

Rehabilitation and mutual recognition – practice concerning EU law on transfer of persons sentenced or awaiting trial

May 2015

Country: Slovenia

FRANET Contractor: Institute of Criminology at the Faculty of Law Ljubljana

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Section A: General information on existing situation: probation measures, alternative sanctions and supervision measures as an alternative to pre-trial detention

Please add the information required to answer the questions. Provide supporting or explanatory information – highlighting laws, policies and measures which justify the answer.

Q1. Please outline the specific probation measures or alternative sanctions that are available at the post-trial stage in the Member State on which you are reporting:

Sanctions in Slovenia are organised as follows:¹

1. Sentences²

Imprisonment³

Fine⁴

Disqualification from driving a motor vehicle⁵

2. ‘Admonitory’ sanctions⁶

Suspended sentence⁷

Suspended sentence with custodial supervision⁸

¹ Plesničar M. M. (2013) The individualization of punishment: Sentencing in Slovenia, *European Journal of Criminology*, 10 (2013)4, p. 462-478.

² Chapter 4 (Art. 43-56) of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

³ Art. 46 of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

⁴ Art. 47 of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

⁵ Art. 48 of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

⁶ Chapter 5 (Art. 57-68) of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

⁷ Art. 57-62 of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

⁸ Art 63-67 of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

Judicial admonition⁹

3. Safety measures¹⁰

Mandatory psychiatric treatment in a psychiatric facility¹¹

Mandatory psychiatric treatment while residing at home¹²

Ban from performing an occupation¹³

Confiscation of driving license¹⁴

Confiscation of objects¹⁵

There are two probation measures:

- **Suspended sentence** – a sentence which will not be carried out unless the offender, within a term determined by the court and of not less than one and not more than five years (the term of suspension), commits a further criminal offence. (Art. 57 of the Criminal Code (*Kazenski zakonik, KZ-1*))¹⁶
- **Suspended sentence with custodial supervision** – the Court may decide that the offender, who is given a suspended sentence, has to undergo custodial supervision for a certain period of time during the term of suspension. Custodial supervision may involve assistance, supervision, or custody specified by the statute. (Art. 63 of the Criminal Code (*Kazenski zakonik, KZ-1*))¹⁷

There are no alternative sanctions per se. However, there are alternative forms of implementing the sentences of imprisonment or fine, which function as such (Art. 86 of the Criminal Code (*Kazenski zakonik, KZ-1*))¹⁸

⁹ Art 68 of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

¹⁰ Chapter 6 (Art. 69-73) of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

¹¹ Art. 70.a of the Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008. This article is part of the amendments not yet translated to English.

¹² Art. 70.b of the Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008. This article is part of the amendments not yet translated to English.

¹³ Art. 71 of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

¹⁴ Art. 72 of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

¹⁵ Art. 73 of Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

¹⁶ Slovenia, Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf. All links accessed 12 June 2015.

¹⁷ Slovenia, Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

¹⁸ Slovenia, Criminal Code (*Kazenski zakonik, KZ-1*), 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050, English version without the latest amendments available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf.

- **Community service** – Art. 86, Par. 7 (Sentences up to two years of imprisonment may be served by community service if court so decides upon a request by the offender. The amount of community service is min. 80 and max. 480 hours in a period of two years. The type of service is determined by the Court.)
- **House detention** – Art. 86, Par. 4 (Sentences up to 9 months of imprisonment may be served by house detention of the if court so decides upon a request by the offender. The offender is regularly monitored by the Police granted authority to do so by the Court.)
- **Weekend imprisonment** – Art. 86, Par. 3 (Sentences up to three years of imprisonment may be served by returning to prison on non-working days only, while on working days the offender may normally reside at home and work or study as allowed by the Court. Weekend imprisonment may be granted by the Court upon a request by the offender.)¹⁹

¹⁹ This amendment is not yet included in the English translation of the Criminal Code cited above.

Q2. Please outline the specific supervision measures as alternatives to pre-trial detention that are available in the Member State:

Supervision measures as alternatives to pre trial detention are regulated in chapter XVII of Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*)²⁰ titled Measures to ensure the presence of the accused, to prevent re-offending and to ensure successful conduct of the criminal proceedings.

These measures are:

- **promise by the accused not to leave his or her residence** – Art. 195 (When there is grounds to suspect that the accused may go into hiding or leave for an unknown destination or abroad during the course of criminal procedure, the Court may bind him or her over not to leave their place of residence or abode without the permission from the Court.)
- **prohibition on approaching a specific place or person** – Art. 195.a (The Court stipulates an appropriate distance from the specific place or person which the accused must respect and which the accused must not intentionally cross; in the opposite instance, the Court orders pre-trial detention).
- **appearance at / reporting to a police station** – Art. 195.b (The accused must, daily or occasionally, appear at a specified time at the police station in the area of which the accused has permanent or temporary residence.)
- **bail** – Art. 196-199 (When the sole reason to detain the accused is the fear that he or she may flee, the accused may be released on bail.)
- **house arrest** – Art. 199.a (This measure may be applied when ordering of detention is not unavoidably necessary for the safety of people or for the progress of the criminal proceedings; the accused may not move from the building in which he or she permanently or temporarily resides or from a public treatment or care institution; contacts with other people may also be restricted.)

Q3. Are there any specific legislative or policy developments regarding alternatives to prison (at the pre- and post-trial stage) of particular suspects/sentenced persons (such as children, persons with disabilities, persons in need of special treatment or mothers with young children)?

According to the changes to the Criminal Code (*Zakon o spremembah in dopolnitvah kazenskega zakonika, KZ-1B*)²¹ in 2012 deteriorated health conditions, requiring special care, are reason to grant the sentenced person the option of serving his prison sentence at home in house detention. This option is limited to prison sentences up to 9 months.

According to the most recent changes to the Enforcement of Criminal Sanctions Act (*Zakon o spremembah in dopolnitvah zakona o izvrševanju kazenskih sankcij, ZIKS-1F*)²² planned in 2015 options to defer the beginning of serving the prison sentence have been limited to cases where the sentenced person need hospital care, while they had been much broader before.

