

FAMILY VIOLENCE PREVENTION ACT (ZPND)

Part One: GENERAL PROVISIONS

Article 1 (Purpose of the Act)

(1) This Act defines the notion of violence in families, the role and tasks of state authorities, holders of public authority, public service contractors, authorities of self-governing local communities (hereinafter: authorities and organizations), as well as non-government organizations taking part in consideration of family violence, and determines the actions for protecting the victims of family violence.

(2) To prevent violence in families and to protect as well as provide aid to victims there are other actions that shall be taken as defined by other acts and regulations issued on their basis besides the actions, which are defined by this Act.

Article 2 (Definition of Family Members)

According to this Act the following belong to the group of female and male family members (hereinafter: family members):

- spouse or cohabiting partner, ex spouse or ex cohabiting partner,
- partner or ex partner in the registered same-sex partnership,
- any blood relative (hereinafter: relative) in direct line,
- any blood relatives coming from any line to including third level,
- step-relative to including second level,
- any of the adoptive parents (hereinafter: adoptive parent) and the adopted child,
- male or female foster carer (hereinafter: foster carer) and the foster child,
- male or female guardians (hereinafter: guardian) and the guarded child,
- persons having a child together,
- persons living in a common household.

Article 3 (Definition of Family Violence)

(1) Family violence (hereinafter: violence) denotes any form of physical, sexual, psychological or economic violence exerted by one family member against the other, or disregard of any family member as found in the Article 2 of this Act (hereinafter: victims) regardless of the age, sex or any other personal circumstance of the victim or perpetrator of violence (hereinafter: perpetrator of violence).

(2) Physical violence denotes any use of physical force that causes pain, fear or shame to the family member regardless of the fact whether injuries were inflicted.

(3) Sexual violence pertains to handling with sexual content that is opposed by one family member, or if he or she is forced into acting them out or because of his or her stage of development they do not understand their meaning.

(4) Psychological violence denotes such actions with which the perpetrator of violence exerting it against a family member induces fear, shame, feelings of inferiority, endangerment and other anguish.

(5) Economic violence is undue control or setting of restrictions of any family member concerning disposing with one's income or in other words managing the financial assets with which the family member disposes or manages and it can also mean undue restricting of disposing or managing the common financial assets of family members.

(6) Disregard falls under those forms of violence in which a person does not provide due care for the family member who is in need of it due to illness, disability, old age, developmental or any other personal circumstances.

Article 4 (Special Protection and Care)

(1) Special protection against violence should be provided for younger family members (hereinafter: children).

(2) The child is victim of violence, even if they are only present when violence is exerted against other family members, or if they live in an environment where violence is exerted.

(3) Special care when considering violence and providing aid are intended for the older and disabled persons as well as persons, who due to personal circumstances, are not capable of taking care for themselves.

Article 5 (Action Obligation)

Authorities and organizations are obliged to carry out all procedures and actions which are required for protecting victims, according to the level of hazard and for protecting their benefits together with ensuring respect for the integrity of the victim. If a child is the victim of violence, then the child's benefits and rights have advantage over benefits and rights of any other participants of the proceedings.

Article 6
(Obligation of Reporting)

(1) Authorities and organizations as well as non-government organizations, which in their work find out the circumstances on basis of which it is possible to assume that violence is being inflicted, are obliged to immediately inform the Social Work Centre, except in cases when the victims themselves oppose expressly and there is no suspicion of criminal offence that should be persecuted under compulsory powers.

(2) Anyone and in particular social workers or health care workers together with the personnel working in educational and care institutions as well as educational institutions, have to – regardless of the provisions on protection of business secrecy – immediately inform Social Work Centre, the police or the State Prosecutor's Office when there exists a suspicion that the child is a victim of violence.

Article 7
(Victim's Assistant)

(1) Victims of violence can by themselves choose a person who can represent them in all violence-related proceedings (hereinafter: assistant).

(2) It suffices for the assistant to be present in the proceedings mentioned in the above paragraph that the victim declares prior to the beginning of the proceedings or at the proceedings itself that he or she wants that a specific person accompanies him or her and that he or she wants that they are present in the proceedings.

(3) The assistant can be any adult person that is not considered in the proceedings as the perpetrator of violence.

(4) The assistant helps the victim in protecting his or her own integrity in the proceedings before authorities and organizations, and also helps in finding the solution as well as providing psychological support for the victim.

