

1. **Zakon o ratifikaciji Konvencije Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima (MKPNZND)**

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

o razglasitvi Zakona o ratifikaciji Konvencije Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima (MKPNZND)

Razglašam Zakon o ratifikaciji Konvencije Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima (MKPNZND), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 19. decembra 2014.

Št. 003-02-10/2014-18

Ljubljana, dne 29. decembra 2014

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI KONVENCIJE SVETA EVROPE O PREPREČEVANJU NASILJA NAD ŽENSKAMI IN NASILJA V DRUŽINI TER O BOJU PROTI NJIMA (MKPNZND)

1. člen

Ratificira se Konvencija Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima, sklenjena v Istanbulu 7. aprila 2011.

2. člen

Besedilo konvencije se v izvirniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:

COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

Preamble

The member states of the Council of Europe and the other signatories hereto,

Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163), the Council of Europe Convention on Action against Trafficking in Human Beings (ETS No. 197, 2005) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (ETS No. 201, 2007);

Recalling the following recommendations of the Committee of Ministers to member states of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, and other relevant recommendations;

KONVENCIJA SVETA EVROPE O PREPREČEVANJU NASILJA NAD ŽENSKAMI IN NASILJA V DRUŽINI TER O BOJU PROTI NJIMA

Preambula

Države članice Sveta Evrope in druge podpisnice te konvencije so se

ob upoštevanju Konvencije o varstvu človekovih pravic in temeljnih svoboščin (ETS št. 5, 1950) in njenih protokolov, Evropske socialne listine (ETS št. 35, 1961, spremenjene leta 1996, ETS št. 163), Konvencije Sveta Evrope o ukrepanju proti trgovini z ljudmi (ETS št. 197, 2005) in Konvencije Sveta Evrope o zaščiti otrok pred spolnim izkoriščanjem in spolno zlorabo (ETS št. 201, 2007);

ob upoštevanju naslednjih priporočil Odbora ministrov državam članicam Sveta Evrope: Priporočila Rec(2002)5 o zaščiti žensk pred nasiljem, Priporočila CM/Rec(2007)17 o standardih in mehanizmi za enakost spolov, Priporočila CM/Rec(2010)10 o vlogi žensk in moških pri preprečevanju in reševanju sporov ter izgradnji miru ter drugih ustreznih priporočil;

Taking account of the growing body of case law of the European Court of Human Rights which sets important standards in the field of violence against women;

Having regard to the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW", 1979) and its Optional Protocol (1999) as well as General Recommendation No. 19 of the CEDAW Committee on violence against women, the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006);

Having regard to the Rome Statute of the International Criminal Court (2002);

Recalling the basic principles of international humanitarian law, and especially the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949) and the Additional Protocols I and II (1977) thereto;

Condemning all forms of violence against women and domestic violence;

Recognising that the realisation of *de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women;

Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

Recognising the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

Recognising, with grave concern, that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called "honour" and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men;

Recognising the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts;

Recognising that women and girls are exposed to a higher risk of gender-based violence than men;

Recognising that domestic violence affects women disproportionately, and that men may also be victims of domestic violence;

Recognising that children are victims of domestic violence, including as witnesses of violence in the family;

Aspiring to create a Europe free from violence against women and domestic violence,

Have agreed as follows:

Chapter I

– Purposes, definitions, equality and non-discrimination, general obligations

Article 1 – Purposes of the Convention

1. The purposes of this Convention are to:

a. protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;

b. contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;

ob upoštevanju čedalje obsežnejše sodne prakse Evropskega sodišča za človekove pravice, ki določa pomembne standarde na področju nasilja nad ženskami;

ob upoštevanju Mednarodnega pakta o državljskih in političnih pravicah (1966), Mednarodnega pakta o ekonomskih, socialnih in kulturnih pravicah (1966), Konvencije Združenih narodov o odpravi vseh oblik diskriminacije žensk ("CEDAW", 1979) in njenega izbirnega protokola (1999) ter Splošnega priporočila št. 19 odbora CEDAW o nasilju nad ženskami, Konvencije Združenih narodov o otrokovih pravicah (1989) in njenih izbirnih protokolov (2000) ter Konvencije Združenih narodov o pravicah invalidov (2006);

ob upoštevanju Rimskega statuta Mednarodnega kazenskega sodišča (2002);

ob upoštevanju temeljnih načel mednarodnega humanitarnega prava in še zlasti Ženevske konvencije (IV) o zaščiti civilnih oseb v času vojne (1949) in dodatnih protokolov I in II k njej (1977);

ob obsojanju vseh oblik nasilja nad ženskami in nasilja v družini;

ob priznavanju, da je uresničevanje *de jure* in *de facto* enakosti žensk in moških ključna sestavina preprečevanja nasilja nad ženskami;

ob priznavanju, da je nasilje nad ženskami odraz zgodovinsko neenakih razmerij moči med ženskami in moškimi, kar je privedlo do nadvlade in izvajanja diskriminacije moških nad ženskami ter preprečevanja polnega napredka žensk;

ob priznavanju, da je nasilje nad ženskami nasilje zaradi spola in da je nasilje nad ženskami eden od ključnih družbenih mehanizmov, zaradi katerega so ženske prisiljene v podrejeni položaj v primerjavi z moškimi;

ob zaskrbljenem priznavanju, da so ženske in dekleta pogosto izpostavljene resnim oblikam nasilja, kakor so nasilje v družini, spolno nadlegovanje, posilstvo, prisilna poroka, zločini v imenu t. i. 'časti' in pohabljanje spolovil, kar pomeni resno kršitev človekovih pravic žensk in deklet ter je glavna ovira pri doseganju enakosti med ženskami in moškimi;

ob priznavanju nenehnega kršenja človekovih pravic med oboroženimi spopadi, ki prizadenejo civilno prebivalstvo, še posebej ženske, v obliki množičnih ali sistematičnih posilstev in spolnega nasilja ter možnosti povečanega nasilja zaradi spola v času spopadov in po njih;

ob priznavanju, da so ženske in dekleta izpostavljene večjemu tveganju za nasilje zaradi spola kakor moški;

ob priznavanju, da nasilje v družini večinoma prizadeva ženske in da so tudi moški lahko žrtve nasilja v družini;

ob priznavanju, da so otroci žrtve nasilja v družini tudi kot njegove priče;

ob prizadevanju ustvariti Evropo brez nasilja nad ženskami in brez nasilja v družini, so se dogovorile:

1. poglavje

– namen, opredelitev pojmov, enakost in nediskriminacija, splošne obveznosti

1. člen – nameni konvencije

1. Nameni te konvencije so:

a. zaščititi ženske pred vsemi oblikami nasilja in preprečevati, preganjati in odpravljati nasilje nad ženskami in nasilje v družini;

b. prispevati k odpravi vseh oblik diskriminacije žensk in spodbujati resnično enakost med ženskami in moškimi, vključno s krepitvijo moči žensk;

c. design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;

d. promote international co-operation with a view to eliminating violence against women and domestic violence;

e. provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

2. In order to ensure effective implementation of its provisions by the Parties, this Convention establishes a specific monitoring mechanism.

Article 2 – Scope of the Convention

1. This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.

2. Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention.

3. This Convention shall apply in times of peace and in situations of armed conflict.

Article 3 – Definitions

For the purpose of this Convention:

a. "violence against women" is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

b. "domestic violence" shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;

c. "gender" shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

d. "gender-based violence against women" shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;

e. "victim" shall mean any natural person who is subject to the conduct specified in points a and b;

f. "women" includes girls under the age of 18.

Article 4 – Fundamental rights, equality and non-discrimination

1. Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.

2. Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:

- embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;
- prohibiting discrimination against women, including through the use of sanctions, where appropriate;
- abolishing laws and practices which discriminate against women.

3. The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.

c. oblikovati celostni okvir, politike in ukrepe za zaščito in pomoč za vse žrtve nasilja nad ženskami in nasilja v družini;

d. spodbujati mednarodno sodelovanje za odpravljanje nasilja nad ženskami in nasilja v družini;

e. zagotoviti podporo in pomoč organizacijam in organom pregona za učinkovito sodelovanje pri sprejemanju celostnega pristopa za odpravo nasilja nad ženskami in nasilja v družini.

2. Da bi pogodbenice zagotovile učinkovito izvajanje določb konvencije, konvencija vzpostavlja poseben mehanizem za spremljanje.

2. člen – področje uporabe konvencije

1. Ta konvencija se uporablja za vse oblike nasilja nad ženskami, vključno z nasiljem v družini, ki nesorazmerno prizadeva ženske.

2. Pogodbenice se spodbuja k uporabi te konvencije za vse žrtve nasilja v družini. Pri izvajanju določb te konvencije pogodbenice posebno pozornost namenjajo ženskam, ki so žrtve nasilja zaradi spola.

3. Ta konvencija se uporablja v miru in razmerah oboroženega spopada.

3. člen – opredelitve pojmov

V tej konvenciji:

a. "nasilje nad ženskami" pomeni kršitev človekovih pravic in obliko diskriminacije žensk ter vsa nasilna dejanja zaradi spola, ki povzročijo ali bi lahko povzročila fizične, spolne, psihične ali ekonomske posledice ali trpljenje žensk, vključno z grožnjami s takimi dejanji, prisilo ali samovoljni odvzem prostosti, ne glede na to, ali do njih pride v javnem ali zasebnem življenju;

b. "nasilje v družini" pomeni vsako dejanje fizičnega, spolnega, psihičnega ali ekonomskega nasilja, ki se zgodi v družini ali gospodinjski enoti ali med nekdanjima ali trenutnima zakoncema ali partnerjema, ne glede na to, ali storilec še prebiva ali je prebival z žrtvijo;

c. "spol" pomeni družbeno oblikovane vloge, vedenje, dejavnosti in lastnosti, ki v posamezni družbi veljajo kot primerni za ženske in moške;

d. "nasilje nad ženskami zaradi spola" pomeni nasilje, ki je usmerjeno proti ženski, ker je ženska, ali nesorazmerno prizadeva ženske;

e. "žrtev" pomeni vsako fizično osebo, ki je deležna ravnanja iz točk a in b;

f. "ženske" vključuje dekleta, mlajša od 18 let.