A separate code encapsulating the entire spectre of juvenile delinquency is in preparation at the Ministry of Justice and is planned for the near future.²³

²⁰ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

²¹ Slovenia, Act amending the Criminal Code (*Kazenski zakonik, KZ-1B*), 2 November 2011, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5811.

²² Slovenia, Act amending the Enforcement of Criminal Sanctions Act (*Zakon o spremembah in dopolnitvah zakona o izvrševanju kazenskih sankcij, ZIKS-1F*). The changes are currently in the parliamentary procedure, a draft is available at: www.mp.gov.si/fileadmin/mp.gov.si/pageuploads/mp.gov.si/PDF/zakonodaja/150520_ZIKS-1FNG1.pdf

²³ Information provided by a representative of the Ministry of Justice.

Section B: Transfer of suspects/sentenced persons

Please give a response for each of the boxes. If the information is the same in two boxes, duplicate the text. If the question is not applicable, specify why.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q1. AVAILABILITY OF INFORMATION			
Q1.1. Is information publicly available in ‘issuing states’ concerning the following:? If yes, please specify.			
<ul style="list-style-type: none"> What information is provided (e.g. conditions for early release for FD 909 or the need for a suspect/sentenced person’s consent to a measure for FD 947 and 829)? 	None. ²⁴	None. ²⁵	None. ²⁶
<ul style="list-style-type: none"> How is the information made public amally available (tools, or networks used)? 	N/A	N/A	N/A
<ul style="list-style-type: none"> In which languages is the information provided? 	N/A	N/A	N/A
Q1.2. Apart from the competent authorities required by the FDs, is there any other national office or point of contact responsible for leading initial discussions about potential transfers (as issuing and executing state)? If yes, please provide brief details.	There is no such office. Nevertheless, some member states mistakenly consider our Ministry of Justice to be such a central point of contact and address their requests and inquiries there. ²⁷	There is no such office. Nevertheless, some member states mistakenly consider our Ministry of Justice to be such a central point of contact and	There is no such office. Nevertheless, some member states mistakenly consider our Ministry of Justice to be such a central point of contact and address their requests and inquiries there. ²⁹

²⁴ Desk research did not provide any information on the existence of such publically available information, except for the specific legislation re transfers, which is, of course, public. An absence of such specific information was confirmed by a District Court legal secretary and a District Public Prosecutor.

²⁵ Desk research did not provide any information on the existence of such publically available information, except for the specific legislation re transfers, which is, of course, public. An absence of such specific information was confirmed by a District Court legal secretary and a District Public Prosecutor.

²⁶ Desk research did not provide any information on the existence of such publically available information, except for the specific legislation re transfers, which is, of course, public. An absence of such specific information was confirmed by a District Court legal secretary and a District Public Prosecutor.

²⁷ Information provided by a District Court legal secretary.

²⁹ Information provided by a District Court legal secretary.

		address their requests and inquiries there. ²⁸	
Q1.3. Do the competent authorities collate information about their experience of transfers (such as personal data of the suspect/sentenced person, states involved, issues raised during the transfer process)? If yes, specify the information gathered.	There is no systematic collation of information or experience. However, the personell assigned with dealing with these cases informally communicate among them, forward decisions and discuss issues potentially arising in individual cases. This practice is still tolerable as the number of cases is low, but will become increasingly inadequate with the number of cases increasing. ³⁰	No. So far there have been no such cases when Slovenia would be the issuing state and only one such case when Slovenia was the executing state. ³¹	No. So far there have been no such cases. ³²
TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q2. INFORMED CONSENT OF THE SUSPECT/SENTENCED PERSON			
Q2.1. Is there a procedure in the issuing state (e.g. some form of mechanism that ensures it is done in all relevant cases) in place to inform the suspect/sentenced person of the option to transfer the judgment or decision to another Member State? If yes, please briefly provide information (e.g. is it an oral or written procedure) and specify who provides this information.	Yes. Article 151, Paragraph 3 of the Cooperation in Criminal Matters with the Member States of the European Union Act (<i>Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije</i>)	There is no such procedure envisioned by the <i>ZSKZDČEU-1</i> .	Yes. Article 123, Paragraph 1 of <i>ZSKZDČEU-1</i> ³⁵ stipulates that the Court needs to notify the defendant on: - the option to transfer to the MS of the suspect's residence;

²⁸ Information provided by a District Court legal secretary.

³⁰ Information provided by a District Court legal secretary.

³¹ Information provided by a District Court legal secretary.

³² Information provided by a District Court legal secretary.

³⁵ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513. We will be using just the acronym of the Act throughout the report as the name itself is extremely cumbersome and long and makes text less comprehensible.

	<p>(ZSKZDČEU-1))³³ stipulates that when conditions to transfer the sentenced person exist, the sentenced person must be notified about this option by the Court that gave the original sentence.</p> <p>This notification is technically done in a written form, but a District Court legal secretary explains that it is most commonly not done in the cases where the defendants are in detention. However, the defendants get this information informally.³⁴</p>		<ul style="list-style-type: none"> - the option to transfer to the MS not of the suspect's residence, if the MS agrees to such transfer and under the conditions it stipulates. <p>The suspect needs to be notified (orally) when the supervision measures are imposed or at the latest when the suspect is served the (written) decision on their imposition.</p>
<p>Q2.2. Is there a procedure in place in the issuing state to obtain the informed consent of the suspect/sentenced person before forwarding the judgment or decision to the executing state? (e.g. a pre-prepared written explanation of the process available in a number of languages). If yes, please briefly specify what information the suspect/sentenced person receives (e.g. information on appeal and release possibilities).</p>	<p>No, there is no special procedure or pre-prepared written explanation of the process.</p> <p>The very act of obtaining the consent is not explicitly legally regulated; in practice the sentenced person would be most probably asked to give his or her consent by a written request by the judge in charge for implementation of penal sanctions. There have, however, been no such cases yet.³⁶</p>	<p>No, there is no special procedure or pre-prepared written explanation of the process.</p> <p>The very act of obtaining the consent is not explicitly legally regulated; in practice the sentenced person would be most probably asked to give his or her consent by a written request by the judge in charge for implementation of penal sanctions. There have, however, been no such cases yet.³⁷</p>	<p>No, there is no special procedure or pre-prepared written explanation of the process.</p> <p>In accordance with Article 123, Paragraph 2 and 3 of <i>ZSKZDČEU-1</i>³⁸ the suspect is interrogated and asked to give his or her consent orally by an investigative judge. The suspect can also give his or her consent in a written form within eight days after the interrogation.</p>

³³ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513. We will be using just the acronym of the Act throughout the report as the name itself is extremely cumbersome and long and makes text less comprehensible.