(5) The authority that governs the proceedings can prohibit a person to accompany the victim in the proceedings if they do not meet the conditions from the paragraph 3 of this Article, or if there exists a probability that the person will not be able to carry out the tasks from the above paragraph according to the family relationships or any other relations with the victim or perpetrator of violence.

Article 8
(Right of the Victim to Legal Representation)

The victim of violence has the right to a legal representative (hereinafter: legal representative) who shall, in accordance with the special regulations, protect the victim's benefits in proceedings and any activities concerning them.

Article 9
(Protection of the Victim's Identity)

(1) Information on victims or perpetrators of violence, on the basis of which the victim or his or her family could be identified, must not be issued to the public. It is allowed to issue information only if the adult victim consents with this expressly.

(2) The child's parents, guardians, foster carers or adoptive parents are obliged to protect him against public exposure in the framework of providing care for the child.

Part Two: NETWORK AND TASKS OF AUTHORITIES AND ORGANIZATIONS AS WELL AS NON-GOVERNMENTAL ORGANIZATIONS

10. Article 10

(the role of authorities and organizations as well as non-governmental organizations)

(1) Authorities and organizations, as well as nongovernmental organizations, are – in the framework of tasks and authorizations according to the legislation and other regulations – obliged to consider instances of violence on a priority basis, and to implement mutual information and provide aid, intended to prevent and identify violence, as well as eliminating the causes and offering aid to the victim by establishing normal life conditions.

(2) The Minister (hereinafter: Minister) competent for work, family and social affairs shall determine the procedures in mutual informing procedures and providing of aid from the above paragraph more precisely.

(3) The Ministers competent for work of the police, health organizations, social security and educational institutes shall determine with common consent with the minister competent for work, family and social affairs the rules and procedures which ensure concerted action of authorities and organizations, and which further have to be considered by the authorities and organizations from the above-mentioned areas when dealing with instances of violence.

(4) The practitioners (hereinafter: practitioners) working with the authorities, and organizations who are in the framework of the rules and procedures from the above paragraph responsible for performance of functions in the field of violence, must in the framework of lifelong education, improvement and training regularly educate themselves in the field of violence in the extent as defined by competent ministers from the above paragraph. Responsible persons with the authorities and organizations as well as nongovernmental organizations are obliged to provide training for all practitioners who in the framework of their work deal with victims or perpetrators of violence.

(5) Judicial Training Centre shall add among educational content also the field of family violence.

Article 11 (National Programme)

(1) The National Assembly adopts – upon proposal of the government – the national programme for preventing family violence (hereinafter: national programme) for the period of the next five years.

(2) The National programme shall be prepared by the Ministry competent for work, family and social affairs in cooperation with other Ministries, and it shall in particular contain the following:

- an overview of the situation and an assessment of the crucial issues in the field of preventing family violence,
- essential objectives, policies and tasks in the field of family violence prevention for the period contained in the national programme,
- holders of action plans in specific fields for executing policies and tasks from the national programme,
- prevention activities,
- Data which shall be in the framework of activities of the national statistics collected, processed, linked, stored, analyzed and shown.
- policies for education and training,
- ensuring financial and other assets for nongovernmental organizations activities.

Article 12 (Action Plans)

(1) Action plans are implementing acts of the national programme which determine for a specific field the required activities over the period of two years.

(2) Proposals of action plans made on the basis of reports on the previous two-year period, and any possible supplemented proposals by individual Ministries, are prepared by the work group, which shall be for this purpose established by the Ministry competent for work, family and social affairs, and are submitted for adoption by the government together with the common action plan.

(3) The Ministries submit to the Ministry competent for work, family and social affairs the report from the above paragraph at the latest two months prior to the expiry of the current action plan.

Article 13 (Reporting on Implementation of the National Programme)

The government reports on a two-year basis to the National Assembly on the implementation of the national programme. There are actions specified in the report as well as activities that had been carried out in the previous two-year period.

Article 14 (Tasks of Social Work Centres)

(1) The Social Work Centre provides for the victim and perpetrator of violence services according to the law, regulating the field of social security, where the elimination of direct hazard is the goal of assessments made as well as taking care for the victim's long-term safety by eliminating causes or circumstances in which violence is present, through to the finding solutions of their social and material conditions required for existence.

(2) The Social Work Centre can refer the perpetrator of violence to corresponding educational, psychosocial and medical care programmes that are provided by the authorities and organizations as well as nongovernmental organizations.

