Questionnaire on deprivation of liberty of women and girls

Response by Slovenia

*I. Justice system*

**1. What are the main causes for women coming into conflict with the law and facing the associated deprivation of liberty, including pre-trial detention? Which are the groups of women who are most vulnerable and why? Please list the types of offenses for which women, or any particular group of women, are typically charged with, including administrative offenses.**

The main causes for women coming into conflict with the law and facing the associated deprivation of liberty are financial problem or desire for more money, addiction, dysfunctional family matters, mental health issues and family violence.

The most vulnerable groups are women with children, because they usually have unsettled matters at home, they worry about their children and they are financially and social dependent on men (especially in some cultural groups). Women are usually afraid to tell their children they are in prison and they also think prison is not good environment for visitation of children, even though our prison has a special room for visitation for children in which they can feel more comfortable during visitation.

The most common crimes for which women are typically charged with are property crimes (theft, larceny, fraud, commercial fraud), followed by crimes against the person (assault, murder, manslaughter), and economic crimes. According to police statistics for 2015–17 period, women represent 8% of all detained persons. Women are perpetrators in 18,1% of all recorded offences and 20% of all suspects of criminal offences. Most women perpetrators are between 35 and 44 years old.

**2. Please indicate if there are cases of women facing detention in relation to civil law suits and identify the particular groups of women mostly affected.**

We have no such cases.

**3. What are the main challenges for women’s access to justice, including, for example, the availability and quality of legal representation, the ability to pay for bail, and the existence of gender stereotyping and bias in judicial proceedings?**

The main challenge in legal representation is financial problem they face. If the whole family is in bad financial condition, they can apply for free legal aid. In our opinion there is no special indication of existence of gender stereotyping and bias in judicial proceeding.

**4. What have been the main drivers for the increasing or decreasing of the female prison population in your country in the past decade? To what extent are non- custodial measures used, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)?**

Women nowadays carry more important role in society and economy. In some families, women are the only provider. Also, more women are facing addiction to forbidden substances.

We think that non-custodial measures are used nowadays in more cases, but decisions about them depend on the court, not on prison administration.

*II. Other institutions*

**1. What other institutions outside the justice system exist in your country wherein women and girls are institutionalized on grounds such as care, correction, protection and prevention against potential harms, etc.? Please list the groups of women and girls who are most concerned in each situation.**

List of women: women victims of violence, older women, women and girls with disabilities.

**2. Please explain the decision-making process for the institutionalization of women and girls in each situation, including the role of women and girls themselves in the decision on institutionalization. Please highlight any good practices in terms of enabling women to exercise agency within institutional systems, with due respect to their rights?**

Women and girls with disabilities (centres for training, work and care)

In the Republic of Slovenia girls and women with disabilities (as also men) enjoy special care and protection, as stipulated by the Constitution of the Republic of Slovenia. The following residential and institutional facilities exist in Slovenia where girls and women are placed for the above mentioned reasons: foster care, educational institutions, centres for training, work and care, crisis centres for children and adolescents.

Regarding girls or young women child's parents or his or her legal representative (guardian) can appeal or challenge the decision of placement of the child issued by social work centre. The ministry responsible for family affairs decides on appeals against the decisions of social work centres. Ministerial decisions are subject of judicial review (i.e. Administrative court). If the user is not satisfied with the social care service (or professional treatment of the social worker) can oppose and appeal on the basis of The Social Assistance Act. Appeals and issues are discussed by the board of the social work centre. However, some of the issues can be also reviewed by the Social Affairs Inspection that is part of the Labour Inspectorate of the Republic of Slovenia (an administrative body within the Ministry of Labour, Family, Social Affairs and Equal Opportunities).

