeal).
 - You will receive a non-final judgment, if you have a right of appeal or if the accused receives a suspended sentence with protective supervision and an injunction against approaching you, or if they are subjected to a safety measure prohibiting them from approaching or communicating with the victim (in this case, you will therefore be apprised of the measures imposed and will be able to report any violations by the offender).

- **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)**
 - This will first be a member of police staff and later an officer of the state prosecutor's officer or the court.

- **To highlight facts, propose evidence, and view and copy the case file in criminal procedure (Article 59 of the ZKP)**
 - During judicial investigation, you have the right to highlight all facts and propose evidence important for ascertaining that a criminal offence has been committed, tracing the perpetrator and enforcement of a claim for indemnification.
 - You have the right at the main hearing to propose evidence, ask the accused, witnesses and experts questions, give comments on and explanations of their statements, and make other statements and proposals.
 - You have the right to view and copy files and to inspect items of evidence. You may be denied this right until you are cross-examined as a witness.

- **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)**

The state prosecutor must inform you in writing with the intention of dismissing a criminal complaint, list the essential grounds for this decision, and allow you, within 15 days, to take a written position on those grounds and send any additional information and evidence in support of the probable cause that the suspect has committed a criminal offence. Your opinions, information and evidence are sent to the state prosecutor and the head of the competent district state prosecutor's office.

- **To take charge of prosecution if it is not commenced or is abandoned by the state prosecutor (Articles 45(4), 60 and 63(2) of the ZKP)**

- The state prosecutor is obliged to convey to you his decision and inform you that you (or the court) may commence prosecution yourself, if the state prosecutor withdraws from prosecution.
- You may commence or continue prosecution within 30 days of the day you received notification of withdrawal from the state prosecutor.
- If you have not been informed, the deadline shall begin from the day you became aware of the dismissal of the criminal complaint or the withdrawal from prosecution.
- As a victim of a criminal offence who has taken charge of the prosecution, you have the same rights as the state prosecutor, except for those invested in the state prosecutor as an authority of the state.
- The state prosecutor has the right to re-assume responsibility for prosecution from you and to represent the charge by the end of the main hearing.

- **To file a motion to enforce a claim for indemnification if this would not unduly delay criminal procedure (Articles 100–111 of the ZKP)**

- A claim for indemnification may relate to reimbursement for damages, the return of an item or the annulment of a specific legal contract.
- You may file such a claim with the body to which the criminal complaint was filed (state prosecutor's office or police) or with the court before which procedure is conducted.
- You must mark your claim clearly and provide supporting evidence.
- The court may uphold your claim for indemnification in its entirety in a judgment of conviction, or uphold it in part and direct you to file a civil case for recovery of the remainder.
- If the information in criminal procedure does not provide a reliable basis either for complete or partial adjudication on the claim, the court directs you to file a civil lawsuit for damages.
- In the event of acquittal, a decision of rejection or the suspension of procedure by means of a decision or dismissal of the charge, the court directs you to enforce your claim for indemnification by a civil lawsuit.
- If the claim for indemnification involves the return of an item and the court establishes that the item belongs to you and that it resides with the accused, another participant in the criminal offence or a person to whom it has been given for safekeeping, the judgment shall be that the item be returned to you.
- If the claim for indemnification involves the annulment of a specific legal contract and the court recognises the claim as justified, the judgment shall be that the transaction be annulled in full or in part, with the consequences that this entails but without the rights of others being affected.

- **To receive free legal aid under the Legal Aid Act (ZBPP)**

The act governing legal aid distinguishes between regular, special, urgent and exceptional legal aid.

Certain financial criteria and substantive conditions are defined for the allocation of regular legal aid.

Financial criteria:

- if, by virtue of your financial situation and that of your family, you would be unable to afford the costs of judicial procedure or the costs of legal aid without damaging your social status and that of your family.