³⁴ Information provided by a District Court legal secretary.

³⁶ Information provided by a District Court legal secretary.

³⁷ Information provided by a District Court legal secretary.

³⁸ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

<p>Q2.3. Does the suspect/sentenced person have the right to revoke his/her consent to the transfer in the issuing state? If yes, please briefly specify until which stage of the procedure this right exists.</p>	<p>This issue is not explicitly legally regulated. There has been no case up to date, in which the consent to the transfer would be necessary.</p> <p>The interpretation offered by a District Court legal secretary, however, is that there must be a possibility of revocation, until the very act of transfer takes place.³⁹</p>	<p>This issue is not explicitly legally regulated. There has been no relevant case law so far.</p> <p>The interpretation offered by a District Court legal secretary however, is that there must be a possibility of revocation, until the very act of transfer takes place.⁴⁰</p>	<p>This issue is not explicitly legally regulated. There has been no case law so far.</p> <p>The interpretation offered by a District Court legal secretary, however, is that there must be a possibility of revocation, until the very act of transfer takes place.⁴¹</p>
<p>Q2.4. Is there any procedure in place in the issuing state to obtain the opinion of the sentenced person concerning the following: If yes, please briefly specify e.g. is it an oral or a written procedure, are there any checks on actual understanding of the option).</p>			
<ul style="list-style-type: none"> • When consent is not required)? 	<p>In accordance with Article 152, Paragraph 2 of <i>ZSKZDČEU-1</i>⁴² the Court notifies the sentenced person about the intention to forward the judgement to another Member State. This must be done in a language the sentenced person is able to understand. The sentenced person must be informed about the right to express his or her opinion.</p>		

³⁹ Information provided by a District Court legal secretary.

⁴⁰ Information provided by a District Court legal secretary.

⁴¹ Information provided by a District Court legal secretary.

⁴² Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

	<p>This is a formal written procedure, without substantive checks of actual understanding of the option.⁴³</p>		
<ul style="list-style-type: none"> When consent is required, Article 6 (3) of FD 2008/909/JHA). 	<p>Even in cases when the consent is required, the court shall according to the Article 152, Paragraph 1 of <i>ZSKZDČEU-1</i>⁴⁴ firstly obtain the opinion of the offender, when possible.</p> <p>The procedure is not regulated; the law stipulates only that such an opinion can be given either orally or in writing.</p> <p>Substantive checks of the actual understanding of the option are not explicitly regulated.⁴⁵</p>		
<p>Q2.5. Does the suspect/sentenced person have the right to change his/her opinion on</p>	<p>There are no provisions regulating such an issue. Neither has this</p>		

⁴³ Information provided by a District Court legal secretary.

⁴⁴ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

⁴⁵ Information provided by a District Court legal secretary.

the transfer? If yes, please briefly specify until which stage of the procedure this right exists and how this is implemented in practice.	issue sprung up in case law so far. ⁴⁶		
Q2.6. Is the suspect/sentenced person assisted by a legal counsel in the issuing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone)	There is no specific regulation. The legal reasoning of a District Court legal secretary is that the assistance of a legal counsel (either face-to-face or over the telephone) is possible, but not obligatory as this is commonly a paper-based procedure without oral hearings. ⁴⁷	There is no specific regulation. The legal reasoning of a District Court legal secretary is that the assistance of a legal counsel (either face-to-face or over the telephone) is possible, but not obligatory as this is commonly a paper-based procedure without oral hearings. ⁴⁸	There is no specific regulation. The legal reasoning of a District Court legal secretary is that the assistance of a legal counsel (either face-to-face or over the telephone) is possible, but not obligatory as this is commonly a paper-based procedure without oral hearings. ⁴⁹
Q2.7. Is there a procedure in place to ascertain that the legal counsel speaks and understands the suspect/sentenced person's language in the issuing state? If yes, please specify.	No, there is no such procedure. ⁵⁰	No, there is no such procedure. ⁵¹	No, there is no such procedure. ⁵²
Q2.8. Does the suspect/sentenced person have the right to legal aid in the issuing state?	There are possibilities of granting free legal aid according to the Legal Aid Act (<i>Zakon o brezplačni pravni pomoči</i> (ZBPP)). ⁵³ These possibilities are rather limited, especially when concerning foreign nationals (besides the	There are possibilities of granting free legal aid according to the Legal Aid Act (<i>Zakon o brezplačni pravni pomoči</i> (ZBPP)). ⁵⁴ These possibilities are rather limited, especially when concerning foreign nationals	There are possibilities of granting free legal aid according to the Legal Aid Act (<i>Zakon o brezplačni pravni pomoči</i> (ZBPP)). ⁵⁵ These possibilities are rather limited, especially when concerning foreign nationals (besides the

⁴⁶ Information provided by a District Court legal secretary.

⁴⁷ Information provided by a District Court legal secretary.

⁴⁸ Information provided by a District Court legal secretary.

⁴⁹ Information provided by a District Court legal secretary.

⁵⁰ Information gathered through desk research and confirmed by a District Court legal secretary.

⁵¹ Information gathered through desk research and confirmed by a District Court legal secretary.

⁵² Information gathered through desk research and confirmed by a District Court legal secretary.

⁵³ Slovenia, Legal Aid Act (*Zakon o brezplačni pravni pomoči* (ZBPP)), 31 May 2001, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1265.