(3) A multidisciplinary team is formed at the Social Work Centre to deal with the instances of family violence.

(4) The structure of the multidisciplinary team and the methods of work are determined by the Minister competent for work, family and social affairs.

Article 15 (Victim Aid Plan)

(1) After the circumstances of a specific instance are examined the Social Work Centre is obliged to provide aid for the victim in forms according to the law, which regulates social security, as well as assess whether it is required to draw up an aid plan for the victim, which is drawn up with his or her help. The aid plan is drawn up if long-term action needs to be taken to establish a safe environment for the victim, or, if there are multiple actions for providing aid required and in any other case if they asses this is required.

(2) The aid plan is prepared in the framework of the multidisciplinary team from the third paragraph of the Article 14 of this Act. The Social Work Centre asks for cooperation in the team also from other authorities and organizations as well as nongovernmental organizations that have or will in the framework of the field of their actions consider the victim or the perpetrator of violence. Responsible persons with authorities and organizations who are asked to prepare the aid plan are obliged to ensure cooperation from representatives of authorities and organizations.

(3) If the victim of violence is a child, then actions are envisaged in the aid plan for providing protection for the child according to regulations governing family relationships.

Article 16

(Regional Services for Coordination and Aid to Victims)

(1) In order to provide aid to victims of violence, carrying out of intervention service, coordinating activities of authorities and organizations, monitoring and analyzing instances of violence in the region, a regional service for coordination and aid to victims shall be formed (hereinafter: regional service). The regional service performs services according to the law governing social security and urgent measures taken for protecting child's interest according to the law governing family relationships.

(2) The regional service includes also the intervention service, crisis centre and a regional coordinator for prevention of violence.

(3) The regional service shall be formed with the Social Work Centre as determined by its founder and it functions in the area of a specific Social Work Centre or more than one Social Work Centre. The area of action of the regional service shall be determined by the founder.

Article 17

(Non-governmental Organizations)

(1) Non-governmental organizations coming from the area of assessment and protection against violence in the framework of their programmes provide protection and psychosocial aid to victims, organizing programmes for dealing with perpetrators of violence and cooperate with authorities and organizations coming from different fields (the police, Office of the Prosecutor, court, social work centre, health organizations, and educational institutions).

(2) Non-governmental organizations cooperate with authorities and organizations when dealing with individual cases of victims and perpetrators of violence. Non-governmental organizations are in the framework of the programmes that they perform taking part in the indirect performance of actions for victim protection.

Part Three: MEASURES FOR PROVIDING SAFETY TO VICTIM

Article 18

(Protecting Life and Providing Personal Safety to the Victim)

The police protect lives and provide personal safety of the victim in accordance with the regulations governing the performance of the police. At the request of the victim

the police ensure safety for them when entering accommodation premises where they live so that they can take their belongings required for ensuring their basic vital needs as well as the basic vital needs of their children.

Article 19 (Prohibitions in Case of Acts of Violence)

(1) The victim proposes to the court to determine the measures for averting further damage. The court can prohibit on request of the victim by issuing of an order to the perpetrator of violence who physically harmed the victim or inflicted damage to their health or has in any other way interfered in their dignity or any other personal rights, in particular the following:

- entering to the accommodation premises where the victim lives;
- to come at a specified distance within the proximity of the accommodation where the victim lives;
- to come near to places which the victim frequents regularly (workplace, school, preschool facility, etc.).
- to establish contact with the victim in any way whatsoever, including by way of the means for distance communication;
- to establish any kind of meeting with the victim.

(2) The measures from the above paragraph can also be issued:

- a) if the perpetrator of violence threatened that they shall hurt or in any other illegal way offend their dignity or other personal rights;
- b) if the perpetrator of violence has illegally entered the accommodation where the victim lives or trespassed the property in any other way;
- c) if the perpetrator of violence illegally harasses the victim against their will for example by way of stalking or by using the means for distance communication.
- d) if the perpetrator of violence harasses the victim illegally against their will by using or rather by publishing the victim's personal information, that is, judicial and personal records on the World Wide Web.

(3) The court issues the measures to be taken according to the first and second paragraphs of this Article also if the perpetrator of violence has committed the act in the state of temporary mental impairment; unless it is proven that he or she induced such a state by themselves.

(4) The court shall put a time restriction on duration of actions from the first paragraph of this Article to a maximum of six months. The victim can propose a prolonging of the action for the maximum of another six months.

