

WORLD FACTBOOK OF CRIMINAL JUSTICE SYSTEMS

SLOVENIA

Alenka Selih and Darko Maver
University of Ljubljana

This country report is one of many prepared for the World Factbook of Criminal Justice Systems under Bureau of Justice Statistics grant No. 90-BJ-CX-0002 to the State University of New York at Albany. The project director was Graeme R. Newman, but responsibility for the accuracy of the information contained in each report is that of the individual author(s). The contents of these reports do not necessarily reflect the views or policies of the Bureau of Justice Statistics or the U. S. Department of Justice.

General Overview

1. Political system.

The political system of Slovenia is in a state of transition. The 1991 Constitution provides for units of local self-government (communes) as well as for regional representation.

2. Legal system.

Historically, the legal system has been part of the continental (civil) law system, which is based primarily on the codification of laws.

3. History of criminal justice system.

Slovenia was part of the Austrian-Hungarian monarchy, subject to the provisions of Austrian criminal legislation, until 1918. In 1929, the "Kingdom of Serbs, Croates and Slovenes", was formed and the name was changed to Yugoslavia. In that same year, a new Criminal Code was established, along with a Code of Criminal procedure.

During World War II, Yugoslavia was occupied by the Axis Powers. In 1945, Yugoslavia became a Communist-ruled federation republic. The new rulers began enforcing very repressive statutes for particular criminal offenses, especially

crimes against people and the state. A complete Criminal Code was enacted in 1951, followed by a Code of Criminal Procedure in 1953.

During the 1960s the criminal statutes changed considerably due to the ideas of the new social defense movement and the limiting of some of the inquisitorial powers of the police and of the public prosecutor. In accordance with the Constitution of 1974, criminal law was split between the federation (general part of the law) and the republics (special part of the law) in 1977. The Statutes governing criminal procedure remained at the federal level. Finally, after very turbulent developments, the first multi-party elections were held in Slovenia in April 1990. Slovenia declared its independence in June 1991 and was recognized as an independent country by January 1992.

At present, the criminal justice system is bound by legislation stemming from the Criminal Statute of Slovenia, the Criminal Statute, and the former Yugoslavia's Statute of Criminal Procedure. Legislation which contradicts the present constitutional order is considered invalid.

CRIME

1. Classification of crimes.

*Legal classification. There are three categories of punishable acts: 1) criminal offenses (murder, assault, rape, robbery, burglary, theft, forgery, larceny, fraud) which are defined by criminal statute; 2) economic offenses (breaches of financial or business regulations - mostly corporate liability); and 3) petty offenses (drunk driving and other traffic violations, prostitution, violations of public peace and order). Official crime statistics only report on criminal offenses.

*Age of criminal responsibility. Children up to 14 years are not criminally responsible and are always dealt with by social welfare agencies. Juvenile delinquents from 14 to 16 years old have limited criminal responsibility and only educational measures can be used against them (disciplinary measures, stricter control by parents, probation, institutional measures). Juvenile delinquents from 16 to 18 years old also have limited criminal responsibility and, in principle, educational measures can be applied to them. However, they can also be punished with juvenile imprisonment for serious crimes with

grave consequences. Juvenile adults from 18 to 21 years old have full criminal responsibility. However, depending on the circumstances, educational measures may be used instead of punishment.

*Drug offenses. Using illegal drugs is not an offense. The possession of small quantities of illegal drugs is a petty offense. However, cultivating, production, selling, buying with intent to sell, offering drugs or enabling drug consumption are criminal offenses. There is no distinction between soft and hard drugs in drug statutes.

2. Crime statistics.

The official crime statistics below were provided by the Ministry of Interior (1992). (According to the official crime statistics of the Ministry of Interior, police recorded 54,085 criminal offenses in 1992, an increase of 28% from 1991.)

*Murder. There were 43 cases of murder and 54 cases of attempted murder recorded by police in 1992.

*Rape. There were 60 cases of rape and 39 cases of attempted rape recorded by police in 1992.

*Serious property crime. There were 213 robberies, 554 burglaries, and 1,100 house-breakings recorded by police in 1992.

*Serious drug offense. In 1992, the police recorded 176 cases of illegal narcotic production and trade and 88 cases of enabling drug consumption.

*Crime Regions. Crime rates are especially high in the cities of Ljubljana, Maribor and Celje.

VICTIMS

1. Groups most victimized by crime.

Official crime statistics contain little data on victims and do not show any particular group to be more victimized than another.

2. Victims' assistance agencies.

Victim assistance agencies have mainly been incorporated into the general assistance schemes (health or social-welfare services). Recently, SOS

telephone lines for victims of family violence and a center for assistance to victims of such violence has been set up in Ljubljana.

3. Role of victim in prosecution and sentencing.

In certain cases, the victim can institute or take over the proceedings; can propose witnesses and be heard as a witness; and file a compensation suit. Victims have no direct role in sentencing.

4. Victims' rights legislation.

Special victims' rights legislation does not exist.