⁵⁴ Slovenia, Legal Aid Act (*Zakon o brezplačni pravni pomoči* (ZBPP)), 31 May 2001, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1265.

⁵⁵ Slovenia, Legal Aid Act (*Zakon o brezplačni pravni pomoči* (ZBPP)), 31 May 2001, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1265.

	general criteria of low income Article 10 of Legal Aid Act requires reciprocity or an international agreement).	(besides the general criteria of low income Article 10 of Legal Aid Act requires reciprocity or an international agreement).	general criteria of low income Article 10 of Legal Aid Act requires reciprocity or an international agreement).
Q2.9. Is the suspect/sentenced person assisted by an interpreter in the issuing state, if required:			
<ul style="list-style-type: none"> • While consenting to the transfer? 	<p>Yes.</p> <p>In accordance with Article 8 of Criminal Procedure Act (<i>Zakon o kazenskem postopku – ZKP</i>)⁵⁶ participants in judicial proceedings are allowed to use their own language and shall be assisted by an interpreter.</p>	<p>Yes.</p> <p>In accordance with Article 8 of Criminal Procedure Act (<i>Zakon o kazenskem postopku – ZKP</i>)⁵⁷ participants in judicial proceedings are allowed to use their own language and shall be assisted by an interpreter.</p>	<p>Yes.</p> <p>In accordance with Article 8 of Criminal Procedure Act (<i>Zakon o kazenskem postopku – ZKP</i>)⁵⁸ participants in judicial proceedings are allowed to use their own language and shall be assisted by an interpreter.</p>
<ul style="list-style-type: none"> • While requesting the transfer? 	<p>Yes.</p> <p>In accordance with Article 8 of the Criminal Procedure Act (<i>Zakon o kazenskem postopku – ZKP</i>)⁵⁹ participants in judicial proceedings are allowed to use their own</p>	<p>Yes.</p> <p>In accordance with Article 8 of the Criminal Procedure Act (<i>Zakon o kazenskem postopku – ZKP</i>)⁶⁰ participants in judicial proceedings are allowed to use</p>	<p>Yes.</p> <p>In accordance with Article 8 of the Criminal Procedure Act (<i>Zakon o kazenskem postopku – ZKP</i>)⁶¹ participants in judicial proceedings are allowed to use their own</p>

⁵⁶ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

⁵⁷ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

⁵⁸ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

⁵⁹ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

⁶⁰ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

⁶¹ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

	language and shall be assisted by an interpreter.	their own language and shall be assisted by an interpreter.	language and shall be assisted by an interpreter.
Q2.10. Are these interpretation or translation services provided during a face-to-face consultation? Please provide brief information.	Yes, should there be any oral hearings interpretation is granted by face-to-face consultations, however the procedure typically does not entail oral hearings. ⁶²	Yes, should there be any oral hearings interpretation is granted by face-to-face consultations, however the procedure typically does not entail oral hearings. ⁶³	Yes, during oral hearings interpretation is granted by face-to-face consultations. ⁶⁴
Q2.11. Is the suspect/sentenced person's full understanding of the transfer checked on a case by case basis in the issuing state? Please provide brief information.	This issue is not explicitly regulated. However, the role of the judge as such implies extensive care that the offender is able to follow and understand the procedure. It is typically also visible through their application where extensive data is commonly offered. ⁶⁵	This issue is not explicitly regulated. However, the role of the judge as such implies extensive care that the offender is able to follow and understand the procedure. ⁶⁶	This issue is not explicitly regulated. However, the role of the judge as such implies extensive care that the offender is able to follow and understand the procedure. ⁶⁷
Q2.12. If the executing state adapts, before the transfer, the sentence or measure imposed by the issuing state (as authorised by Article 8.3 of FD 909, Article 9 of FD 947 and Article 13 of FD 829), does the suspect/sentenced person receive any updated information?	This issue is not explicitly regulated and there has not been such a case yet. In such cases the sentenced person will most likely receive the decision on transfer, against which he or she can appeal. ⁶⁸	This issue is not explicitly regulated and there has not been such a case yet. In such cases the sentenced person will most likely receive	This issue is not explicitly regulated and there has not been such a case yet. In such cases the sentenced person will most likely receive the

⁶² Information provided by a District Court legal secretary.

⁶³ Information provided by a District Court legal secretary.

⁶⁴ Information provided by a District Court legal secretary.

⁶⁵ Information provided by a District Court legal secretary.

⁶⁶ Information provided by a District Court legal secretary.

⁶⁷ Information provided by a District Court legal secretary.

⁶⁸ Information provided by a District Court legal secretary.

		the decision on transfer, against which he or she can appeal. ⁶⁹	decision on transfer, against which he or she can appeal. ⁷⁰
Q2.13. Is there a right to appeal the forwarding of the judgment/decision in the issuing state? If yes, please briefly provide information (e.g. how the suspect is made aware of his/her right to appeal and what support is made available to him/her)	No. ⁷¹	No. ⁷²	No. ⁷³
Q2.14. Does the suspect/sentenced person have a right to a regular review of the decision on the transfer in the issuing state? If yes, please briefly provide information (e.g. how often he/she can exercise this right)	No. ⁷⁴	No. ⁷⁵	No. ⁷⁶
Q2.15. Is the suspect/sentenced person assisted by legal counsel in the executing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone?)	There are no specific provisions re legal counsel. Representation by a legal counsel is possible, but not obligatory. It can be done either face-to-face or over telephone. ⁷⁷	There are no specific provisions re legal counsel. Representation by a legal counsel is possible, but not obligatory. It can be done either face-to-face or over telephone. ⁷⁸	There are no specific provisions re legal counsel. However, representation by a legal counsel in this case would not only be possible, but could also be obligatory as it entails an oral hearing. It could be done either face-to-face or over telephone. ⁷⁹

⁶⁹ Information provided by a District Court legal secretary.

⁷⁰ Information provided by a District Court legal secretary.

⁷¹ Information gathered through desk research and confirmed by a District Court legal secretary.

⁷² Information gathered through desk research and confirmed by a District Court legal secretary.

