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Slovenian

Victims' rights - by country

Slovenia

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How can I be involved in the trial?

When the court starts a trial you will receive an official written invitation for the court. The invitation will indicate the date, time and place of the hearing.

During the first hearing the judge will explain to you the procedure and your rights during the trial.

As a victim during the trial you can:

- attend all court hearings, including the private ones (your presence at the court hearing is not obligatory, but if you choose not to attend you will lose your right to continue the proceedings in case the public prosecutor withdraws the charges);
- examine the case file and the evidence collected so far (the judge may refuse to allow you to examine the case file before you are interviewed as a witness);
- attend investigative actions taking place outside the court (e.g. inspection of the crime scene or reconstruction of the crime);
- make comments on the presented evidence and submit new evidence;
- ask questions (with the permission of the judge) to the defendant, the witnesses and the experts and comment on their statements;
- request the collection of new evidence or the interrogation of new witnesses and/or experts;
- make a final speech after the public prosecutor and before the defendant and his/her lawyer.

During the trial you can (but you are not obliged to) have a lawyer. If you wish to have a lawyer you have to pay for his/her services. Alternatively, you can apply for legal aid if your financial situation does not allow you to pay for the lawyer's fee.

To benefit from your rights as a victim during the trial you do not need to file any formal requests to join the proceedings.

What are my rights as a witness?

If the court calls you for an interview as a witness during the trial, you have to appear before the judge and respond to his/her questions. Usually you will be interviewed immediately after the defendant.

As a witness you have the same rights as during the investigation. You can:

- refuse to be interviewed if you are keeping an official or military secret; you are a relative to the offender (spouse, partner, parent, grandparent, child, grandchild or another close relative); or you are not allowed to share information you have learned while exercising your profession;
- refuse to respond to individual questions if your answers may disgrace or harm you or may result in criminal prosecution against you or your close relatives;
- ask for and receive reimbursement of the expenses you have made, including expenses for travel, food and accommodation and expenses related to taking day(s) off from work or the loss of profit (you have to ask for reimbursement immediately after your interview).

In addition, if you do not feel comfortable speaking in the presence of the offender you can ask the judge to remove him/her from the courtroom. After the interview, the judge will invite the offender back to the courtroom and will read your testimony to him/her.

You can also ask the judge to hold a private hearing if the issues to be discussed concern your personal or family life.

Before your interview, the judge will explain to you your rights as a witness.

If you cannot go to the court because of illness or some other serious reason, the judge can interview you at the place you live. If you have hearing or speaking impairments, your interview will be conducted in writing or the judge will call a special interpreter to assist you.

I am a minor. Do I have additional rights?

If you are a child and you are called for an interview you will be taken out of the courtroom immediately after the end of your interview.

If you are a child under 15 years of age who has suffered from a sexual crime, cruel treatment or trafficking in human beings you will not be interviewed during the trial. Instead, the judge will read the record of your interview during the investigation.

If you are a child witness under 14 years of age, the court may decide that public is excluded from your interview during the trial.

If you are a child victim of a sexual offence, cruel treatment or human trafficking the authorised person assigned to help you during the investigation will continue to assist you during the trial.

Can I receive legal aid?

You can apply for legal aid if you are:

- a Slovenian citizen permanently residing in Slovenia;
- a foreigner permanently or temporarily residing in Slovenia; or
- a foreigner entitled to legal aid under international law (you can ask the judge if you fall under this category). You can receive legal aid free of charge if you wish to have a lawyer but your financial situation does not allow you to pay for his/her services.

To receive legal aid you have to submit an application to the court. You do not have to provide any information about your income. The authorities that will decide on your application will collect this information from the available official records.

How can I get protection, if I am in danger?

You can receive the same protection as during the investigation.

If the offender is a dangerous person and may affect criminal procedure by influencing you as a witness or if there is a risk the offender can commit another crime he/she will be arrested and placed in detention during the proceedings.