Public social care institutions (centres) which include women or, in general, children as well as adolescents and adults with moderate, severe and profound intellectual disabilities and additional impairments were established as organizations for education, social and health care implementing programs of training and rehabilitation. Women with special needs that are included in such programs gain variety of skills and abilities. In Slovenia there are 5 such centers for training, work and care and they present an alternative system or good practice of social care. Girls with disabilities attend adapted programs with special educational needs or learning schemes. In accordance with the law, education may be prolonged for a further period in which the individual is expected to make progress, but it may only last up to the age of 26. All programs are carried out by special pedagogues, which cooperate with other professionals of social and health care (specialists in rehabilitation medicine, doctors, social workers and psychologists). Each child is provided with his or her own personal educational program, prepared by this team of experts as also parents and guardians. On the basis of an individual placement decision (including parental agreement), girls with special needs may either visit a center on a daily basis or stay and receive residential training (residential care). These social services replace or complement home or family functions.

The placement in such institutions is agreed in cooperation with the parents of the child and is therefore voluntary. Slovenian legislation defines placement procedures and the child is placed in the center on the basis of the National Education Institute's decision, which is made in accordance with the opinion of the expert commission, including parental agreements during the procedure. Primarily this procedure concerns the fulfilment the child’s right to education in the institution, which is best suited considering the needs of the child (social and medical). Parents have different options in the system, so this kind of education and training is not legally binding or obliged by the state. The Ministry of Labour, Family, Social Affairs and Equal Opportunities finances this service and is therefore not payable for users. All in all it can be defined as an alternative system for providing educational, social and health care for (young and older) women with intellectual disabilities.

Women victims of violence

Children, adolescents and women can be placed in crisis centers under the Family Violence Prevention Act and are organized within social work centers. They present an alternative system or good practice of social care for children and adolescents from 6 to 18 years of age (one center KCO Palčica – social work center Grosuplje – is specialized for the youngest, from 0 to 6 years of age). Such centers were established to provide assistance to children and adolescents who find themselves in acute distress, which requires an urgent displacement from a home environment. Crisis (residential) placement in the centers can be as a short-term distance withdrawal of the child on the voluntary basis and is enabled within procedures and services of social work centers. There are 10 youth crisis centers across Slovenia.

Referring to the fact that crisis (residential) placements in the centers are voluntary, we can define such placements as an alternative system for providing options of social care and help in terms of family violence prevention.

The government of the Republic of Slovenia adopted the Resolution on the National Social Protection Program in the year of 2013 and in 2018 the Resolution on the National Program of mental health that concerns current issues in the field of social affairs as well as policies emphasizing the needs of deinstitutionalization. Within projects associated with European Social Fund the Ministry of Labour, Family, Social Affairs and Equal Opportunities cooperates with the Ministry of Education, Science and Sport as well as the Ministry of Health.

Considering their (financial and human) resource such centers (institutions) already realize basic principles of deinstitutionalization with diverse and innovative projects of dispersion of units as well as good practices that enable users to stay in the home environment.

In terms of protection and social services provided to victims of violence, as also specified by the law, the national network of social work centers also provides, shelter to victims of violence up to one year. There are 12 women’s shelters in Slovenia with about 251 beds available. The majority are run by women’s NGOs with gender specific/ feminist approach, one by a faith-based organization, and four by the state. There are three crisis centres for women and children victims of violence which offer emergency accommodation and 24/7 access. There are also 8 maternity homes, mostly for pregnant women but also accept women victims of violence.

*III. Forced confinement in private contexts*

**1. What forms of forced confinement of women and girls exist in a private or social context sanctioned by family, community or group of individuals such as abduction, servitude, guardianship and “honor” practices, trafficking, home detention, “witch camps”, widowhood rites, etc.?**

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**2. Please identify the groups of women and girls who are most affected by these situations.**

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**3. What is the role of law and policy (including customary law and authorities) in your country concerning these types of confinement?**

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*IV. Migration and crisis situations*

**1. What are the specific risks of detention and confinement encountered by women on the move in the context of asylum seeking, internal displacement and migratory processes?**

There have never been any women seeking asylum or international displacement placed in prison.

**2. What is the policy relating to the administrative detention of women migrants including pregnant women and women with children?**

Policy relating to the administrative detention of women migrants would be the same as for other women. They would be enabled with special religious diet if needed and contact with their embassy and religious representative. If pregnant, they will receive special care as other pregnant women in prison (special health treatment, extra meal) or if they would have children the special social care would be considered (special room for visitation, contact with social care, special day for women with children,…).