4. člen – temeljne pravice, enakost in nediskriminacija

1. Pogodbenice sprejmejo potrebne zakonodajne in druge ukrepe za spodbujanje in varovanje pravice vsakogar, posebej žensk, do življenja brez nasilja v javnem in zasebnem življenju.

2. Pogodbenice obsojajo vse oblike diskriminacije žensk in sprejmejo brez odlašanja potrebne zakonodajne in druge ukrepe za njeno preprečevanje, zlasti:

- z vključevanjem načela enakosti med ženskami in moškimi v svoje nacionalne ustave ali drugo ustrezno zakonodajo in zagotavljanjem uresničevanja tega načela v praksi;
- s prepovedjo diskriminacije žensk, vključno z uporabo sankcij, kadar je to primerno;
- z odpravo zakonov in praks, ki diskriminirajo ženske.

3. Pogodbenice zagotavljajo izvajanje določb te konvencije, zlasti ukrepov za varstvo pravic žrtev brez diskriminacije zaradi spola, rase, barve, jezika, vere, političnega ali drugega prepričanja, narodnega ali socialnega porekla, pripadnosti narodni skupnosti, premoženja, rojstva, spolne usmerjenosti, spolne identitete, starosti, zdravstvenega stanja, invalidnosti, zakonskega stanu, statusa migranta ali begunca ali drugega statusa.

4. Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.

Article 5 – State obligations and due diligence

1. Parties shall refrain from engaging in any act of violence against women and ensure that state authorities, officials, agents, institutions and other actors acting on behalf of the state act in conformity with this obligation.

2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-state actors.

Article 6 – Gender-sensitive policies

Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.

Chapter II

– Integrated policies and data collection

Article 7 – Comprehensive and co-ordinated policies

1. Parties shall take the necessary legislative and other measures to adopt and implement state-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.

2. Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.

3. Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

Article 8 – Financial resources

Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.

Article 9 – Non-governmental organisations and civil society

Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.

Article 10 – Co-ordinating body

1. Parties shall designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.

2. Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken pursuant to Chapter VIII.

3. Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.

4. Posebni ukrepi, potrebni za preprečevanje in zaščito žensk pred nasiljem zaradi spola, se ne štejejo za diskriminacijo pod pogoji iz te konvencije.

5. člen – obveznosti države in dolžna skrbnost

1. Pogodbenice se vzdržijo vsakega nasilnega dejanja nad ženskami in zagotavljajo, da državni organi, uradniki, uslužbenci, institucije in drugi akterji, ki delujejo v imenu države, delujejo v skladu s to obveznostjo.

2. Pogodbenice sprejmejo potrebne zakonodajne in druge ukrepe za uresničevanje dolžne skrbnosti za preprečevanje, preiskovanje, kaznovanje in povrnitev škode za nasilna dejanja, ki so zajeta v področje uporabe te konvencije in so jih zagrešili nedržavni akterji.

6. člen – politika enakosti spolov

Pogodbenice se zavezujejo vključiti vidik enakosti spolov v izvajanje in ocenjevanje učinka določb te konvencije ter spodbujati in učinkovito izvajati politiko enakosti med ženskami in moškimi in krepitve moči žensk.

II. poglavje

– celostna politika in zbiranje podatkov

7. člen – celovita in usklajena politika

1. Pogodbenice sprejmejo potrebne zakonodajne in druge ukrepe za sprejetje in izvajanje učinkovite, celostne in usklajene vsedržavne politike, ki zajema vse ustrezne ukrepe za preprečevanje in boj proti vsem oblikam nasilja, zajetim v področje uporabe te konvencije, in zagotavlja celovit odgovor na nasilje nad ženskami.

2. Pogodbenice zagotovijo, da so v politiki iz prvega odstavka pravice žrtve v središču vseh ukrepov in da se izvajajo v obliki učinkovitega sodelovanja med vsemi ustreznimi agencijami, institucijami in organizacijami.

3. Ukrepi, sprejeti v skladu s tem členom, vključujejo, kadar je to primerno, vse ustrezne akterje, kakor so vladne agencije, državni, regionalni in lokalni parlamenti in organi, državne institucije za človekove pravice in organizacije civilne družbe.

8. člen – finančni viri

Pogodbenice dodelijo zadostne finančne in človeške vire za ustrezno izvajanje celostne politike, ukrepov in programov za preprečevanje vseh oblik nasilja in boj proti njim, ki jih zajema področje uporabe te konvencije, vključno s tistimi, ki jih izvajajo nevladne organizacije in civilna družba.

9. člen – nevladne organizacije in civilna družba

Pogodbenice na vseh ravneh priznavajo, spodbujajo in podpirajo delo ustreznih nevladnih organizacij in civilne družbe, dejavnih na področju boja proti nasilju nad ženskami, in vzpostavijo učinkovito sodelovanje s temi organizacijami.

10. člen – usklajevalno telo

1. Pogodbenice določijo ali ustanovijo enega ali več uradnih teles, odgovornih za usklajevanje, izvajanje, spremljanje in vrednotenje politik in ukrepov za preprečevanje vseh oblik nasilja in boj proti njim, ki jih zajema področje uporabe te konvencije. Ta telesa usklajujejo zbiranje podatkov v skladu z 11. členom, jih analizirajo in razširjajo rezultate.

2. Pogodbenice zagotovijo, da organi, imenovani ali ustanovljeni na podlagi tega člena, prejemajo splošne informacije o ukrepih, sprejetih na podlagi VIII. poglavja.

3. Pogodbenice zagotovijo, da imajo organi, imenovani ali ustanovljeni na podlagi tega člena, zmogljivosti za neposredno komunikacijo in krepitev odnosov z enakimi ali sorodnimi telesi v drugih pogodbenicah.

Article 11 – Data collection and research

1. For the purpose of the implementation of this Convention, Parties shall undertake to:

a. collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;

b. support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.

2. Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.

3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking.

4. Parties shall ensure that the information collected pursuant to this article is available to the public.

**Chapter III
– Prevention****Article 12 – General obligations**

1. Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.

2. Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.

3. Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.

4. Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.

5. Parties shall ensure that culture, custom, religion, tradition or so-called "honour" shall not be considered as justification for any acts of violence covered by the scope of this Convention.

6. Parties shall take the necessary measures to promote programmes and activities for the empowerment of women.

Article 13 – Awareness-raising

1. Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women's organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.

2. Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.

Article 14 – Education

1. Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.

11. člen – zbiranje podatkov in raziskave

1. Za izvajanje te konvencije se pogodbenice zavezujejo:

a. v rednih časovnih presledkih ločeno zbirati ustrezne statistične podatke o primerih vseh oblik nasilja, ki jih zajema področje uporabe te konvencije;

b. podpirati raziskave o vseh oblikah nasilja, ki jih zajema področje uporabe te konvencije, za preučevanje njihovih vzrokov in posledic, pojavnosti in stopnje obsodb ter učinkovitost ukrepov, sprejetih za izvajanje te konvencije.

2. Pogodbenice si prizadevajo v rednih časovnih presledkih izvesti anketiranje prebivalstva za oceno pojavnosti in trendov glede vseh oblik nasilja, ki jih zajema področje uporabe te konvencije.

3. Pogodbenice zagotovijo skupini strokovnjakov iz 66. člena te konvencije zbrane podatke na podlagi tega člena za spodbujanje mednarodnega sodelovanja in omogočanje mednarodne primerjave.

4. Pogodbenice zagotovijo, da so zbrani podatki na podlagi tega člena na voljo javnosti.

**III. poglavje
– preprečevanje****12. člen – splošne obveznosti**

1. Pogodbenice sprejmejo potrebne ukrepe za spodbujanje sprememb v družbenih in kulturnih vzorcih vedenja žensk in moških z namenom izkoreniniti predsodke, običaje, tradicije in vse druge prakse, ki temeljijo na ideji o manjvrednosti žensk ali na stereotipnih vlogah žensk in moških.

2. Pogodbenice sprejmejo potrebne zakonodajne in druge ukrepe za preprečevanje vseh oblik nasilja s področja uporabe te konvencije, ki bi ga izvajala katera koli fizična ali pravna oseba.

3. Vsi ukrepi, sprejeti v skladu s tem poglavjem, upoštevajo in obravnavajo posebne potrebe oseb, ki so ranljive zaradi posebnih okoliščin, in postavljajo človekove pravice vseh žrtev v središče.

4. Pogodbenice sprejmejo potrebne ukrepe za spodbujanje vseh članov družbe, predvsem moških in fantov, da dejavno prispevajo k preprečevanju vseh oblik nasilja s področja uporabe te konvencije.

5. Pogodbenice zagotovijo, da se kultura, običaji, vera, tradicija ali t. i. "čast" ne štejejo kot opravičilo za kakršna koli nasilna dejanja iz področja uporabe te konvencije.

6. Pogodbenice sprejmejo potrebne ukrepe za spodbujanje programov in dejavnosti za krepitev moči žensk.

13. člen – ozaveščanje

1. Pogodbenice na vseh ravneh redno spodbujajo ali izvajajo kampanje ali programe ozaveščanja, tudi v sodelovanju z nacionalnimi institucijami za človekove pravice in telesi za enakost, civilno družbo in nevladnimi organizacijami, zlasti ženski organizacijami, kadar je to primerno, za večjo ozaveščenost in razumevanje javnosti o vseh pojavnih oblikah nasilja, ki jih zajema področje uporabe te konvencije, njihovih posledicah na otroke in potrebi po preprečevanju takega nasilja.

2. Pogodbenice zagotovijo široko razširjanje informacij v javnosti o razpoložljivih ukrepih za preprečevanje nasilnih dejanj, ki jih zajema področje uporabe te konvencije.