Substantive conditions:

- The case is not obviously without merit and/or you have the prospect of success in the case.
- The case must be important for your personal and socio-economic status, or the anticipated outcome of the case is of vital importance to you or your family.
- Special legal aid is given to recipients of social security. They must meet the substantive conditions for allocation, but no financial criteria are applied to them. The Legal Aid Act lays down other conditions for the allocation of special, urgent and exceptional legal aid.
- More information is available at http://www.sodisce.si/sodni_postopki/brezplacna_pravna_pomoc/

- **Under the Victim Compensation Act (ZOZKD), to be apprised of the method and conditions applying to exercise of the right to compensation for victims of intentional criminal offences involving violence**

- Slovenian citizenship or citizenship of another EU Member State is a precondition for the exercise of the right to compensation for victims or a close relative.
- If the victim of an intentional criminal offence involving violence (particularly a criminal offence against life and limb or a sexual criminal offence), you may claim compensation from the state under the ZOZKD. Under certain conditions, you may also claim compensation as a close relative of a victim who has lost his life as a result of a crime.
- Where the perpetrator of an intentional criminal offence involving violence is unknown or cannot be prosecuted (for example, because they are deceased), as the victim or a close family member of the victim you are not required to first claim compensation from the perpetrator. You also have special status, if you were a child (under 18 years of age) at the time the crime was committed, a victim of domestic violence, a disabled person or a foreign national (citizen of another EU Member State). In these cases, the deadline for filing a compensation claim is six months from the day the criminal offence was committed.
- In other cases, the reimbursement of damages must first be claimed from the perpetrator. If enforcement is not successful (or even impossible), compensation may then be claimed from the state under the ZOZKD. In these cases, the deadline for the claiming of compensation is three months from the day information is received indicating that enforcement has been unsuccessful or is impossible (e.g. from receipt of the decision suspending enforcement or of responses to enquiries regarding the perpetrator's assets, etc.).
- An application for compensation is filed on the prescribed form with the Ministry of Justice.
- More information available at: http://mp.arhiv-spletisc.gov.si/si/delovna_podrocja/direktorat_za_kaznovalno_pravo_in_clovekove_pra_vice/sektor_za_popravo_kvivic_in_podporo_zrtvam_kaznivih_dejanj/odskodnine_zrtvam_kaznivih_dejanj/index.html

- **To the payment and reimbursement of costs incurred in criminal proceedings (Articles 92, 96(4) and 97 of the ZKP)**

- Your necessary expenses, the necessary expenses of your legal guardian and the remuneration and expenses of your authorised representative are also included among the costs of the criminal procedure.
- At the end of the criminal procedure, the court decides on the payment of the costs of the procedure. If a conviction is passed, the costs are paid by the person convicted.
- You always pay the remuneration and necessary expenses of your authorised representative yourself, unless the representative has been appointed by the court *ex officio* (in this case, it is first paid by the state and later by the person convicted).
- An authorised representative who is not an attorney but a candidate for an attorney is not entitled to remuneration but only to the reimbursement of their necessary expenses.
- Some criminal offences are prosecuted at the proposal of the victim; this means that you propose prosecution, for example by filing a criminal complaint, but prosecution itself is still conducted by the state prosecutor. If for such criminal offences you withdraw your proposal for prosecution after the start of the main hearing, you pay the costs of the criminal procedure, unless the person charged states that they will pay those costs themselves.

- **To file an appeal against a judgment (Article 367(4) of the ZKP)**

You have the right to appeal against a decision of rejection or acquittal, but may only appeal against a conviction as it relates to the decision on a claim for indemnification, announcement of the final judgment and the decision on costs. If the state prosecutor has assumed prosecution from you as the victim of the criminal offence in question, you may appeal on all possible grounds, on which the judgment can be contested.

Support is also provided to victims of crime by the following non-governmental organisations:

- 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 Ženska svetovalnica / Women's advice room (<http://www.drustvo-zenska-svetovalnica.si/>)
- Ključ – Center za boj 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 (<http://www.beliobroc.si/>)
- Združenje za MOČ / Association Against Sexual Abuse (<http://spolna-zloraba.si/>)

More information on the forms of assistance available to victims of crime is available in the publication "Mreža socialnovarstvenih programov, programov za invalide in programov v podporo družini" (Network of social security, disability and family-support programmes) (http://mdsz.arhiv-spletisc.gov.si/si/delovna_podrocja/sociala/socialnovarstveni_programi/).

Legal bases (with links)

- Zakon o kazenskem postopku / Criminal Procedure Act: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362>
- Zakon o izvrševanju kazenskih sankcij / Enforcement of Criminal Sanctions Act: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1223>
- Zakon o preprečevanju nasilja v družini / Domestic Violence Prevention Act: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5084>

- Zakon o zaščiti prič / Witness Protection Act:
<http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4265>
- Zakon o brezplačni pravni pomoči / Legal Aid Act:
<http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1265>
- Zakon o odškodnini žrtvam kaznivih dejanj / Crime Victims Compensation Act:
<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4264>
- Zakon o socialnem varstvu / Social Assistance Act:
<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO869>