



REPUBLIC OF
SLOVENIA



HUMAN
RIGHTS
OMBUDSMAN

Submission to the United Nations Special Rapporteur on violence against women on COVID-19 and the increase of domestic violence against women

July 2020

Human Rights Ombudsman of the Republic of Slovenia (Ombudsman) submits the following information to the UN Special Rapporteur on Violence Against Women, its Causes and Consequences, Ms Dubravka Šimonović, in response to her request to receive all relevant information on the increase of gender-based violence against women and domestic violence in the context of the COVID-19 pandemic from civil society, States, National Human Rights Institutions, international organisations, academia, and other stakeholders.

To what extent has there been an increase of violence against women, especially domestic violence in the context of the COVID-19 pandemic lockdowns? Please provide all available data on the increase of violence against women, including domestic violence and femicides, registered during the COVID-19 crisis.

From 16 March to 31 May 2020,¹ the police treated 351 persons as victims of domestic violence criminal offences² which is a 10,93 per cent increase in comparison to the average in the previous five years. Two hundred ninety-five were women (84 per cent).³ During the same time, the police handled 541 cases of misdemeanours of “violent and daring behaviour”⁴ towards an intimate partner or a family member which is a 5,71 per cent decrease in comparison to the average number of cases in the previous five years. Among 389 victims, 269 (69,15 per cent) were women. One person was manslaughter by an intimate partner.⁵

The Institute of criminology at the Faculty of Law faculty Ljubljana noted in its study on criminology in times of COVID-19 that, taking into account the circumstances and numbers, it is not possible to draw statistical conclusions based on this data alone. The authors of the study added that the

¹ On 12 March 2020, the Government of the Republic of Slovenia adopted an ordinance declaring the epidemic. All schools and pre-schools programs closed on the 16 May, and the lockdown measures started significantly influencing the family living. The ordinance declaring the end of COVID-19 was effective from 15 May 2020, however, the general and specific measures adopted pursuant to the decision on the application of measures under the Communicable Diseases Act continued to apply until 31 May.

² Article 191 of the Criminal Code (KZ-1) – Family violence: (1) Whoever within a family treats badly another person, beats them, or in any other way treats them painfully or degradingly, threatens with direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights shall be sentenced to imprisonment for not more than five years. (2) The same punishment shall be imposed on whoever commits the acts under the preceding paragraph in any other permanent living community. (3) If the act under paragraph 1 is committed against a person with whom the perpetrator lived in a family or other permanent community, which fell apart, however this act is connected to the community, the perpetrator shall be sentenced to imprisonment for not more than three years.

³ Out of this, 26 were under 18, and 27 were above 65 years old.

⁴ Article 6 of Protection of Public Order Act (ZJRM-1) sanctions physical fighting, beating, provoking or inciting physical fighting, behaving in a bold, violent, rude, insulting or similar manner or causing humiliation, threat, hurt or fear by pursuing someone.

⁵ All statistics were provided to the Ombudsman by the Ministry of Interior of Republic of Slovenia on 6 July 2020.

police data on domestic violence is considered to represent a smaller share of all crimes committed, as the reporting rate is relatively low. Moreover, since control by perpetrators is much more intensive during the lockdown, seeking help can, therefore, be difficult.⁶

Are helplines run by Government and/or civil society available? Has there been an increase in the number of calls in the context of the COVID-19 pandemic?

Helplines were available, some also 24 hours 7 days a week.

Some NGO's and social work centres reported an increase in the number of calls, while others didn't see any change in demand for their services. Some suspected that was due to increased presence of the abusive partner leaving the victim with fewer opportunities to access help via telephone.⁷

Are shelters open and available? Are there any alternatives to shelters available if they are closed or without sufficient capacity?

Shelters and crisis centres crisis have remained open and available throughout the epidemic.

Non-governmental organisations and state-run social work centres running the shelters or crisis centres reported referrals to other shelters or crisis centres in the country as the only option in case of lacking their capacity.

Several NGO's and social work centres running the shelters and crisis centres highlighted obstacles encountered during a lockdown, such as lack of protective equipment and inability to implement all Covid-19 related guidelines at available premises. Moreover, they had to deal with an increased workload. Staff in shelters and crisis centres needed to put in additional work and effort to alleviating emotional distress brought by the epidemic, help with the homeschooling of children during the school closures and do the grocery shopping for the users of the shelters.

Several expressed concern that their premises and capacities would not suffice if they would face a case of COVID-19 infection among their users.⁸

Are protection orders available and accessible in the context of the COVID-19 pandemic?

The police, which can issue a protection order for 48 hours, imposed 194 protection orders from 16 March to 31 May 2020, similarly to the numbers in the same period in the last five years.⁹ The courts continued to hear cases in "urgent matters", the determinations on protection orders, which can be issued on the request of the victim under the Family Violence Prevention Act,¹⁰ being one of them.

What are the impacts on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence?

⁶ Mojca M. Plesničar, Marko Drobnjak, Katja Filipčič, Kriminaliteta v času COVID-19, 30 April 2020, study is available in Slovene language here: <http://inst-krim.si/wp-content/uploads/2020/04/Kriminaliteta-v-dobi-covid-19.pdf>.