14. člen – izobraževanje

1. Pogodbenice sprejmejo, kadar je to primerno, potrebne ukrepe za vključitev učnega gradiva o vprašanih, kakor so enakost med ženskami in moškimi, nestereotipne vloge spolov, medsebojno spoštovanje, nenasilno reševanje sporov v medosebnih odnosih, nasilje nad ženskami zaradi spola in pravica do osebne integritete, prilagojenega razvijajočim se sposobnostim udeležencev izobraževanja, v uradne učne načrte na vseh ravneh izobraževanja.

2. Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

Article 15 – Training of professionals

1. Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.

2. Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

Article 16 – Preventive intervention and treatment programmes

1. Parties shall take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.

2. Parties shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.

3. In taking the measures referred to in paragraphs 1 and 2, Parties shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims.

Article 17 – Participation of the private sector and the media

1. Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.

2. Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

Chapter IV – Protection and support

Article 18 – General obligations

1. Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.

2. Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.

3. Parties shall ensure that measures taken pursuant to this chapter shall:

2. Pogodbenice sprejmejo potrebne ukrepe za spodbujanje uporabe načel iz prejšnjega odstavka v neformalnih izobraževalnih ustanovah kakor tudi v športnih in kulturnih objektih ter objektih za prosti čas in v medijih.

15. člen – usposabljanje strokovnjakov

1. Pogodbenice zagotovijo ali okrepijo ustrezna usposabljanja za strokovnjake, ki se ukvarjajo z žrtvami ali storilci vsakršnih nasilnih dejanj s področja uporabe te konvencije, o preprečevanju in odkrivanju teh nasilnih dejanj, o enakosti med ženskami in moškimi, o potrebah in pravicah žrtev ter preprečevanju sekundarne viktimizacije.

2. Pogodbenice spodbujajo, da usposabljanje iz prvega odstavka vključuje usposabljanje za usklajeno vsestransko sodelovanje vseh ustreznih akterjev, da se omogočijo celoviti in ustrezni napotitveni postopki v primerih nasilja, ki jih zajema področje uporabe te konvencije.

16. člen – preventivno delovanje in programi obravnavanja

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za vzpostavitev ali podporo programov za učenje storilcev nasilja v družini o nenasilnem vedenju v medosebnih odnosih z namenom preprečevanja nadaljnega nasilja in spreminjanja nasilnih vedenjskih vzorcev.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za vzpostavitev ali podporo programom, katerih namen je preprečiti storilcem, posebej spolnim prestopnikom, da bi ponovili dejanje.

3. Pri sprejemanju ukrepov iz prvega in drugega odstavka pogodbenice zagotovijo, da so varnost, podpora in človekove pravice žrtev glavna skrb in da se, kadar je to primerno, ti programi vzpostavijo in izvajajo v tesnem sodelovanju s strokovnimi službami za podporo žrtvam.

17. člen – sodelovanje zasebnega sektorja in medijev

1. Pogodbenice spodbujajo zasebni sektor, sektor informacijske in komunikacijske tehnologije ter medije, ob spoštovanju njihove svobode izražanja in neodvisnosti, da sodelujejo pri pripravi in izvajanju politik ter določijo smernice in samourejevalne standarde za preprečevanje nasilja nad ženskami in okrepijo spoštovanje njihovega dostojanstva.

2. Pogodbenice v sodelovanju z zasebnim sektorjem razvijajo in spodbujajo usposobljenost otrok, staršev in učiteljev za ustrezno ravnanje z informacijsko-komunikacijskim okoljem, ki omogoča dostop do ponižujočih spolnih ali nasilnih vsebin, ki bi lahko bile škodljive.

IV. poglavje – zaščita in podpora

18. člen – splošne obveznosti

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zaščito vseh žrtev pred nadaljnjimi nasilnimi dejanji.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe v skladu z notranjim pravom za zagotovitev ustreznih mehanizmov za zagotavljanje učinkovitega sodelovanja med vsemi ustreznimi državnimi organi, vključno s sodstvom, javnimi tožilstvom, organi pregona, lokalnimi in regionalnimi organi, tudi nevladnimi organizacijami ter drugimi ustreznimi organizacijami in subjekti, pri zaščiti in podpori žrtev in prič vseh oblik nasilja, ki jih zajema področje uporabe te konvencije, vključno s sklicevanjem na splošne in posebne podporne storitve, kakor so podrobneje opisane v 20. in 22. členu te konvencije.

3. Pogodbenice zagotovijo, da ukrepi, sprejeti na podlagi tega poglavja:

– be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;

– be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;

– aim at avoiding secondary victimisation;

– aim at the empowerment and economic independence of women victims of violence;

– allow, where appropriate, for a range of protection and support services to be located on the same premises;

– address the specific needs of vulnerable persons, including child victims, and be made available to them.

4. The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.

5. Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

Article 19 – Information

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

Article 20 – General support services

1. Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.

2. Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.

Article 21 – Assistance in individual/collective complaints

Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

Article 22 – Specialist support services

1. Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.

2. Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

Article 23 – Shelters

Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.

Article 24 – Telephone helplines

Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

– temeljijo na razumevanju vidika spola pri nasilju nad ženskami in nasilju v družini ter poudarjajo človekove pravice in varnost žrtve;

– temeljijo na celostnem pristopu, ki upošteva razmerje med žrtvami, storilci, otroki in njihovim širšim družbenim okoljem;

– so namenjeni preprečevanju sekundarne viktimizacije;

– so namenjeni krepitevi moči in ekonomski neodvisnosti žensk žrtev nasilja;

– omogočajo, kadar je to primerno, da so izvajalci različnih storitev za zaščito in podporo na isti lokaciji;

– obravnavajo posebne potrebe ranljivih oseb, vključno z otroki, ki so žrtve, in jim zadostijo.

4. Zagotovitev storitve ne sme biti odvisna od pripravljenosti žrtve, da ovadi storilca ali priča proti njemu.

5. Pogodbenice sprejmejo ustrezne ukrepe za zagotovitev konzularne in druge zaščite ter za podporo svojim državljanom in drugim žrtvam, ki imajo pravico do take zaščite, v skladu s svojimi obveznostmi po mednarodnem pravu.

19. člen – informacije

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da žrtve prejmejo ustrezne in pravočasne informacije o razpoložljivih podpornih storitvah in pravnih ukrepih v jeziku, ki ga razumejo.

20. člen – splošne podporne storitve

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da imajo žrtve dostop do storitev, ki jim omogočajo okrevanje po nasilju. Ti ukrepi morajo vključevati, kadar je to potrebno, storitve, kakor so pravno in psihološko svetovanje, finančna pomoč, nastanitev, izobraževanje, usposabljanje in pomoč pri iskanju zaposlitve.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da imajo žrtve dostop do zdravstvenih in socialnih storitev ter da so storitve ustrezno financirane in strokovnjaki usposobljeni za pomoč žrtvam in njihovo napotitev k ustreznim storitvam.

21. člen – pomoč pri individualnih/skupinskih pritožbah

Pogodbenice zagotovijo, da imajo žrtve informacije in dostop do veljavnih regionalnih in mednarodnih mehanizmov za individualne/skupinske pritožbe. Pogodbenice spodbujajo zagotavljanje ustrezne za nasilje občutljive in večše pomoči žrtvam, kadar slednje vlagajo pritožbe.

22. člen – strokovne podporne storitve

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe, s katerimi zagotovijo ali preskrbijo ustrezno geografsko razporejene takojšnje, kratkoročne in dolgoročne strokovne podporne storitve za vsako žrtve katerih koli nasilnih dejanj, ki jih zajema področje uporabe te konvencije.

2. Pogodbenice zagotovijo ali preskrbijo posebne strokovne podporne storitve za vse ženske, žrtve nasilja, in njihove otroke.

23. člen – zavetišča

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za vzpostavitev zadostnega števila ustreznih lahko dostopnih zavetišč, ki nudijo varno nastanitev in proaktivno navezovanje stika z žrtvami, predvsem ženskami in njihovimi otroki.

24. člen – telefonske številke za pomoč

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za vzpostavitev brezplačnih 24-urnih (24/7) telefonskih števil za celotno območje države za zagotovitev zaupnega in anonimnega svetovanja klicateljem v zvezi z vsemi oblikami nasilja, ki jih zajema področje uporabe te konvencije.

Article 25 – Support for victims of sexual violence

Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

Article 26 – Protection and support for child witnesses

1. Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.

2. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

Article 27 – Reporting

Parties shall take the necessary measures to encourage any person witness to the commission of acts of violence covered by the scope of this Convention or who has reasonable grounds to believe that such an act may be committed, or that further acts of violence are to be expected, to report this to the competent organisations or authorities.

Article 28 – Reporting by professionals

Parties shall take the necessary measures to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence covered by the scope of this Convention, has been committed and further serious acts of violence are to be expected.

**Chapter V
– Substantive law****Article 29 – Civil lawsuits and remedies**

1. Parties shall take the necessary legislative or other measures to provide victims with adequate civil remedies against the perpetrator.

2. Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of international law, with adequate civil remedies against state authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers.

Article 30 – Compensation

1. Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.

2. Adequate state compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or state-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.

3. Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.

Article 31 – Custody, visitation rights and safety

1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.

25. člen – podpora žrtvam spolnega nasilja

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za vzpostavitev zadostnega števila ustreznih lahko dostopnih kriznih napotitvenih centrov za žrtve posilstva ali spolnega nasilja za zagotovitev izvajanja medicinskih in forenzičnih preiskav, pomoč pri travmi in svetovanje žrtvam.

26. člen – zaščita in podpora za otroke, priče

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se pri zagotavljanju zaščite in podpornih storitev žrtvam upoštevajo pravice in potrebe otrok, prič vseh oblik nasilja, ki jih zajema področje uporabe te konvencije.

2. Ukrepi, sprejeti na podlagi tega člena, vključujejo psihosocialno svetovanje, primerno starosti otrok, prič vseh oblik nasilja, ki jih zajema področje uporabe te konvencije, in upoštevajo največje koristi otroka.