⁷³ Information gathered through desk research and confirmed by a District Court legal secretary.

⁷⁴ Information provided by a District Court legal secretary.

⁷⁵ Information provided by a District Court legal secretary.

⁷⁶ Information provided by a District Court legal secretary.

⁷⁷ Information provided by a District Court legal secretary.

⁷⁸ Information provided by a District Court legal secretary.

⁷⁹ Information provided by a District Court legal secretary.

			There have, however, been no such cases yet. ⁸⁰
Q2.16. Have there been instances where the Member State has refused a transfer based on a pre-determined ground of refusal, as permitted to a varying extent under each FD? If so, please briefly provide details.	There have been no such instances yet. ⁸¹	There have been no such instances yet. ⁸²	There have been no such instances yet. ⁸³
Q.2.17. Are there any specific legislative or policy developments regarding the informed consent to the transfer of particular suspects/sentenced persons (such as children or persons with disabilities) in the issuing state? (e.g. the use of healthcare professionals)	No. ⁸⁴	No. ⁸⁵	No. ⁸⁶

⁸⁰ Information provided by a District Court legal secretary.

⁸¹ Information provided by a District Court legal secretary.

⁸² Information provided by a District Court legal secretary.

⁸³ Information provided by a District Court legal secretary.

⁸⁴ Information provided by a District Court legal secretary and confirmed by the Ministry of Justice.

⁸⁵ Information provided by a District Court legal secretary and confirmed by the Ministry of Justice.

⁸⁶ Information provided by a District Court legal secretary and confirmed by the Ministry of Justice.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q3. DECISION ON TRANSFER			
Q3.1. Are the following factors considered while deciding on forwarding a judgment or decision in the issuing state?			
<ul style="list-style-type: none"> The likely impact on the social rehabilitation of the suspect/sentenced person? 	<p>This factor is a precondition in all cases when the judgement is forwarded to the executing state, which is not the state of the sentenced person's nationality. The competent authority in the executing state has to consent to forwarding the judgement due to better social rehabilitation (Article 151, Par. 1, Point 3 of the ZSKZDČEU-1).⁸⁷</p> <p>In cases when the judgement is forwarded to the state of the sentenced person's nationality, a presumption of positive impact on the social rehabilitation of the sentenced person is made.⁸⁸</p>	<p>Yes, they are considered when the executing state is not the state of the sentenced person's permanent or temporary residence. In this case, Article 179, Par. 2 of the ZSKZDČEU-1 stipulates special consideration should be given to the sentenced person's successful reintegration into society and his/her better social rehabilitation. His/her family, language, cultural, economic, social, and other ties are taken into account.⁹¹</p>	<p><i>There can be no rehabilitation as the suspect has not been found guilty of any crime yet.</i></p>

⁸⁷ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

⁸⁸ Information provided by a District Court legal secretary.

⁹¹ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

	<p>Article 179, Par. 2 of the ZSKZDČEU-1⁸⁹ further stipulates optional consultation between the court of the issuing state and the competent authority in the executing state whether the transfer of the sentenced person would benefit his/her social rehabilitation.</p> <p>Such consultation are obligatory when the transfer of the sentenced person is to be decided due to special circumstances and ties that s/he has in the state where s/he wishes to be transferred to. However, in practice no such consultations have yet been carried out.⁹⁰</p>		
<ul style="list-style-type: none"> • Fundamental rights implications (such as the right to family life, right to education)? 	<p>Yes. Fundamental rights implications (e.g. right to family life) are taken into account in the scope of the provision stipulating obligatory consultation between the court of the issuing state and the competent authority in the executing state due to “special circumstances and ties” that the sentenced person has in the state where s/he wishes to be transferred</p>	<p>Yes, they are considered when the executing state is not the state of the sentenced person’s permanent or temporary residence.</p> <p>In this case fundamental rights implications are considered when the court has to take into account the sentenced person’s family, linguistic, cultural, economic, social, and other ties in the</p>	<p>Yes. While deciding on forwarding the decision on surveillance measures to another state the court of the issuing state has to take into account personal and family circumstances of the accused person (Art. 124, Par. 2 of the ZSKZDČEU-1).⁹⁵</p>

⁸⁹ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

⁹⁰ Information provided by a District Court legal secretary.

⁹⁵ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

	<p>to (Art. 153, Par. 1 and 2 of the ZSKZDČEU-1).⁹²</p> <p>Furthermore, Art. 153, Par. 3 stipulates that the court of the issuing state can request additional explanations from the competent authority in the executing state, especially regarding the provisions on conditional release in the executing state. This request for explanations can be made out of concern for fundamental rights.</p> <p>However, there are no reports of these procedures being actually carried out in practice.⁹³</p>	<p>executing state (Art. 179, Par. 2 of the ZSKZDČEU-1).⁹⁴</p> <p>Furthermore, Art. 180, Par. 1 stipulates that the court of the issuing state can request additional explanations from the competent authority in the executing state, especially regarding the provisions on conditional release in the executing state.</p>	
<ul style="list-style-type: none"> • Others? Please specify. 	<p>Art. 153, Par. 3 of the ZSKZDČEU-1⁹⁶ authorises the court of the issuing state to request any additional explanation from the competent authority in the executing state, especially in regard of the provisions on conditional release in the executing state.</p>	<p>The sentenced person's family, linguistic, cultural, economic, social, and other ties in the executing state are considered (Art. 179, Par. 2 of the ZSKZDČEU-1).⁹⁸</p>	<p>In addition to the accused person's personal and family circumstances, type and nature of the measure are considered as well as the prospect that the purpose of the measure will be achieved /the criminal procedure will be successfully carried out (Art. 124, Par. 2 of the ZSKZDČEU-1).⁹⁹</p>

⁹² Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

⁹³ Information provided by a District Court legal secretary.