POLICE

1. Administration.

The police have a three-tiered organizational structure: 1) state level (Ministry of Interior); 2) regional level (Police Administration Departments); and 3) local level (Police Stations). Although a hierarchy governs the relations among the different police levels, each individual level performs its duties independently within a territorially limited area. The hierarchically superior body takes over any tasks which go beyond the local or regional level. The superior level also monitors and exercises some control over the lower one. Both the Criminal and General Police are responsible for the suppression of crime.

2. Resources.

*Expenditures. The budget of Ministry of Interior for 1992 was 16.192.000.000 Slovenian Tolars (SIT).

*Number of police. In 1993, 7,311 persons worked in Slovenian police (4,757 in General Police, 601 in Criminal Police and 1,953 in other services). The Ministry of Interior itself has 1,578 employees while the Police Stations and eleven Police Administration Departments have 5,733 employees.

3. Technology.

*Availability of police automobiles. In 1993, there were 1,136 police automobiles, of which 510 were marked and 626 were unmarked.

*Electronic equipment. In 1993, there were 250 mainframe computer terminals, 650 personal computers which could be used as mainframe terminals, and 500 independent personal computers. Electronic mail and communication with Interpol and approximately 4,000 radio stations of different types are available as well as 23 radar units (Multinova 5F and 6F).

*Weapons. The police are protected by the use of various guns (the Beretta, the Heckler & Koch), and bullet-proof vests.

4. Training of Police.

Police recruits attend the School for Cadets for 4 years after primary school (age 15) and the Higher School for Internal Affairs (Police College) for 2 years. All police training schools are located within the Education Center of the Ministry of Interior.

It is required that all other applicants for General or Criminal Police must have at least finished high school. In addition, they must undergo a 6-month training course before they can start to work as police officers.

5. Discretion.

*Use of deadly force. Force can be used as a last resort to restore peace and order. In extreme cases, deadly force can be used for self-defense.

*Stop/apprehend a suspect. The police may stop and identify a person if s/he acts suspiciously, is in a suspicious place at a suspicious time, is caught in the act of committing a criminal offence, or if there are some other reasons for suspicion. After the process of identification and interview the police must either bring the alleged offender to the Investigative Judge or release her/him.

*The decision to arrest. The police have no power to arrest. However, they can keep individuals in custody for 24 hours for the purpose of identification. The police may also keep chronic alcoholics that commit violations against public peace and order in custody.

*Search and seizure of property. Officers can search a property with a court order or if a suspect is presumed to be hiding there.

*Confessions. Police officers cannot interrogate suspects, so possible confessions do not have legal value.

*Complaints against police behavior. Complaints against police behavior can be reported to the Ministry of Interior or State Prosecutor if a criminal offense has been committed. There is also an independent bureau inside the Ministry of the Interior which deals with complaints against officers.

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the accused.

*Rights of the accused at trial. The principle of the presumption of innocence and the right to have a counsel at the first interrogation govern the treatment of the accused. The accused also has the right not to incriminate him/herself. In the trial process, the accused is tried either by a panel of three judges (one professional and two lay persons) or five judges (two professionals and three lay persons) and in cases of trivial offenses, by a single professional judge. A guilty plea does not change the procedural guarantees of the accused.

*Assistance to the accused. The accused can choose his defense counsel freely. Counsel is appointed in serious cases, or if the accused is indigent, or if the court finds the accused in need due to special limitations (physical or mental). There is no public defender system in Slovenia.

2. Procedures.

*Preparatory procedures for bringing a suspect to trial. Police carry out the preliminary procedures which have no bearing on the judicial phase. The investigation magistrate carries out the pretrial procedures on the basis of a demand filed by the prosecutor.

*Official who conducts prosecution. The prosecution is carried out by the prosecutor's office.

* Alternatives to trial. There are only a few alternatives to going to trial. In principle, the prosecutor is bound by the principle of legality; a suspect must be prosecuted if there is "reasonable suspicion that an offense had been committed". In cases of trivial criminal offenses the procedure can be transferred to a different,

less repressive, agency (for example, the office of petty offense magistrates).

*What proportion of prosecuted cases go to trial? In 1991, one-third of the cases being prosecuted came before the court. This proportion is higher with offenses against persons (for instance, homicide, assault and battery) than with offenses against property.

*Pre-trial incarceration conditions. Pretrial incarceration is permitted if the perpetrator is likely to abscond, destroy evidence, or repeat the offense. In 1991, pretrial detention was used in 4% of prosecuted offenses.

*Bail procedure. The law provides for bail, but it is rarely used.

JUDICIAL SYSTEM

1. Administration.

Presently, the judicial system is undergoing a restructuring. The draft statute in parliament provides for a three level judicial system: district courts, regional courts and high court. The district courts would be courts of first instance only; the regional courts would be courts of first instance for serious offenses and for appeals; the high court would be an appeals court.

2. Judges.

*Number of judges. In 1990, there were 509 judges, of which 247 were male and 262 were female. There were 157 full-time criminal judges. The proportion of female judges is higher in the lower courts.

*Appointment and qualifications. The system of judges' appointments is presently being reorganized. At present, all judges must hold a university degree in law. After graduation, prospective judges must train for two years in a court or prosecutor's office and pass a judiciary state examination.