27. člen – poročanje

Pogodbenice sprejmejo potrebne ukrepe za spodbujanje vsake priče nasilnih dejanj, ki jih zajema področje uporabe te konvencije, ali osebe, ki imajo utemeljene razloge za sum, da bi bilo takšno dejanje lahko storjeno ali da je pričakovati nadaljnja nasilna dejanja, da to sporoči pristojnim organizacijam ali organom.

28. člen – poročanje strokovnjakov

Pogodbenice sprejmejo potrebne ukrepe za zagotovitev, da pod ustreznimi pogoji pravila o zaupnosti, ki jih za nekatere poklice določa notranja zakonodaja, niso ovira za možnost prijave pristojnim organizacijam ali organom, če obstajajo utemeljeni razlogi za sum, da je bilo storjeno hudo nasilno dejanje s področja uporabe te konvencije, in je pričakovati, da se bodo huda nasilna dejanja nadaljevala.

**V. poglavje
– materialno pravo****29. člen – civilne tožbe in pravna sredstva**

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe, da žrtvam zagotovijo ustreznna civilna pravna sredstva zoper storilca.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe, da v skladu s splošnimi načeli mednarodnega prava žrtvam zagotovijo ustreznna civilna pravna sredstva zoper državne organe, ki ne izpolnjujejo svoje dolžnosti sprejemanja potrebnih preventivnih ali zaščitnih ukrepov v okviru svojih pristojnosti.

30. člen – odškodnina

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da imajo žrtve pravico zahtevati odškodnino od storilcev za katera koli kazniva ravnanja, določena v skladu s to konvencijo.

2. Ustreznna državna odškodnina se dodeli tistim, ki so utrpeli hudo telesno poškodbo ali okvaro zdravja do te mere, da škode ne krijejo drugi viri, kakor so storilci, zavarovanje ali javno zdravstvo in socialne določbe. To ne preprečuje pogodbenicam, da ne bi od storilca zahtevale povračila za odškodnino, dokler je ustreznna pozornost namenjena varnosti žrtve.

3. Ukrepi, sprejeti v skladu s prejšnjim odstavkom, zagotavljajo dodelitev odškodnine v razumnem roku.

31. člen – skrbništvo, pravica do stikov in varnost

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se pri določanju skrbništva in pravice do stikov z otroki upoštevajo nasilni dogodki, ki jih zajema področje uporabe te konvencije.

2. Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

Article 32 – Civil consequences of forced marriages

Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.

Article 33 – Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

Article 34 – Stalking

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

Article 35 – Physical violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

Article 36 – Sexual violence, including rape

1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
- b. engaging in other non-consensual acts of a sexual nature with a person;
- c. causing another person to engage in non-consensual acts of a sexual nature with a third person.

2. Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.

3. Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.

Article 37 – Forced marriage

1. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.

2. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or state other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

Article 38 – Female genital mutilation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;
- b. coercing or procuring a woman to undergo any of the acts listed in point a;
- c. inciting, coercing or procuring a girl to undergo any of the acts listed in point a.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da izvajanje pravice do stikov ali skrbništva ne ogrozi pravic in varnosti žrtve ali otrok.

32. člen – civilne posledice prisilnih porok

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da so prisilne poroke lahko nične, razveljavljene ali razvezane brez nepotrebne finančne ali upravnega bremena za žrtve.

33. člen – psihično nasilje

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se naklepno dejanje, ki s silo ali grožnjo resno prizadene psihično celovitost osebe, opredeli kot kaznivo.

34. člen – zalezovanje

Pogodbenice sprejmejo ustrezne zakonodajne ali druge ukrepe za zagotovitev, da se naklepno ponavljajoče se zastraševalno ravnanje, ki pri drugi osebi povzroči strah za njeno varnost, opredeli kot kaznivo.

35. člen – fizično nasilje

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se naklepno dejanje fizičnega nasilja nad drugo osebo opredeli kot kaznivo.

36. člen – spolno nasilje, vključno s posilstvom

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se naslednja naklepna dejanja opredelijo kot kazniva:

- a. vaginalna, analna ali oralna spolna penetracija v telo druge osebe s katerim koli delom telesa ali predmetom brez njenega privoljenja;
- b. izvajanje drugih spolnih dejanj z osebo proti njeni volji;
- c. pripraviti drugo osebo v neprostovoljna spolna dejanja s tretjo osebo.

2. Privolitev mora biti dana prostovoljno kot izraz svobodne volje osebe, ocenjene v okviru danih okoliščin.

3. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se določbe prvega odstavka uporabljajo tudi za dejanja, storjena zoper nekdanje ali sedanje zakonce ali partnerje, kakor jih priznava notranje pravo.

37. člen – prisilna poroka

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se naklepno dejanje prisiljenja odraslega ali otroka v poroko opredeli kot kaznivo.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se naklepno dejanje zvabiti odraslega ali otroka na ozemlje pogodbenice ali druge države, kjer ona ali on nima prebivališča, z namenom prisiliti jo ali ga v poroko, opredeli kot kaznivo.

38. člen – pohabljenje ženskih spolovil

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se naslednja naklepna dejanja opredelijo kot kazniva:

- a. ekscizija, infibulacija ali drugo pohabljenje celotnih ali delov ženskih velikih sramnih ustnic, malih sramnih ustnic ali klitorisa;
- b. prisiljenje ali napeljevanje ženske, da se na njej izvajajo dejanja iz točke a;
- c. prepričevanje, prisiljenje ali napeljevanje dekleta, da se na njej izvajajo dejanja iz točke a.

Article 39 – Forced abortion and forced sterilisation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. performing an abortion on a woman without her prior and informed consent;
- b. performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

Article 40 – Sexual harassment

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

Article 41 – Aiding or abetting and attempt

1. Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a, and 39 of this Convention.

2. Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.

Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called "honour"

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called "honour" shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.

2. Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

Article 43 – Application of criminal offences

The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.

Article 44 – Jurisdiction

1. Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:

- a. in their territory; or
 - b. on board a ship flying their flag; or
 - c. on board an aircraft registered under their laws; or
 - d. by one of their nationals; or
 - e. by a person who has her or his habitual residence in their territory.
2. Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory.

39. člen – prisilna prekinitve nosečnosti in prisilna sterilizacija

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se naslednja naklepna dejanja opredelijo kot kazniva:

- a. izvajanje prisilne prekinitve nosečnosti brez predhodne in zavestne privolitve ženske;
- b. opravljanje operacije, katere namen ali posledica je prenehanje ženske sposobnosti za naravno reprodukcijo brez njene predhodne in zavestne privolitve ali razumevanja postopka.

40. člen – spolno nadlegovanje

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se vsaka oblika neželene verbalnega, neverbalnega ali fizičnega spolnega dejanja z namenom ali posledico prizadeti dostojanstvo osebe, zlasti kadar gre za ustvarjanje zastraševalnega, sovražnega, ponižujočega, sramotilnega ali žaljivega okolja, kazensko ali drugače pravno sankcionira.

41. člen – pomoč ali napeljevanje in poskus

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe, da se kot kaznivo ravnanje, kadar je storjeno naklepno, opredeli pomoč ali napeljevanje k storitvi kaznivih ravnanj, določenih v skladu s 33., 34., 35., 36., 37. členom, točko a. 38. člena in 39. členom te konvencije.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe, da se kot kazniva ravnanja, kadar so storjena naklepno, opredeli poskus kaznivih ravnanj, določenih v skladu s 35., 36., 37. členom, točko a. 38. člena in 39. členom te konvencije.

42. člen – nesprejemljivo opravičevanje zločinov, vključno z zločini, storjenimi v imenu t. i. "časti"

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se v kazenskih postopkih, sproženih po storitvi katerega koli nasilnega dejanja, ki ga zajema področje uporabe te konvencije, kultura, običaji, vera, tradicija ali t. i. "čast" ne štejejo kot opravičilo za taka dejanja. To se nanaša zlasti na trditve, da je žrtev prekršila kulturna, verska, družbena ali tradicionalna pravila ali običaje primerne obnašanja.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe, s katerimi zagotovijo, da prepričevanje otroka s strani druge osebe, da stori katero od dejanj iz prejšnjega odstavka, ne sme zmanjšati kazenske odgovornosti te osebe za storjena dejanja.

43. člen – obravnava kaznivih ravnanj

Kazniva ravnanja, določena v skladu s to konvencijo, se obravnavajo ne glede na vrsto razmerja med žrtvijo in storilcem.

44. člen – pristojnost

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za določitev pristojnosti za vsako kaznivo ravnanje v skladu s to konvencijo, kadar:

- a. je storjeno na njihovem ozemlju; ali
 - b. je storjeno na ladji, ki pluje pod njihovo zastavo; ali
 - c. je storjeno v zrakoplovu, registriranim po njihovem pravu; ali
 - d. ga je storil njihov državljan; ali
 - e. ga je storila oseba, ki običajno prebiva na njihovem ozemlju.
2. Pogodbenice si prizadevajo sprejeti potrebne zakonodajne ali druge ukrepe za določitev pristojnosti za vsako kaznivo ravnanje, določeno v skladu s to konvencijo, kadar je storjeno proti njihovemu državljanu ali osebi, ki običajno prebiva na njihovem ozemlju.

3. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.

4. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the state of the place where the offence was committed.

5. Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.

6. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.

7. Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

Article 45 – Sanctions and measures

1. Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.

2. Parties may adopt other measures in relation to perpetrators, such as:

- monitoring or supervision of convicted persons;
- withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

Article 46 – Aggravating circumstances

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention:

- a. the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;
- b. the offence, or related offences, were committed repeatedly;
- c. the offence was committed against a person made vulnerable by particular circumstances;
- d. the offence was committed against or in the presence of a child;
- e. the offence was committed by two or more people acting together;
- f. the offence was preceded or accompanied by extreme levels of violence;
- g. the offence was committed with the use or threat of a weapon;
- h. the offence resulted in severe physical or psychological harm for the victim;
- i. the perpetrator had previously been convicted of offences of a similar nature.