⁹⁴ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

⁹⁶ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

⁹⁸ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

⁹⁹ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

	In practice, however, the courts do not use this possibility. ⁹⁷		
Q3.2: While deciding on the transfer, are there any specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation in the issuing state? Please provide any document containing those criteria/guidelines and specify whether the following factors are considered:			
<ul style="list-style-type: none"> Family and social ties (e.g. accommodation, employment or other economic ties, linguistic and cultural links)? 	All are relevant, but there is no protocol or guidelines that would detail in what way. ¹⁰⁰	All are relevant, but there is no protocol or guidelines that would detail in what way. ¹⁰¹	Yes. While deciding on forwarding the decision on surveillance measures to another state the court has to take into account personal and family circumstances of the accused person (Article 124, Par. 2 of the ZSKZDČEU-1). ¹⁰²
<ul style="list-style-type: none"> Criminal history and criminal ties? 	Art. 152, Par. 1 of the ZSKZDČEU-1 ¹⁰³ stipulates that before deciding on the transfer of the sentenced person the court has to consult the competent state prosecutor, mainly with respect to other potential criminal procedures against the sentenced person.	All are relevant, but there is no protocol or guidelines that would detail in what way. ¹⁰⁴	There is no specific reference to the accused person's criminal history or criminal ties. They can however be considered as a part of "personal and family circumstances" that the court has

⁹⁷ Information provided by a District Court legal secretary.

¹⁰⁰ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁰¹ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁰² Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

¹⁰³ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

¹⁰⁴ Information gathered through desk research and confirmed by a District Court legal secretary.

			to take into account (Article 124, Par. 2 of the ZSKZDČEU-1). ¹⁰⁵ It is the state prosecutor's duty to raise this issue when relevant. ¹⁰⁶
<ul style="list-style-type: none"> Humanitarian concerns (i.e. terminal illness of suspect/sentenced person or family members)? 	All are relevant, but there is no protocol or guidelines that would detail in what way. ¹⁰⁷	All are relevant, but there is no protocol or guidelines that would detail in what way. ¹⁰⁸	Yes. They are taken into consideration as a part of "personal and family circumstances" that the court has to take into account (article 124, Par. 2 of the ZSKZDČEU-1). ¹⁰⁹
<ul style="list-style-type: none"> Detention conditions (e.g. issues of overcrowding or availability of courses, such as the <i>Modulos</i> in Spain which has separate units to promote a progressive accountability of inmates) 	All are relevant, but there is no protocol or guidelines that would detail in what way. ¹¹⁰ There is a common understanding that conditions in EU Member States are comparable to the ones in Slovenia. ¹¹¹	Detention conditions could only be relevant in cases of probation revocation, but no specific legal provisions address such reasoning. ¹¹²	These are irrelevant as the transfer entails non-custodial measures.
<ul style="list-style-type: none"> Others? 	All are relevant, but there is no protocol or guidelines that would detail in what way. ¹¹³	All are relevant, but there is no protocol or guidelines that would detail in what way. ¹¹⁴	The prospect that the purpose of the measure will be achieved/the criminal procedure will be

¹⁰⁵ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

¹⁰⁶ Information provided by a District Court legal secretary.

¹⁰⁷ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁰⁸ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁰⁹ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

¹¹⁰ Information gathered through desk research and confirmed by a District Court legal secretary.

¹¹¹ Information provided by a District Court legal secretary.

¹¹² Information provided by a District Court legal secretary.

¹¹³ Information gathered through desk research and confirmed by a District Court legal secretary.

¹¹⁴ Information gathered through desk research and confirmed by a District Court legal secretary.

			<p>successfully carried out has to be considered (Art. 124, Par. 2 of the ZSKZDČEU-1).¹¹⁵</p> <p>Other factors can be considered as part of “personal and family circumstances” that the court has to take into account.</p>
<p>Q.3.3. Are the following persons/entities consulted in the evaluation of the likelihood of social rehabilitation by the issuing state:</p>			
<ul style="list-style-type: none"> • Probation agencies or similar entities in the issuing state? 	No. ¹¹⁶	No. ¹¹⁷	<i>Rehabilitation is not an issue as there is no final sentence yet.</i>
<ul style="list-style-type: none"> • The competent authorities in the executing state? 	<p>Yes.</p> <p>Article 153, Par. 1 and 2 of the ZSKZDČEU-1¹¹⁸ stipulate optional consultation between the court of the issuing state and the competent authority in the executing state whether the transfer of the sentenced person would benefit his/her social rehabilitation. Such consultation are obligatory when the transfer of the sentenced person is to be decided due to special circumstances and ties that s/he has in the state where s/he wishes to be</p>	<p>Art 180, Par. 1 of the ZSKZDČEU-1¹²⁰ stipulates that the court of the issuing state can request explanations from the competent authority in the executing state on the provisions governing enforcement of the sentence.</p>	<i>Rehabilitation is not an issue as there is no final sentence yet.</i>

¹¹⁵ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

¹¹⁶ Information provided by a District Court legal secretary.

¹¹⁷ Information provided by a District Court legal secretary.

¹¹⁸ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

¹²⁰ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

	transferred to. However, in practice no such consultations have been yet carried out. ¹¹⁹		
<ul style="list-style-type: none"> The suspect/sentenced person? 	Not specifically, but in cases when the consent of the sentenced person is not required, the court of the issuing state obtains his/her opinion on the matter if the sentenced person is available and willing to give an opinion (Art. 152, Par. 1 and 2 of the ZSKZDČEU-1). ¹²¹	Not specifically, but consent of the sentenced person is required before the court of the issuing state can forward the decision to another state (Art. 178, Par. 2 of the ZSKZDČEU-1). ¹²²	<i>Rehabilitation is not an issue as there is no final sentence yet.</i>
<ul style="list-style-type: none"> The family of the suspect/sentenced persons, especially with regard to child offenders? 	No. However, if the sentenced person specifically requested such a consultation, the Court would probably grant it. ¹²³	No. However, if the sentenced person specifically requested such a consultation, the Court would probably grant it. ¹²⁴	<i>Rehabilitation is not an issue as there is no final sentence yet.</i>
<ul style="list-style-type: none"> Any other person/entity? 	The sentenced person's representative/legal guardian can give an opinion under the same conditions as the accused person can (Art. 152, Par. 1 of the ZSKZDČEU-1). ¹²⁵	No.	<i>Rehabilitation is not an issue as there is no final sentence yet.</i>

¹¹⁹ Information provided by a District Court legal secretary.