If you are a witness and you are afraid that the disclosure of your identity could endanger your life or health or the life or health of your relatives or other persons close to you, you can ask the judge to **keep your identity secret** by:

deleting your personal data from the case file;

protecting your personal data as official secret;

issuing a court order banning the offender and his/her lawyer to disclose certain facts;

replacing your name with a pseudonym;

performing your interview using technical devices (protective screen, devices for disguising the voice, transmission of sound from separate premises and other similar technical devices);

not allowing questions that may reveal your identity.

If you are afraid that keeping your identity secret would not be enough to protect you, you can apply for **special protection measures**. Special protection measures apply only in if you are victim of a **very serious crime** such as kidnapping, drug trafficking, etc. and may include:

physical protection;

relocation, including relocation abroad;

new ID documents;

restricted access to your personal data;

non-disclosure of your identity;

change of identity;

interview via video conference and phone conference;

financial and social support.

If you are victim of **domestic violence** the court is not allowed to publicly disclose any information that may reveal your identity without your prior consent. You can ask the judge to ban the offender from approaching your home or other places you visit frequently (e.g. your workplace, your school, etc.) and from contacting you by telephone, e-mail, or other means of communication. You can also ask the judge to remove the offender from your shared home for a period of up to six months (with a possible extension for six more months). In the latter case you may be requested to pay compensation to the offender for the period he/she is obliged to live elsewhere. These measures are not related to the criminal proceedings and do not depend on whether there is a trial or not.

If you are victim of **human trafficking** and you are residing in Slovenia without permission you can ask the police to allow you to remain in the country for up to three months (with a possible extension for three more months).

How can I claim damages from the offender or receive compensation from the State?

You can **claim damages from the offender** by filing a civil claim. You can also submit your claim within criminal procedure:

to the public prosecutor together with the report of the criminal offence; or

to the court during the criminal procedure.

The investigative judge (during the investigation) and the court (during the trial) are obliged to explain to you how you can claim damages from the offender in the criminal procedure. In your claim you have to specify what you are claiming and attach the evidence you have (e.g. medical certificates, documents certifying your ownership of the stolen property, etc.).

The court may refuse to examine your civil claim if it is too complicated and its examination will prolong the proceedings. In this case you can submit a separate claim against the offender before a civil court.

If you are a victim of violent crime or a person financially supported by a person who has died as a result of such a crime, you can apply for financial compensation from the State. Your application has to be submitted to the Commission for the Compensation to the Victims of Crime under the [Ministry of Justice](#). Please consult the factsheet on compensation to victims of crime in the Slovenia (available in [English](#), [Slovenian](#) and multiple other languages) of the European Judicial Network.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

During the trial the public prosecutor may invite you and the offender to participate in a **mediation procedure**. During this procedure you will meet with the offender in the presence of a mediator in an attempt to reach an agreement on your case. Mediation is possible only for less serious crimes (crimes punished by a fine or imprisonment of up to three years or other specific crimes in special circumstances). Mediation is a voluntary procedure and can take place only if both you and the offender agree to participate.

If there is a mediation procedure the court will temporarily suspend the proceedings for six months to wait for the outcome of the mediation. If the procedure is successful and you reconcile with the offender the public prosecutor will withdraw the charge and the case will be closed. Otherwise the trial will continue as if no mediation has taken place.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner you can benefit from the rights listed above. You also have additional rights to facilitate your participation in the procedure.

If you do not speak Slovenian you can use any language you understand. An interpreter free of charge will be provided to assist you when you attend the court hearing. Documents and other pieces of evidence will also be translated for you free of charge.

More information:

Criminal Procedure Act (Zakon o kazenskem postopku) – in [Slovenian](#)

Penal Code (Kazenski zakon) – in [English](#) and [Slovenian](#)

Family Violence Act (Zakon o preprečevanju nasilja v družini) – in [English](#) and [Slovenian](#)

Witness Protection Act (Zakon o zaščiti prič) – in [Slovenian](#)

Free Legal Aid Act (Zakon o brezplačni pravni pomoči) – in [Slovenian](#)

Regulations on the Recovery of Costs in Criminal Proceedings (Pravilnik o povrnitvi stroškov v kazenskem postopku) – in [Slovenian](#)

Compensation to Crime Victims Act (Zakon o odškodnini žrtvam kaznivih dejanj) – in [English](#) and [Slovenian](#)

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