(5) The complaint against the action issued by the court does not withhold the execution of the measure.

Article 20

(Childcare)

(1) The procedure for decisions made on actions from the first paragraph of the Article 19 of this Act is initiated by the court in cases when the victim is a child, on request of the child who is older than fifteen years, on request of parents, that is, one of the parents if their right to parental care was not taken away, or on request made by the Social Work Centre. If the specified actions are issued for childcare sake, then the respective implementation is monitored by the Social Work Centre.

(2) The Social Work Centre is also obliged to perform all other required actions related to childcare in accordance with the act governing family relationships.

Article 21

(Transfer of the Accommodation in Common Use)

(1) The victim can propose to the court to pass a decision on transfer of accommodation which is in common use. The court can upon the victim's proposal by issuing the decision charge the perpetrator of violence who lives in common household with the victim, whom he or she physically harmed or injured her in any way or in any other way offended their dignity or other personal rights, to transfer the accommodation to exclusive use by the victim in the extent they used.

(2) The court can put a time restriction on the duration of the actions from the above paragraph if the victim and perpetrator of violence co-own or own the accommodation in common use, if they have the building right on the land property where the accommodation in common use lies, the right to use it if they rented it together.

(3) The court can restrict the duration of the action from the first paragraph of this Article to a maximum of six months in case the perpetrator of violence owns, co-owns or owns the accommodation that is in common use together with the third party, or if they themselves or together with the third party have the building right on the land property where the accommodation lies as well as the right to use it, or if they or together with the third person rented it. If the victim is unable to find any other suitable accommodation in the deadline as set by the court, regardless of the due efforts taken, then the court can – upon the victim's proposal – exclusively prolong the deadline from the previous sentence to a maximum of six months, unless this should cause unevenly distributed burden for the third party.

(4) The perpetrator of violence who has to transfer the accommodation to exclusive use of the victim is obliged to stop all the actions, that could make it difficult or present obstacles for any such use.

(5) The victim who is left in possession of the exclusive use of the accommodation also has to cover the expenses of regular managing of the accommodation during the time of exclusive use.

(6) The perpetrator of violence can demand from the victim equitable remuneration for exclusive use of the accommodation if this is in accordance with the principle of equity.

(7) The victim must submit the proposal from the first paragraph of this Article at the latest in three months from the time they suffered any of the actions from the first paragraph of this Article.

Article 22

(Accommodation Protection in Case of Violence in Divorce)

(1) At the moment of divorce the spouse who is the victim of violent behaviour exerted by the other spouse, or if violence is exerted against his or her children, can demand that the other spouse leaves him in exclusive possession of the accommodation in which both of them live.

(2) The court can assign the accommodation to exclusive use to the spouse who submits the request from the above paragraph, although conditions exist to assign only part of the accommodation, in order to prevent violence between the spouses or violence against children.

(3) The court can restrict the time of duration of the action from the above paragraph to a maximum of six months. The court can upon the victim's proposal exclusively prolong the measure for a maximum of another six months.

(4) The spouse, who is left in exclusive possession of the accommodation, also has to cover the expenses of regular managing of the accommodation during the time of exclusive use.

(5) The perpetrator of violence can demand from the victim equitable remuneration for exclusive use of the accommodation if this is in accordance with the principle of equity.

(6) The spouse, who is subject to leave the possession of the accommodation to the other spouse, is obliged to stop any actions that make it more difficult or stop preventing the use of accommodation or its part to the other spouse.

Article 23

(Execution)

The execution in case when the accommodation is left in possession according to the Articles 21 and 22 of this Act is performed following the rules for vacating and handing over of real estate.

Article 24
(Competency)

For decision-taking on actions according to the Articles 19 and 21 of this Act, the District Court has jurisdiction over the subject matter in the non-litigious proceeding if it is not determined differently by the law. The court considers the matters on a primary basis, the proceedings are urgent and the public is excluded.

Part Four: FREE LEGAL ASSISTANCE

Article 25
(Free Legal Assistance)

As far as it is not determined otherwise by this Act, the free legal assistance is offered to the victim of violence according to the act governing legal assistance.

Article 26
(Conditions for Assigning Free Legal Assistance)

(1) The person for whom it was assessed that they are being endangered shall be eligible to free legal assistance according to this Act and regardless of the provisions of the act governing free legal assistance.

(2) The statement on endangerment of the person is issued by the competent Social Work Centre.