¹²¹ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

¹²² Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

¹²³ Information provided by a District Court legal secretary.

¹²⁴ Information provided by a District Court legal secretary.

¹²⁵ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

Q3.4. Are there any specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/ sentenced persons (such as children or persons with disabilities) by the issuing state?	No. ¹²⁶	No. ¹²⁷	<i>Rehabilitation is not an issue as there is no final sentence yet.</i>
Q3.5. Is additional information, other than that required in the certificate (for which the standard form is given in Annex I of the three FDs), provided to the competent authorities of the executing state while forwarding the judgment or decision? If yes, please specify if pre-sentence reports are forwarded.	Slovenian courts regularly provide the competent authorities of the executing state the translation of the decision/judgement, although they are not legally required to. ¹²⁸ The Slovenian legal system does not use pre-sentence reports.	Slovenian courts usually provide the competent authorities of the executing state the translation of the decision/judgement, although they are not legally required to. However, no such cases have so far occurred. ¹²⁹ The Slovenian legal system does not use pre-sentence reports.	Slovenian courts usually provide the competent authorities of the executing state the translation of the decision/judgement, although they are not legally required to. However, no such cases have so far occurred. ¹³⁰ The Slovenian legal system does not use pre-sentence reports.
Q3.6. If pre-sentence reports are forwarded by the issuing state, are they translated to the language of the executing state?	There are none.	There are none.	There are none.
Q3.7. Are there specific measures, as required by Article 4 (6) FD 909, which constitute the basis on which the competent authorities in the executing State have to take their decisions whether or not to consent to	No. However, Art. 152, Par. 1 and 2 of the ZSKZDČEU-1131 stipulate that before deciding on the transfer of the sentenced person the court in		

¹²⁶ Information provided by a District Court legal secretary and confirmed by a representative of the Ministry of Justice.

¹²⁷ Information provided by a District Court legal secretary and confirmed by a representative of the Ministry of Justice.

¹²⁸ Information provided by a District Court legal secretary.

¹²⁹ Information provided by a District Court legal secretary.

¹³⁰ Information provided by a District Court legal secretary.

¹³¹ Slovenia, Cooperation in Criminal Matters with the Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije* (ZSKZDČEU-1)), 23 May 2013, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513.

<p>the forwarding of the judgement and the certificate (where required)?</p>	<p>the issuing state has to consult the competent state prosecutor, mainly on the matter if any other criminal procedures against the sentenced person are in progress in the issuing state.</p> <p>The same provisions provide for obligatory consultation between the court of the issuing state and the competent authority in the executing state whether the transfer of the sentenced person would benefit his/her social rehabilitation in cases when the transfer of the sentenced person is to be decided due to special circumstances and ties that s/he has in the state where s/he wishes to be transferred to. In other cases, such consultations are optional.</p>		
<p>Q3.8. Are there formal and clear rules regarding data protection in the information exchange between:</p>			
<ul style="list-style-type: none"> National authorities (consulted in the evaluation of the likelihood of social rehabilitation) in the issuing state? 	<p>There are no specific rules.¹³²</p> <p>However all the relevant authorities in the procedure (courts, public prosecutors) are</p>	<p>There are no specific rules.¹³⁴</p> <p>However all the relevant authorities in the procedure (courts, public prosecutors) are</p>	<p>There are no specific rules.¹³⁶</p> <p>However all the relevant authorities in the procedure (courts, public prosecutors) are</p>

¹³² Information gathered through desk research and confirmed by a District Court legal secretary.

¹³⁴ Information gathered through desk research and confirmed by a District Court legal secretary.

¹³⁶ Information gathered through desk research and confirmed by a District Court legal secretary.

	bound by general rules on data protection. ¹³³	bound by general rules on data protection. ¹³⁵	bound by general rules on data protection. ¹³⁷
<ul style="list-style-type: none"> • Authorities in the issuing and executing state? 	There are no specific rules. However, authorities are only given information they are granted access to. ¹³⁸	There are no specific rules. However, authorities are only given information they are granted access to. ¹³⁹	There are no specific rules. However, authorities are only given information they are granted access to. ¹⁴⁰

¹³³ Information provided by a District Court legal secretary.

¹³⁵ Information provided by a District Court legal secretary.

¹³⁷ Information provided by a District Court legal secretary.

¹³⁸ Information provided by a District Court legal secretary.

¹³⁹ Information provided by a District Court legal secretary.

¹⁴⁰ Information provided by a District Court legal secretary.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q4. VICTIMS			
Q4.1. Do the victims have the right to receive the following information regarding the transfer from the issuing state:			
<ul style="list-style-type: none"> The decision to transfer 	<p>No.</p> <p>There are no specific provisions on this right of the victim in such procedures in Slovenian legislation.¹⁴¹</p> <p>An additional problem due to such lack of information is pertinent in cases where victims can claim damages. This is not a sufficient reason to withhold the transfer, but victims rarely get compensated through other available instruments.¹⁴²</p>	<p>No.</p> <p>There are no specific provisions on this right of the victim in such procedures in Slovenian legislation.¹⁴³</p>	<p>Article 59, Par. 9 of the Criminal Procedure Act (<i>Zakon o kazenskem postopku, ZKP</i>)¹⁴⁴ the victim in an ongoing case has the right to view and copy the criminal file, which also involves documents concerning the transfer.¹⁴⁵</p> <p>However, the victim is not <i>ex offo</i> informed of the decision to transfer.¹⁴⁶</p>
<ul style="list-style-type: none"> The status of the transfer 	<p>No.</p> <p>There are no specific provisions on this right of the victim in such</p>	<p>No.</p> <p>There are no specific provisions on this right of the victim in such</p>	<p>Article 59, Par. 9 of the Criminal Procedure Act (<i>Zakon o kazenskem</i></p>

¹⁴¹ Information gathered through desk research and confirmed by a District Court legal secretary. See specifically Ambrož M. (2014) Protecting victim's rights in the EU: the theory and practice of diversity of treatment during the criminal trial: Slovenian national report, Athens: Centre for European Constitutional Law.