3. Za pregon kaznivih ravnanj, določenih v skladu s 36., 37., 38. in 39. členom te konvencije, pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da njihova pristojnost ni podrejena pogoju, da dejanja veljajo za kazniva na ozemlju, kjer so bila storjena.

4. Za pregon kaznivih ravnanj, določenih v skladu s 36., 37., 38. in 39. členom te konvencije, pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da njihova pristojnost glede točk d. in e. prvega odstavka, ni podrejena pogoju, da se pregon lahko začne le po žrtvini prijavi kaznivega ravnanja ali predložitvi podatkov države, v kateri je bilo storjeno kaznivo ravnanje.

5. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za določitev pristojnosti za kazniva ravnanja, določena v skladu s to konvencijo, kadar je domnevni storilec na njihovem ozemlju in ga ne izročijo drugi pogodbenici izključno zaradi njegovega državljanstva.

6. Kadar več kakor ena pogodbenica uveljavlja pristojnost za domnevno kaznivo ravnanje, določeno v skladu s to konvencijo, se vpletene pogodbenice po potrebi posvetujejo glede določitve najprimernejše pristojnosti za pregon.

7. Brez poseganja na splošna pravila mednarodnega prava ta konvencija ne izključuje kazenske pristojnosti, ki jo izvaja pogodbenica v skladu s svojim notranjim pravom.

45. člen – sankcije in ukrepi

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se kazniva ravnanja, določena v skladu s to konvencijo, kaznujejo z učinkovitimi, sorazmernimi in odvračilnimi sankcijami ob upoštevanju njihove resnosti. Te sankcije vključujejo, kadar je to primerno, kazni, katerih posledica je odvzem prostosti, kar je lahko povod za izročitev.

2. Pogodbenice lahko sprejmejo druge ukrepe v zvezi s storilci, na primer:

- spremljanje ali nadzor obsojenih oseb;
- odvzem roditeljske pravice, če otrokove koristi, kar lahko vključuje varnost žrtve, ni mogoče zagotoviti na noben drug način.

46. člen – obteževalne okoliščine

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se lahko naslednje okoliščine, če te niso že del bistvenih sestavin kaznivega ravnanja, v skladu z ustreznimi določbami notranjega prava upoštevajo kot obteževalne okoliščine pri določitvi kazni v zvezi s kaznivimi ravnanji, določenimi v skladu s to konvencijo:

- a. kaznivo ravnanje zoper nekdanjega ali sedanjega zakonca ali partnerja, kakor ga priznava notranje pravo, je storil družinski član, oseba, ki živi z žrtvijo, ali oseba, ki je zlorabila svoj položaj;
- b. kaznivo ravnanje ali podobna kazniva ravnanja so bila storjena večkrat;
- c. kaznivo ravnanje je bilo storjeno zoper osebo, ranljivo zaradi posebnih okoliščin;
- d. kaznivo ravnanje je bilo storjeno zoper otroka ali v njegovi navzočnosti;
- e. kaznivo ravnanje sta storili dve osebi ali ga je storilo več oseb skupaj;
- f. kaznivo ravnanje se je začelo s skrajnimi stopnjami nasilja ali jih je vključevalo;
- g. kaznivo ravnanje je bilo storjeno z uporabo orožja ali grožnjo z njim;
- h. kaznivo ravnanje je žrtvi povzročilo hudo telesno ali duševno škodo;
- i. storilec je že bil obsojen zaradi podobnih kaznivih ravnanj.

Article 47 – Sentences passed by another Party

Parties shall take the necessary legislative or other measures to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with this Convention when determining the sentence.

Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing

1. Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

Chapter VI**– Investigation, prosecution, procedural law and protective measures****Article 49 – General obligations**

1. Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.

2. Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

Article 50 – Immediate response, prevention and protection

1. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.

2. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

Article 51 – Risk assessment and risk management

1. Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.

2. Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

47. člen – kazni, ki jih izreče druga pogodbenica

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev možnosti, da se pri določitvi kazni v zvezi s kaznivimi ravnanji, določenimi v skladu s to konvencijo, upoštevajo pravnomočno izrečene kazni druge pogodbenice.

48. člen – prepoved obveznih alternativnih postopkov reševanja sporov ali izrekanja kazni

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za prepoved obveznih alternativnih postopkov reševanja sporov, vključno z mediacijo in conciliacijo, v zvezi z vsemi oblikami nasilja, ki jih zajema področje uporabe te konvencije.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev ustreznega upoštevanja sposobnosti storilca, da prevzame finančne obveznosti do žrtve, če mu je naloženo plačilo globe.

VI. poglavje**– preiskovanje, pregon, procesno pravo in zaščitni ukrepi****49. člen – splošne obveznosti**

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev izvajanja preiskovanj in sodnih postopkov v zvezi z vsemi oblikami nasilja s področja uporabe te konvencije brez nepotrebnega odlašanja in ob upoštevanju pravic žrtev v vseh fazah kazenskega postopka.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe v skladu s temeljnimi načeli človekovih pravic in z upoštevanjem vidika spola pri nasilju, da zagotovijo učinkovito preiskovanje in pregon kaznivih ravnanj, določenih v skladu s to konvencijo.

50. člen – takojšen odziv, preprečevanje in zaščita

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se pristojni organi pregona nemudoma in ustrezno odzovejo na vse oblike nasilja, ki jih zajema področje uporabe te konvencije, z ustrezno in takojšnjo zaščito žrtev.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se pristojni organi pregona nemudoma in ustrezno vključijo v preprečevanje vseh oblik nasilja in zaščito pred njimi s področja uporabe te konvencije, vključno z uporabo preventivnih operativnih ukrepov in zbiranjem dokazov.

51. člen – ocena in obvladovanje tveganja

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da vsi ustrezni organi pripravijo oceno tveganja smrtnosti, resnosti razmer in nevarnosti ponavljanja nasilja za obvladovanje tveganja in, če je to potrebno, zagotovitev usklajene varnosti in podpore.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da ocena iz prejšnjega odstavka v vseh fazah preiskovanja in uporabe zaščitnih ukrepov ustrezno upošteva dejstvo, da imajo storilci nasilnih dejanj s področja uporabe te konvencije strelno orožje ali dostop do njega.

Article 52 – Emergency barring orders

Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk.

Article 53 – Restraining or protection orders

1. Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:

- available for immediate protection and without undue financial or administrative burdens placed on the victim;
- issued for a specified period or until modified or discharged;
- where necessary, issued on an *ex parte* basis which has immediate effect;
- available irrespective of, or in addition to, other legal proceedings;
- allowed to be introduced in subsequent legal proceedings.

3. Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

Article 54 – Investigations and evidence

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.

Article 55 – Ex parte and ex officio proceedings

1. Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

2. Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

Article 56 – Measures of protection

1. Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:

- a. providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
- b. ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;

52. člen – nujni omejitveni ukrepi

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da imajo pristojni organi pooblastila za izrekanje ukrepov v primerih neposredne nevarnosti, da storilec nasilja v družini zapusti prebivališče žrtve ali ogrožene osebe za ustrezno dolgo obdobje in da se mu prepove vstop v prebivališče ali stik z žrtvijo ali ogroženo osebo. Ukrepi, sprejeti na podlagi tega člena, dajejo prednost varnosti žrtev ali ogroženih oseb.

53. člen – ukrepi prepovedi približevanja ali za zagotovitev varnosti

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da so žrtvam vseh oblik nasilja, ki jih zajema področje uporabe te konvencije, na voljo ustrezni ukrepi prepovedi približevanja ali za zagotovitev varnosti.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da so ustrezni ukrepi prepovedi približevanja ali za zagotovitev varnosti iz prejšnjega odstavka:

- na voljo za takojšnjo zaščito in brez nepotrebnih finančnih ali upravnih bremen za žrtev;
- izdani za določeno obdobje ali dokler niso spremenjeni ali preklicani;
- kadar je to potrebno, izdani na podlagi *ex parte* s takojšnjim učinkom;
- na voljo ne glede na druge pravne postopke ali kot njihova dopolnitev;
- lahko uvedeni v naknadnih pravnih postopkih.

3. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se kršitev ukrepov prepovedi približevanja ali za zagotovitev varnosti, izdanih v skladu s prvim odstavkom, kaznuje z učinkovitimi, sorazmernimi in odvratilnimi kazenskimi ali drugimi pravnimi sankcijami.

54. člen – preiskovanje in dokazi

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da so v vsakem civilnem ali kazenskem postopku dokazi, ki se nanašajo na spolno zgodovino in ravnanje žrtve, dovoljeni samo, kadar je to ustrezno in potrebno.

55. člen – ex parte in ex officio postopki

1. Pogodbenice zagotovijo, da preiskovanje ali pregon kaznivih ravnanj, določenih v skladu s 35., 36., 37., 38. in 39. členom te konvencije, niso popolnoma odvisni od prijave ali pritožbe, ki jo vloži žrtev, če je bilo kaznivo ravnanje v celoti ali deloma storjeno na ozemlju pogodbenice, in da se postopki lahko nadaljujejo tudi, če žrtev prekliche svojo izjavo ali pritožbo.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se v skladu s pogoji njihovega notranjega prava zagotovi možnost za vladne in nevladne organizacije ter svetovalce za pomoč pri nasilju v družini, da žrtvam na njihovo zahtevo pomagajo in/ali jih podpirajo med preiskovanjem in sodnimi postopki v zvezi s kaznivimi ravnanji, določenimi v skladu s to konvencijo.

56. člen – zaščitni ukrepi

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zaščito pravic in interesov žrtev, vključno z njihovimi posebnimi potrebami, ki jih imajo kot priče, v vseh fazah preiskovanja in sodnih postopkov, zlasti:

- a. zagotavljajo njihovo zaščito ter zaščito njihovih družin in prič pred ustrahovanjem, maščevanjem in ponovno viktimizacijo;
- b. zagotavljajo obveščenost žrtev, vsaj v primerih, ko bi bile lahko žrtve in družine v nevarnosti, kadar storilec pobegne ali je na prostosti začasno ali dokončno;

c. informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;

d. enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;

e. providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;

f. ensuring that measures may be adopted to protect the privacy and the image of the victim;

g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;

h. providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;

i. enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.