Article 27
(Extent of Assignment of Free Legal Assistance)

Free legal assistance is according to this Act approved for use in proceedings that are conducted upon victim's proposal due to actions in the Articles 19 and 21 of this Act.

Article 28
(Urgent Procedure)

The authority competent for free legal assistance takes into considerations on a primary basis requests submitted according to this Act.

Part Five: Databases

Article 29

(Act Provision Governing Protection of Personal Information)

To process personal information contained in databases and in order to protect privacy of individual's information the provisions of the Act governing the protection of personal information are used unless it is determined otherwise for specific cases.

Article 30
(Purpose for Processing Personal Information)

To provide aid to the victim, and to consider the perpetrator of violence, to create an aid plan for the victim together with its implementation and monitoring as well as for use in the scientific research purposes and for statistical purposes, the Social Work Centres process personal information and manage databases of persons that were according to this Act treated as victims and those treated as perpetrators of violence.

Article 31
(Databases in Family Violence Field)

(1) Information on victim and perpetrator of violence as well as information on the type of treatment of violence shall be for the purposes as determined in the Article 30 of this Act recorded in the existing databases as defined by the Act governing social security.

(2) The entry of data into databases from the above paragraph can be executed when the assessment is adopted on creation of aid plan for the victim in accordance with the first paragraph of the Article 15 of this Act.

Article 32
(Data Collection)

(1) Data included in the databases from the Article 31 of this Act are collected directly from the individual as well as from official records that are run in the Republic of Slovenia by the authorised authorities and organizations.

(2) According to the law governing social security the Social Work Centres gather data which are required for purposes from the Article 30 of this Act and for purposes of free of charge data collection by implementation of tasks on the basis of this Act from the databases of the following administrators:

- the Ministry of the Interior – information on the individual and their family members (name and surname, date of birth, citizenship, residence), information on marital relationships, divorce or same-sex relationships that can be found in the Central Population Register as well as household information that can be found in other records of the Ministry of the Interior;

- the police – information on issued decrees for restraining orders;
- performers of the educational activity – information on inclusion to the educational institution as well as the information that can be found in the databases on children and youths who are in need of aid and counselling;
- the Ministry of Health, Institute of Public Health and other performers of health care activities – information on health status or disability;
- the Pension and Disability Insurance Institute of the Republic of Slovenia – information on persons insured and of the other persons liable for the rights of the pension and disability insurance;
- the Guarantee and Maintenance Fund of the Republic of Slovenia – information on the maintenance compensation paid;
- the Employment Service of the Republic of Slovenia – information on unemployed persons as well as on the date and reasons for cancellation of keeping records of unemployed persons and reasons for cancellation of material rights payment;
- the public social security institutes and concessionaires from the field of social security – information on persons eligible for rights ensuing from the act governing parental care and family relationships and from the act governing social security, maintenance information, on putting under guardianship and appointing a guardian, on putting to foster placement according to the act governing performance of foster activity, on inclusion to social security services or programmes and on treating family violence;
- employers – information on employment.

(3) In cases from the first and second paragraph of this Article, the individuals to whom the information is related need not be previously informed about this.

(4) The Social Work Centres collect only those data that are required for treating individual cases.

Article 33 (Storing Data)

Personal information that is recorded in databases from the Article 31 of this Act is stored for maximum ten years after the first entry. After this deadline expires, the information is archived.

Part Six: TRANSITIONAL AND FINAL PROVISIONS

Article 34 (Provision on Legal Representative)

The provision of the Article 8 of this Act shall be put in force with the enforcement of a special act governing the victim's right to legal representative.

Article 35

(Deadline for National Programme Submission)

The government submits the national programme from the Article 11 of this Act to the National Assembly at the latest one year after this Act has been put in force.

Article 36

(Deadline for Adoption of Implementing Regulation)

The procedures, rules and scope of education from the Article 10 of this Act must be adopted by the competent Ministers in one year following the enforcement of the Act. The Minister competent for work, family and social affairs determines the procedures of mutual information and providing aid from the Article 10 as well as the implementing regulation from the fourth paragraph of the Article 14 of this Act in one year following the enforcement of this Act.

Article 37

(Deadline for Field Determination)

The founder of Social Work Centres determines the field in the framework of the third paragraph of the Article 16 of this Act in six months following the enforcement of this Act.

Article 38

(Enforcement)

This Act shall enter into force fifteen days after its publication in the Official Gazette of the Republic of Slovenia.