¹⁴² Information provided by a District Court legal secretary.

¹⁴³ Information gathered through desk research and confirmed by a District Court legal secretary. See specifically Ambrož M. (2014) Protecting victim's rights in the EU: the theory and practice of diversity of treatment during the criminal trial: Slovenian national report, Athens: Centre for European Constitutional Law.

¹⁴⁴ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

¹⁴⁵ Such a right is not granted to the victim once the procedure is finalised, hence this right is not applicable to victims in cases of transfer after a final judgment is issued.

¹⁴⁶ Information provided by a District Court legal secretary.

	procedures in Slovenian legislation. ¹⁴⁷	procedures in Slovenian legislation. ¹⁴⁸	<i>postopku, ZKP</i> ¹⁴⁹ the victim in an ongoing case has the right to view and copy the criminal file, which also involves documents concerning the transfer. ¹⁵⁰ However, the victim is not <i>ex offo</i> informed of the decision to transfer. ¹⁵¹
• Other? Please specify.	No.	No.	Article 59, Par. 9 of the Criminal Procedure Act (<i>Zakon o kazenskem postopku, ZKP</i>) ¹⁵² the victim in an ongoing case has the right to view and copy the criminal file, which also involves documents concerning the transfer. ¹⁵³ However, the victim is not <i>ex offo</i> informed of the decision to transfer. ¹⁵⁴
Q4.2. Is there any procedure in place to provide this information as issuing or executing state? If yes, please specify:			

¹⁴⁷ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁴⁸ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁴⁹ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

¹⁵⁰ Such a right is not granted to the victim once the procedure is finalised, hence this right is not applicable to victims in cases of transfer after a final judgment is issued.

¹⁵¹ Information provided by a District Court legal secretary.

¹⁵² Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

¹⁵³ Such a right is not granted to the victim once the procedure is finalised, hence this right is not applicable to victims in cases of transfer after a final judgment is issued.

¹⁵⁴ Information provided by a District Court legal secretary.

<ul style="list-style-type: none"> Is the information provided upon request of the victim? 	<p>The victim's access to the information regarding the transfer is rather problematic in practice. There are no clear rules, the decision depends on the individual judge. However, since it is a decided case, information would probably be given.¹⁵⁵</p> <p>According to the Ministry of justice the legislation defining this procedure more clearly is in preparation.¹⁵⁶</p>	<p>The victim's access to the information regarding the transfer is rather problematic in practice. There are no clear rules, the decision depends on the individual judge. However, since it is a decided case, information would probably be given.¹⁵⁷</p> <p>According to the Ministry of justice the legislation defining this procedure more clearly is in preparation.¹⁵⁸</p>	<p>Article 59, Par. 9 of the Criminal Procedure Act (<i>Zakon o kazenskem postopku, ZKP</i>)¹⁵⁹ the victim in an ongoing case has the right to view and copy the criminal file, which also involves documents concerning the transfer.¹⁶⁰</p> <p>However, the victim is not <i>ex offio</i> informed of the decision to transfer.¹⁶¹</p>
<ul style="list-style-type: none"> Who responsible for providing this information? 	<p>The presiding judge.¹⁶²</p>	<p>The presiding judge.¹⁶³</p>	<p>The investigative judge is responsible in the phase of judicial investigation, whereas the presiding judge is responsible in the phase of the main trial.¹⁶⁴</p>
<ul style="list-style-type: none"> Is it a verbal or written communication? 	<p>In case this would occur, it would be via written communication.¹⁶⁵</p>	<p>In case this would occur, it would be via written communication.¹⁶⁶</p>	<p>Written communication. Exceptionally, verbal</p>

¹⁵⁵ Information provided by a District Court legal secretary.

¹⁵⁶ Information provided by a District Court legal secretary.

¹⁵⁷ Information provided by a District Court legal secretary.

¹⁵⁸ Information provided by the Ministry of Justice.

¹⁵⁹ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf.

¹⁶⁰ Such a right is not granted to the victim once the procedure is finalised, hence this right is not applicable to victims in cases of transfer after a final judgment is issued.

¹⁶¹ Information provided by a District Court legal secretary.

¹⁶² Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁶³ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁶⁴ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁶⁵ Information provided by a District Court legal secretary.

¹⁶⁶ Information provided by a District Court legal secretary.

			communication suffices for the right to view the criminal file. ¹⁶⁷
Q4.3. Do the victims have the right to be heard concerning the transfer (in the state you are describing, as issuing or executing state)? (e.g. through submitting an oral or written response)	No. ¹⁶⁸	No. ¹⁶⁹	Not specifically, but in line with Article 59, Par. 2 of the Criminal Procedure Act (<i>Zakon o kazenskem postopku</i>) ¹⁷⁰ during the main trial, the victim has the right to make statements and motions on any matter.
Q4.4. Do the victims have any other rights concerning the transfer (in the state you are describing, as issuing or executing state)? Please specify.	No. ¹⁷¹	No. ¹⁷²	No. ¹⁷³
Q4.5. Do the victims have access to translators/interpreter in order to be kept fully informed of the transfer (in the state you are describing, as issuing or executing state)?	No. ¹⁷⁴	No. ¹⁷⁵	No. ¹⁷⁶
Q4.6. Do the victims have the right to be informed of the suspect/sentenced person's	No. ¹⁷⁷	No. ¹⁷⁸	No. ¹⁷⁹

¹⁶⁷ Information provided by a District Court legal secretary.

¹⁶⁸ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁶⁹ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁷⁰ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 29 September 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, English version (with amendments until the year 2007) available at: www.policija.si/eng/images/stories/Legislation/pdf/CriminalProcedureAct2007.pdf

¹⁷¹ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁷² Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁷³ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁷⁴ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁷⁵ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁷⁶ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁷⁷ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁷⁸ Information gathered through desk research and confirmed by a District Court legal secretary.

¹⁷⁹ Information gathered through desk research and confirmed by a District Court legal secretary.

release (in the state you are describing, as issuing or executing state)?			
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