3. Special courts.

There are no special courts for criminal offenses (Criminal offenses are processed by criminal courts as part of the general court system. Criminal offenses committed by juveniles

are dealt with by special panels within the general court system.), but petty offenses are dealt with by "petty offense magistrates".

PENALTIES AND SENTENCING

1. Sentencing process.

*Who determines the sentence? The sentence is determined by the court at the end of the main hearing, after the guilt of the accused has been proven.

*Is there a special sentencing hearing? There is no sentencing hearing. The court takes into consideration the seriousness of the offense, the offender's responsibility, and the aggravating and mitigating circumstances. Aggravating and mitigating circumstances can refer to the offense (gravity and circumstances of the offense) or to the offender (level of criminal responsibility, motives, behavior after the offense).

*Which persons have input into the sentencing process? The sentence is determined by the court.

2. Types of Penalties.

*Range of penalties. There are three types of sanctions for adult offenders: 1) penalties (for instance, fine and imprisonment from 15 days to 15 years); 2) security measures (institutional and non-institutional psychiatric treatment, treatment for alcoholism and drug addiction; and 3) sanctions of admonition (judicial warning and conditional sentences). Serious violent offenses, sexual offenses and serious property offenses are typically sanctioned by imprisonment.

*Death penalty. The death penalty was abolished in 1989. Slovenia has been a de facto abolitionist country since 1957, when the last death sentence was administered.

PRISON

1. Description.

*Number of prisons and type. There are 14 prisons of which 13 are for men and 1 is for women. Nine of the prisons are maximum security, 5 are minimum

security, 3 of which are open prison-farms.

*Number of prison beds. As of November 30, 1992, there were 2,257 prison beds, 2,107 used by men and 150 used by women.

*Number of annual admissions. In 1992, there was a total of 1,932 prisoners admitted, of which 1,110 were admitted for criminal offenses and 822 for petty offenses.

*Average daily population/number of prisoners. The average daily prison population is 896, of which 671 are sentenced and 225 are awaiting trial. The average female prison population is 26, 20 of whom are sentenced and 6 are awaiting trial. The average male prison population is 870, of which 651 are sentenced and 219 are awaiting trial. Nearly all (77%) of the prisoners are of Slovenian ethnic origin, 22% are of the former Yugoslavia, and 1% of the prisoners are foreign.

*Actual or estimated proportion of inmates incarcerated. 1992 estimated percentage of inmates incarcerated by crime type.

Crime type	Annual admission
Drug crimes	10%
Violent crimes	25%
Property crimes	50%
Other crimes	15%

2. Administration.

Prisons are administered by the Ministry of Justice.

*Number of prisons guards. As of December 1, 1992, there were 371 prison guards, of which 340 were male and 31 female.

*Training and qualifications. Prison guards are required to complete two years of training after secondary school.

*Expenditure on prison system. The total expenditure on the prison system in 1992 was 1,340,096,744 Slovenian Tolars.

EXTRADITION AND TREATIES

*Extradition. As legal heir of Yugoslavia, Slovenia has accepted all of its bilateral or multilateral international treaties. As a result,

Slovenia has already signed extradition treaties with Austria, Finland, Italy, Sweden, Thailand. Slovenia has also indicated its willingness to abide by all extradition treaties of former Yugoslavia (those with Australia, Belgium, Canada, France, Germany, Great Britain, Netherlands, Spain, Turkey, and the United States, as well as treaties on transfer of prisoners with the Czech Republic, Denmark, and Turkey). As a general rule, Slovenia accepts all extradition legislation established by the former Yugoslavia.

SOURCES

- Badovinac-Bjelic, Irena. International Legal Assistance in Criminal Matters, report for the Council of Europe Seminar on "Crime Policy Problems". Ljubljana, Slovenia, tel.: 38 61 165 211.
- Bavcon, Ljubo and Alenka Selih, Criminal Law, General Part, (in Slovenian) Ljubljana, 1987.
- Brinc, Franci. Research Counselor, Institute of Criminology at the Law School, University of Ljubljana, Kongresni trg 12, 61000 Ljubljana, Slovenia, tel.: 38 61 154 065. Date of phone contact: July 7, 1993.
- Crime Statistics, Office of Statistics of the Republic of Slovenia, Ljubljana, 1992.
- Pavlovic, Zoran, International Victimization Survey, Summary Results 1992. Slovenia, UN Interregional Crime and Justice research Institute, Rome, 1992.
- Statute of Criminal Procedure 1977 as amended.
- Statute of Criminal Offences 1977 as amended.
- Zobec, Zivko, Commentary to the Statute of Criminal Procedure (in Slovenian), Ljubljana, 1986.

Alenka Selih
Professor, Faculty of Law
University of Ljubljana
Institut za Kriminologijo
P.Q. 1, Pravni Fakulteti
SLO-6100 Ljubljana
Slovenia
Tel: 061-154-055
Fax: 990-38061-154-095

Darko Maver
Professor, Faculty of Law
University of Ljubljana
Institut za Kriminologijo
P.Q. 1, Pravni Fakulteti
SLO-6100 Ljubljana

Slovenia
Tel: 061-154-055
Fax: 990-38061-154-095