2. A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

Article 57 – Legal aid

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

Article 58 – Statute of limitation

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

Chapter VII – Migration and asylum

Article 59 – Residence status

1. Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.

2. Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.

3. Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:

a. where the competent authority considers that their stay is necessary owing to their personal situation;

c. seznanijo žrtve, pod pogoji, ki jih določa notranje pravo, z njihovimi pravicami in storitvami, ki so jim na voljo, in posledicami njihove pritožbe, obtožbe, splošnim napredkom preiskave ali postopkov in z njihovo vlogo v njih, pa tudi o izidu njihovega primera;

d. omogočajo žrtvam zaslišanje v skladu s postopkovnimi pravili notranjega prava, predložitev dokazov in možnost, da predstavijo svoja stališča, potrebe in skrbi neposredno ali prek posrednika in jih obravnavajo;

e. preskrbijo žrtvam ustrezne podporne storitve, tako da so njihove pravice in interesi ustrezno predstavljeni in upoštevani;

f. zagotovijo, da se lahko sprejmejo ukrepi za zaščito zasebnosti žrtve in njene podobe;

g. zagotovijo, da se žrtve izognejo stiku s storilci v prostori sodišča in organov pregona, kadar je to mogoče;

h. preskrbijo žrtvam neodvisnega in primernega tolmača, kadar so žrtve stranke v postopku ali ko predložijo dokaze;

i. omogočajo žrtvam pričanje v skladu z določbami notranjega prava v sodni dvorani, ne da bi bile tam navzoče ali vsaj brez navzočnosti domnevnega storilca, in sicer z uporabo ustreznih komunikacijskih tehnologij, kjer so na voljo.

2. Otrok žrtev in otrok priča nasilja nad ženskami in v družini je deležen, kadar je to primerno, posebnih zaščitnih ukrepov ob upoštevanju največje otrokove koristi.

57. člen – pravna pomoč

Pogodbenice zagotovijo pravico do pravne podpore in brezplačne pravne pomoči žrtvam pod pogoji, ki jih določa njihovo notranje pravo.

58. člen – zastaranje

Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se zastaralni rok za sprožitev pravnega postopka v zvezi s kaznivimi ravnanji, določenimi v skladu s 36., 37., 38. in 39. členom te konvencije, podaljša za obdobje, ki je potrebno in je sorazmerno s težo obravnavanega kaznivega ravnanja, da se omogoči učinkovit začetek postopkov po žrtvini polnoletnosti.

VII. poglavje – migracija in azil

59. člen – prebivališče

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da žrtve, katerih prebivališče je odvisno od zakončevega ali partnerjevega, kakor ga priznava notranje pravo, ob prenehanju zakonske zveze ali razmerja zaradi posebej težkih razmer na zaprosilo prejmejo samostojno dovoljenje za prebivanje, ne glede na trajanje zakonske zveze ali razmerja. Pogoje v zvezi z odobritvijo in veljavnostjo samostojnega dovoljenja za prebivanje določa notranje pravo.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da lahko žrtve dosežejo začasno zaustavitev izгона, sproženo zaradi prebivališča, ki je odvisen od zakončevega ali partnerjevega, kakor ga priznava notranje pravo, kar jim omogoča, da zaprosijo za samostojno dovoljenje za prebivanje.

3. Pogodbenice izdajo obnovljivo dovoljenje za prebivanje žrtvam v enem od naslednjih dveh primerov ali v obeh:

a. kadar pristojni organ meni, da je njihovo bivanje nujno zaradi osebnega položaja;

b. where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

4. Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

Article 60 – Gender-based asylum claims

1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.

2. Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.

3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

Article 61 – Non-refoulement

1. Parties shall take the necessary legislative or other measures to respect the principle of *non-refoulement* in accordance with existing obligations under international law.

2. Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

Chapter VIII – International co-operation

Article 62 – General principles

1. Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant international and regional instruments on co-operation in civil and criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- a. preventing, combating and prosecuting all forms of violence covered by the scope of this Convention;
- b. protecting and providing assistance to victims;
- c. investigations or proceedings concerning the offences established in accordance with this Convention;
- d. enforcing relevant civil and criminal judgments issued by the judicial authorities of Parties, including protection orders.

2. Parties shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention and committed in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence.

b. kadar pristojni organ meni, da je njihovo bivanje nujno zaradi njihovega sodelovanja s pristojnimi organi pri preiskavi ali v kazenskih postopkih.

4. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da lahko žrtve prisilnih porok, ki so privedene v drugo državo zaradi sklenitve zakonske zveze in ki so zaradi tega izgubile prebivališče v državi, kjer običajno prebivajo, to prebivališče ponovno pridobijo.

60. člen – prošnje za azil zaradi spola

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se nasilje nad ženskami zaradi spola lahko prizna kot oblika pregona v pomenu drugega odstavka točke A 1. člena Konvencije o statusu beguncev iz leta 1951 in kot oblika resne škode, ki omogoča dopolnilno/pomožno zaščito.

2. Pogodbenice zagotovijo, da se vsaka okoliščina navedene konvencije razlaga z vidika spola in da kadar bi do pregona prišlo zaradi ene ali več teh okoliščin, prosilcu prizna status begunca v skladu z ustreznimi veljavnimi instrumenti.

3. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe, da se za prosilce za azil oblikujejo sprejemni postopki, podporne storitve, smernice in azilni postopki, vključno z določitvijo statusa begunca in prošnjo za mednarodno zaščito, ki upoštevajo vidik spola.

61. člen – načelo nevračanja

1. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za spoštovanje načela nevračanja v skladu z obstoječimi obveznostmi po mednarodnem pravu.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da se žrtve nasilja nad ženskami, ki potrebujejo zaščito, ne glede na njihov status ali prebivališče, v nobenem primeru ne vrnejo v katero koli državo, kjer bi bilo njihovo življenje ogroženo ali kjer bi lahko bile izpostavljene mučenju ali nečloveškemu ali ponižujočemu ravnanju ali kaznovanju.

VIII. poglavje – mednarodno sodelovanje

62. člen – splošna načela

1. Pogodbenice med seboj sodelujejo v največjem možnem obsegu v skladu z določbami te konvencije in z uporabo ustreznih mednarodnih in regionalnih instrumentov za sodelovanje v civilnih in kazenskih zadevah, z dogovori na podlagi enotne ali vzajemne zakonodaje in notranjega prava zaradi:

- a. preprečevanja, boja in pregona vseh oblik nasilja, ki jih zajema področje uporabe te konvencije;
- b. zaščite in zagotavljanja pomoči žrtvam;
- c. preiskav ali postopkov v zvezi s kaznivimi ravnanji, vzpostavljenimi v skladu s to konvencijo;
- d. izvajanja ustreznih civilnih in kazenskih sodnih odločb, ki jih izdajo sodni organi pogodbenic, vključno z ukrepi za zagotovitev varnosti.

2. Pogodbenice sprejmejo potrebne zakonodajne ali druge ukrepe za zagotovitev, da žrtve kaznivega ravnanja, določenega v skladu s to konvencijo in storjenega na ozemlju pogodbenice, v kateri žrtve ne prebivajo, lahko vložijo prijavo pri pristojnih organih v državi njihovega bivališča.

3. If a Party that makes mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by another Party to this Convention conditional on the existence of a treaty receives a request for such legal co-operation from a Party with which it has not concluded such a treaty, it may consider this Convention to be the legal basis for mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by the other Party in respect of the offences established in accordance with this Convention.

4. Parties shall endeavour to integrate, where appropriate, the prevention and the fight against violence against women and domestic violence in assistance programmes for development provided for the benefit of third states, including by entering into bilateral and multilateral agreements with third states with a view to facilitating the protection of victims in accordance with Article 18, paragraph 5.

Article 63 – Measures relating to persons at risk

When a Party, on the basis of the information at its disposal, has reasonable grounds to believe that a person is at immediate risk of being subjected to any of the acts of violence referred to in Articles 36, 37, 38 and 39 of this Convention on the territory of another Party, the Party that has the information is encouraged to transmit it without delay to the latter for the purpose of ensuring that appropriate protection measures are taken. Where applicable, this information shall include details on existing protection provisions for the benefit of the person at risk.

Article 64 – Information

1. The requested Party shall promptly inform the requesting Party of the final result of the action taken under this chapter. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.

2. A Party may, within the limits of its internal law, without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in preventing criminal offences established in accordance with this Convention or in initiating or carrying out investigations or proceedings concerning such criminal offences or that it might lead to a request for co-operation by that Party under this chapter.

3. A Party receiving any information in accordance with paragraph 2 shall submit such information to its competent authorities in order that proceedings may be taken if they are considered appropriate, or that this information may be taken into account in relevant civil and criminal proceedings.

Article 65 – Data Protection

Personal data shall be stored and used pursuant to the obligations undertaken by the Parties under the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

Chapter IX – Monitoring mechanism

Article 66 – Group of experts on action against violence against women and domestic violence

1. The Group of experts on action against violence against women and domestic violence (hereinafter referred to as "GREVIO") shall monitor the implementation of this Convention by the Parties.

3. Če pogodbenica pogojuje vzajemno pravno pomoč v kazenskih zadevah, izročitev ali izvajanje civilnih ali kazenskih sodb, ki jih je izrekla druga pogodbenica te konvencije, z obstojem mednarodne pogodbe, prejme zahtevo za takšno pravno sodelovanje od pogodbenice, s katero mednarodna pogodba ni bila sklenjena, lahko šteje to konvencijo kot pravno podlago za vzajemno pravno pomoč v kazenskih zadevah, za izročitev ali izvajanje civilnih ali kazenskih sodb, ki jih je izrekla druga pogodbenica v zvezi s kaznivimi ravnanji, določenimi v skladu s to konvencijo.