⁷ The Ombudsman acquired answers from 12 NGO's and state-run social work centres.

⁸ The Ombudsman acquired answers from all 12 NGO's and social work centres running shelters and crisis centres for women victims of violence.

⁹ According to the Ministry of Interior 154 protection orders were issued from 16 March to 31 May in 2015, 191 in 2016, 189 in 2017, 2012 in 2018 and 225 in 2019.

¹⁰ See articles 19 and 24, <https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/eu-rop/family%20violence%20prevention%20act%202008/family%20violence%20prevention%20act%202008.pdf?vs=53>.

From 16 March to 5 May 2020, according to the Ordinance of the President of the Supreme Court of Slovenia,¹¹ the courts held hearings and undertook decisions only in “urgent matters”. Concerning the prevention of violence against women, that included matters where the defendants were deprived of their liberty and requests for prohibition orders under Article 19 of the Family Violence Prevention Act.¹²

What are the impacts of the current restrictive measures and lockdowns on women’s access to health services? Please specify whether services are closed or suspended, particularly those focusing on reproductive health.

From 16 March to 9 May 2020, the provision of preventive health services by all health care providers was suspended except in cases when the omission could have had negative consequences for the patient’s health. Also, all specialist examinations and surgical interventions were suspended except those marked with the level of urgency “urgent” and “very fast”, oncological services, and the treatment of pregnant women. According to the representative of the University Medical Center Ljubljana, the abortions were carried out smoothly.¹³

Presence of a partner or other companion during childbirth was prohibited in the maternity hospitals and planned home births were suspended from 1 April to 9 May 2020.

The Ombudsman received information that consequently, some pregnant women in distress allegedly decided to give birth at home with the help of non-licensed persons whose professional competence is questionable. Furthermore, the Ombudsman received for consideration initiative relating to the general prohibition of the presence of partners at childbirth in maternity hospitals during the COVID-19 epidemic. Ombudsman gave the opinion, that it is the doctor who in specific cases, should assess the risk of the possible transmission of infection and the positive effects of the birth partner’s presence during childbirth and decide whether the partner should be present during childbirth.¹⁴

Please provide examples of obstacles encountered to prevent and combat domestic violence during the COVID-19 lockdowns.

In its statement during the lockdown, the police warned that the measures have caused people to spend more time at home, in the circle of the closest family, which can also lead to friction between family members. The police added: “Schools and bars are closed, and all other services are limited, which means that violence may exist, but no one sees it, and no one reports it. During this time, victims find it harder to break the cycle of violence and call for help. We are aware that, due to the current situation, it is less likely that victims would call the police, centres for social services or non-governmental organisations.”¹⁵

¹¹ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ODRE2556>

¹² Article 19 stipulates: The victim proposes to the court to determine the measures for averting further damage. The court can prohibit on request of the victim by issuing of an order to the perpetrator of violence who physically harmed the victim or inflicted damage to their health or has in any other way interfered in their dignity or any other personal rights, in particular, the following: - entering to the accommodation premises where the victim lives; - to come at a specified distance within the proximity of the accommodation where the victim lives; - to come near to places which the victim regularly frequents (workplace, school, preschool facility, etc.). - to establish contact with the victim in any way whatsoever, including by way of the means for distance communication; - to establish any kind of meeting with the victim.

¹³ <https://novice.svet24.si/clanek/novice/svet/5ea68878c52b6/moje-telo-moja-izbira-splav-v-koronacasu>.

¹⁴ www.varuh-rs.si/en/news/news/the-presence-of-birth-partners-at-childbirth-and-the-suspension-of-planned-home-births-during-the-co/.

¹⁵ Statement available on: www.24ur.com/novice/slovenija/nasilje-v-druzini.html.

NGO's and social work centres running the shelters or crisis centres reported to the Ombudsman the following obstacles encountered during the COVID-19 lockdown:

- Victims of violence isolating with an abusive partner found it harder to call for help due to the constant presence of the perpetrator.
- No public transport was available to get to the shelters, crisis centres or access other help services.
- Lack of protective equipment in shelters at the beginning of the epidemic.
- Additional work and efforts were needed in shelters and crisis centres: alleviating emotional distress brought by the epidemic, helping with the homeschooling of children during the school closures, doing the grocery shopping for the users of the shelters.
- Lack of detailed information/protocols for handling and responding to infections in shelters and crisis centres.
- Lack of isolation/quarantine options in existing shelter capacities.

Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by Governments.

During the lockdown, the police issued several calls for tolerance in interpersonal relationships and appealed to neighbours to report domestic violence.

One of the NGO's carrying out psychological assistance program for victims of violence highlighted the support they received from Municipality of Ljubljana which also organised awareness activities throughout the capital, including by publishing helpline numbers in pharmacies, health centres and in the local publication which the Municipality of Ljubljana delivers to all post boxes in the city.

Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by NGOs and NHRIs or equality bodies.

One NGO extended the availability of their telephone helpline to 24 hours 7 days a week, another reported using new ways to communicate to provide psychosocial help to survivors of violence through Skype, Messenger, Facebook video call. NGO's made additional attempts to reach victims of violence, including by increasing their media presence and putting up posters with helpline numbers in big supermarket chains.