4. Pogodbenice si prizadevajo za vključevanje, kadar je to primerno, preprečevanja in boja proti nasilju nad ženskami in nasilja v družini v programe razvojne pomoči, predvidene v korist tretjih držav, vključno s sklenitvijo dvostranskih in večstranskih sporazumov s tretjimi državami z namenom omogočiti zaščito žrtev v skladu s petim odstavkom 18. člena.

63. člen – ukrepi za ogrožene osebe

Kadar ima pogodbenica na podlagi razpoložljivih informacij utemeljen razlog za sum, da je oseba v neposredni nevarnosti za izpostavljenost kateremu koli nasilnemu dejanju iz 36., 37., 38. in 39. člena te konvencije na ozemlju druge pogodbenice, se pogodbenico, ki ima te informacije, spodbuja, da te informacije nemudoma sporoči drugi pogodbenici zaradi sprejetja ustreznih varnostnih ukrepov. Kadar je to primerno, mora informacija vsebovati podatke o veljavnih določbah o zaščiti v korist ogrožene osebe.

64. člen – informacije

1. Zaprošena pogodbenica takoj obvesti pogodbenico prosilko o končnem rezultatu aktivnosti, izvedenih na podlagi tega poglavja. Zaprošena pogodbenica prav tako nemudoma obvesti pogodbenico prosilko o vseh okoliščinah, ki onemogočajo izvajanje zaprosenih aktivnosti, ali če utegnejo imeti znatno zamudo.

2. Pogodbenica lahko v okviru svojega notranjega prava brez predhodnega zaprosila drugi pogodbenici sporoči podatke, pridobljene na podlagi lastnih preiskav, kadar meni, da bi bilo razkritje takih informacij lahko v pomoč pogodbenici prejemnici pri preprečevanju kaznivih ravnanj, določenih v skladu s to konvencijo, ali pri uvedbi ali vodenju preiskovanja ali postopkov v zvezi s temi kaznivimi ravnanji, ali da bi to lahko vodilo do zaprosila za sodelovanje s to pogodbenico po tem poglavju.

3. Pogodbenica, ki prejme kakršne koli podatke v skladu s prejšnjim odstavkom, jih predloži pristojnim organom, da lahko sprožijo postopke, če jih ocenijo kot primerne, ali da se ti podatki lahko upoštevajo v ustreznih civilnih in kazenskih postopkih.

65. člen – varstvo podatkov

Osební podatki se hranijo in uporabljajo v skladu z obveznostmi pogodbenic na podlagi Konvencije o varstvu posameznikov glede na avtomatsko obdelavo osebnih podatkov (ETS 108).

IX. poglavje – mehanizem za spremljanje

66. člen – skupina strokovnjakov za ukrepanje proti nasilju nad ženskami in nasilju v družini

1. Skupina strokovnjakov za ukrepanje proti nasilju nad ženskami in nasilju v družini (v nadaljnjem besedilu: GREVIO) spremlja, kako pogodbenice izvajajo to konvencijo.

2. GREVIO shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical balance, as well as multidisciplinary expertise. Its members shall be elected by the Committee of the Parties from among candidates nominated by the Parties for a term of office of four years, renewable once, and chosen from among nationals of the Parties.

3. The initial election of 10 members shall be held within a period of one year following the entry into force of this Convention. The election of five additional members shall be held following the 25th ratification or accession.

4. The election of the members of GREVIO shall be based on the following principles:

a. they shall be chosen according to a transparent procedure from among persons of high moral character, known for their recognised competence in the fields of human rights, gender equality, violence against women and domestic violence, or assistance to and protection of victims, or having demonstrated professional experience in the areas covered by this Convention;

b. no two members of GREVIO may be nationals of the same state;

c. they should represent the main legal systems;

d. they should represent relevant actors and agencies in the field of violence against women and domestic violence;

e. they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions, and shall be available to carry out their duties in an effective manner.

5. The election procedure of the members of GREVIO shall be determined by the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Parties, within a period of six months following the entry into force of this Convention.

6. GREVIO shall adopt its own rules of procedure.

7. Members of GREVIO, and other members of delegations carrying out the country visits as set forth in Article 68, paragraphs 9 and 14, shall enjoy the privileges and immunities established in the appendix to this Convention.

Article 67 – Committee of the Parties

1. The Committee of the Parties shall be composed of the representatives of the Parties to the Convention.

2. The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GREVIO. It shall subsequently meet whenever one third of the Parties, the President of the Committee of the Parties or the Secretary General so requests.

3. The Committee of the Parties shall adopt its own rules of procedure.

Article 68 – Procedure

1. Parties shall submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative and other measures giving effect to the provisions of this Convention, for consideration by GREVIO.

2. GREVIO shall consider the report submitted in accordance with paragraph 1 with the representatives of the Party concerned.

3. Subsequent evaluation procedures shall be divided into rounds, the length of which is determined by GREVIO. At the beginning of each round GREVIO shall select the specific provisions on which the evaluation procedure shall be based and send out a questionnaire.

4. GREVIO shall define the appropriate means to carry out this monitoring procedure. It may in particular adopt a questionnaire for each evaluation round, which shall serve as a basis for the evaluation procedure of the implementation by the Parties. This questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GREVIO.

2. GREVIO sestavlja najmanj 10 in največ 15 članov, ob upoštevanju spolnega in geografskega ravnotežja ter večdisciplinarnosti strokovnega znanja. Člane izmed kandidatov, ki jih predlagajo pogodbenice, izvoli odbor pogodbenic za štiriletni mandat, ki je obnovljiv enkrat. Člani so izbrani izmed državljanov pogodbenic.

3. Prve volitve desetih članov so v enem letu po začetku veljavnosti te konvencije. Izvolitev petih dodatnih članov se izvede po 25. ratifikaciji ali pristopu.

4. Izvolitev članov GREVIO temelji na naslednjih načelih:

a. izbrani so v preglednem postopku med osebami z visokimi moralnimi vrednotami, priznanimi kot strokovnjaki na področjih človekovih pravic, enakosti spolov, nasilja nad ženskami in nasilja v družini ali pomoči in zaščite žrtev ali imajo ustrezne strokovne izkušnje na področjih iz te konvencije;

b. v njem je lahko največ en državljan posamezne države;

c. predstavljajo glavne pravne sisteme;

d. predstavljajo pomembne akterje in organe na področju nasilja nad ženskami in nasilja v družini;

e. delujejo kot posamezniki ter so neodvisni in nepristranski pri opravljanju svojih nalog in so na voljo za učinkovito izpolnjevanje svojih dolžnosti.

5. Postopek izvolitve članov GREVIO določi Odbor ministrov Sveta Evrope po posvetovanju s pogodbenicami in po pridobitvi njihove soglasne odobritve v šestih mesecih po začetku veljavnosti te konvencije.

6. GREVIO sprejme svoj poslovnik.

7. Člani GREVIO in drugi člani delegacij, ki so na obisku v posamezni državi, kakor je določeno v devetem in štirinajstem odstavku 68. člena, imajo privilegije in imunitete, določene v dodatku k tej konvenciji.

67. člen – odbor pogodbenic

1. Odbor pogodbenic sestavljajo predstavniki pogodbenic te konvencije.

2. Odbor pogodbenic skliče generalni sekretar Sveta Evrope. Prvi sestanek se izvede v enem letu po začetku veljavnosti te konvencije zaradi izvolitve članov GREVIO. Pozneje se sestaja na zahtevo ene tretjine pogodbenic, predsednika odbora pogodbenic ali generalnega sekretarja.

3. Odbor pogodbenic sprejme svoj poslovnik.

68. člen – postopek

1. Pogodbenice generalnemu sekretarju Sveta Evrope za obravnavo na GREVIO predložijo poročilo na podlagi vprašalnika, ki ga pripravi GREVIO, o zakonodajnih in drugih ukrepih za izvajanje določb te konvencije.

2. GREVIO s predstavniki posamezne pogodbenice obravnava poročilo, predloženo v skladu s prejšnjim odstavkom.

3. Poznejši postopki vrednotenja potekajo v krogih, katerih trajanje določi GREVIO. Na začetku vsakega kroga GREVIO izbere posamezne določbe, ki so podlaga za postopek vrednotenja, in razpošlje vprašalnik.

4. GREVIO določi najustreznejša sredstva za izvajanje postopka spremljanja. Za vsak krog vrednotenja lahko GREVIO pripravi vprašalnik, ki je podlaga za postopek vrednotenja o tem, kako pogodbenice izvajajo konvencijo. Ta vprašalnik se pošlje vsem pogodbenicam. Pogodbenice ga izpolnijo in zagotovijo tudi vse druge informacije, ki jih zahteva GREVIO.

5. GREVIO may receive information on the implementation of the Convention from non-governmental organisations and civil society, as well as from national institutions for the protection of human rights.

6. GREVIO shall take due consideration of the existing information available from other regional and international instruments and bodies in areas falling within the scope of this Convention.

7. When adopting a questionnaire for each evaluation round, GREVIO shall take due consideration of the existing data collection and research in the Parties as referred to in Article 11 of this Convention.

8. GREVIO may receive information on the implementation of the Convention from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and relevant specialised bodies of the Council of Europe, as well as those established under other international instruments. Complaints presented to these bodies and their outcome will be made available to GREVIO.

9. GREVIO may subsidiarily organise, in co-operation with the national authorities and with the assistance of independent national experts, country visits, if the information gained is insufficient or in cases provided for in paragraph 14. During these visits, GREVIO may be assisted by specialists in specific fields.

10. GREVIO shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments shall be taken into account by GREVIO when adopting its report.

11. On the basis of all the information received and the comments by the Parties, GREVIO shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of this Convention. This report and the conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GREVIO shall be made public as from their adoption, together with eventual comments by the Party concerned.

12. Without prejudice to the procedure of paragraphs 1 to 8, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to this Party (a) concerning the measures to be taken to implement the conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of this Convention.

13. If GREVIO receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent a serious, massive or persistent pattern of violence against women.

14. Taking into account the information submitted by the Party concerned, as well as any other reliable information available to it, GREVIO may designate one or more of its members to conduct an inquiry and to report urgently to GREVIO. Where warranted and with the consent of the Party, the inquiry may include a visit to its territory.

15. After examining the findings of the inquiry referred to in paragraph 14, GREVIO shall transmit these findings to the Party concerned and, where appropriate, to the Committee of the Parties and the Committee of Ministers of the Council of Europe together with any comments and recommendations.

Article 69 – General recommendations

GREVIO may adopt, where appropriate, general recommendations on the implementation of this Convention.

5. GREVIO lahko prejme informacije o izvajanju konvencije od nevladnih organizacij, civilne družbe in nacionalnih institucij za varstvo človekovih pravic.

6. GREVIO ustrezno upošteva obstoječe razpoložljive informacije drugih regionalnih in mednarodnih instrumentov in organov s področij uporabe te konvencije.

7. Pri sprejemanju vprašalnika za vsak krog vrednotenja GREVIO ustrezno upošteva obstoječo zbirko podatkov in raziskave pogodbenic iz 11. člena te konvencije.

8. GREVIO lahko prejme informacije o izvajanju konvencije od komisarja Sveta Evrope za človekove pravice, parlamentarne skupščine in ustreznih posebnih teles Sveta Evrope ter od tistih, ustanovljenih na podlagi drugih mednarodnih instrumentov. GREVIO bodo na voljo pritožbe, ki so predložene tem organom, in njihov izid.

9. GREVIO lahko v sodelovanju z državnimi organi in ob podpori neodvisnih nacionalnih strokovnjakov dodatno organizira obiske držav, če pridobljene informacije niso zadostne ali v primerih iz štirinajstega odstavka. Med temi obiski lahko GREVIO pomagajo strokovnjaki z določenih področij.

10. GREVIO pripravi osnutek poročila, ki vsebuje njegovo analizo o izvajanju določb, ki so podlaga za vrednotenje, ter njegove pobude in predloge za način reševanja ugotovljenih težav. Osnutek poročila se pošlje pogodbenici, ki je predmet vrednotenja, da poda pripombe. GREVIO jih upošteva pri sprejemanju svojega poročila.

11. Na podlagi vseh prejetih informacij in pripomb pogodbenic GREVIO sprejme svoje poročilo in ugotovitve v zvezi z ukrepi, ki jih je sprejela pogodbenica za izvajanje določb te konvencije. To poročilo in ugotovitve se pošljejo pogodbenici in odboru pogodbenic. Poročilo in ugotovitve GREVIO so od sprejetja dalje javni, skupaj z morebitnimi pripombami pogodbenice.

12. Brez poseganja v postopek iz prvega do osmega odstavka lahko odbor pogodbenic na podlagi poročila in ugotovitev GREVIO sprejme priporočila, naslovljena na to pogodbenico, v zvezi z: a) ukrepi, ki jih je treba sprejeti, za izvedbo sklepov GREVIO, po potrebi z določitvijo dneva, do katerega je treba sporočiti informacijo o izvajanju priporočil, in b) namenom spodbujanja sodelovanja s to pogodbenico za ustrezno izvajanje te konvencije.

13. Če GREVIO prejme zanesljive informacije, ki kažejo na razmere, v katerih težave zahtevajo takojšnje ukrepanje, da se prepreči ali omeji obseg ali število resnih kršitev te konvencije, lahko zahteva nujno predložitev posebnega poročila o sprejetih ukrepih za preprečitev resnega, obsežnega ali trdovratnega vzorca nasilja nad ženskami.

14. Ob upoštevanju informacij, ki jih predloži pogodbenica, in vseh drugih razpoložljivih zanesljivih informacij lahko GREVIO imenuje enega ali več svojih članov, da vodijo preiskavo in nemudoma poročajo GREVIO. Kadar je to upravičeno in s soglasjem pogodbenice, lahko preiskava vključuje tudi obisk na njenem ozemlju.

15. Po proučitvi ugotovitev preiskave iz prejšnjega odstavka pošlje GREVIO te ugotovitve pogodbenici in, kadar je to primerno, odboru pogodbenic in Odboru ministrov Sveta Evrope skupaj z vsemi pripombami in priporočili.

69. člen – splošna priporočila

GREVIO lahko, kadar je to primerno, sprejme splošna priporočila za izvajanje te konvencije.

Article 70 – Parliamentary involvement in monitoring

1. National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.

2. Parties shall submit the reports of GREVIO to their national parliaments.

3. The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

Chapter X**– Relationship with other international instruments****Article 71 – Relationship with other international instruments**

1. This Convention shall not affect obligations arising from other international instruments to which Parties to this Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention.

2. The Parties to this Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

Chapter XI**– Amendments to the Convention****Article 72 – Amendments**

1. Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by her or him to the member states of the Council of Europe, any signatory, any Party, the European Union, any state invited to sign this Convention in accordance with the provisions of Article 75, and any state invited to accede to this Convention in accordance with the provisions of Article 76.

2. The Committee of Ministers of the Council of Europe shall consider the proposed amendment and, after having consulted the Parties to this Convention that are not members of the Council of Europe, may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.

3. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 2 shall be forwarded to the Parties for acceptance.

4. Any amendment adopted in accordance with paragraph 2 shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General of their acceptance.

Chapter XII
– Final clauses**Article 73 – Effects of this Convention**

The provisions of this Convention shall not prejudice the provisions of internal law and binding international instruments which are already in force or may come into force, under which more favourable rights are or would be accorded to persons in preventing and combating violence against women and domestic violence.

Article 74 – Dispute settlement

1. The Parties to any dispute which may arise concerning the application or interpretation of the provisions of this Convention shall first seek to resolve it by means of negotiation, conciliation, arbitration or by any other methods of peaceful settlement accepted by mutual agreement between them.

70. člen – parlamentarna udeležba pri spremljanju

1. Nacionalni parlamenti so vabljeni k sodelovanju pri spremljanju ukrepov, sprejetih za izvajanje te konvencije.

2. Pogodbenice predložijo poročila GREVIO svojim nacionalnim parlamentom.

3. Parlamentarna skupščina Sveta Evrope je vabljena, da se redno seznanja z izvajanjem te konvencije.

X. poglavje**– razmerje do drugih mednarodnih instrumentov****71. člen – razmerje do drugih mednarodnih instrumentov**

1. Ta konvencija ne vpliva na obveznosti, ki izhajajo iz drugih mednarodnih instrumentov, katerih pogodbenice so ali bodo postale pogodbenice te konvencije, in ki vsebujejo določbe o zadevah, ki jih ureja ta konvencija.

2. Pogodbenice te konvencije lahko med seboj sklenejo dvostranske in večstranske sporazume o zadevah, ki jih obravnava ta konvencija, zaradi dopolnitve ali okrepitve določb ali lažje uporabe načel, ki jih vsebuje.

XI. poglavje**– spremembe konvencije****72. člen – spremembe**

1. Vsak predlog za spremembo te konvencije, ki ga pripravi pogodbenica, se sporoči generalnemu sekretarju Sveta Evrope, ki ga pošlje državam članicam Sveta Evrope, vsaki podpisnici, vsaki pogodbenici, Evropski uniji, vsaki državi, ki je bila povabljena k podpisu te konvencije v skladu z 75. členom, in vsaki državi, ki je bila povabljena k pristopu k tej konvenciji v skladu s 76. členom.

2. Odbor ministrov Sveta Evrope obravnava predlagane spremembe in po posvetovanju s pogodbenicami te konvencije, ki niso članice Sveta Evrope, lahko sprejme spremembo z večino glasov, kakor je predvideno v d. točki 20. člena statuta Sveta Evrope.

3. Besedilo vsake spremembe, ki jo sprejme Odbor ministrov v skladu s prejšnjim odstavkom, se pošlje pogodbenicam v sprejetje.

4. Vsaka sprememba, sprejeta v skladu z drugim odstavkom, začne veljati prvi dan meseca po poteku enega meseca po dnevu, ko so vse pogodbenice obvestile generalnega sekretarja, da so jo sprejele.

XII. poglavje
– končne določbe**73. člen – učinki konvencije**

Določbe te konvencije ne posegajo v določbe notranjega prava in zavezujoče mednarodne instrumente, ki že veljajo ali lahko začnejo veljati, po katerih so ali so bile priznane ugodnejše pravice osebam za preprečevanje nasilja nad ženskami in nasilja v družini ter boj proti njima.

74. člen – reševanje sporov

1. Pogodbenice najprej poskušajo vsak spor, ki lahko nastane v zvezi z uporabo ali razlago določb te konvencije, rešiti s pogajanjem, conciliacijo, arbitražo ali na kateri koli drug način za mirno reševanje, ki je sprejet z njihovim medsebojnim sporazumom.

2. The Committee of Ministers of the Council of Europe may establish procedures of settlement to be available for use by the Parties in dispute if they should so agree.

Article 75 – Signature and entry into force

1. This Convention shall be open for signature by the member states of the Council of Europe, the non-member states which have participated in its elaboration and the European Union.

2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 signatories, including at least eight member states of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 2.

4. In respect of any state referred to in paragraph 1 or the European Union, which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 76 – Accession to the Convention

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to this Convention and obtaining their unanimous consent, invite any non-member state of the Council of Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Parties entitled to sit on the Committee of Ministers.

2. In respect of any acceding state, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 77 – Territorial application

1. Any state or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 78 – Reservations

1. No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.

2. Odbor ministrov Sveta Evrope lahko določi postopke za poravnavo, ki jih lahko uporabijo pogodbenice v primeru sporov, če se tako sporazumejejo.

75. člen – podpis in začetek veljavnosti

1. Konvencija je na voljo za podpis državam članicam Sveta Evrope, državam nečlanicam, ki so sodelovale pri njeni pripravi, in Evropski uniji.

2. Konvencijo je treba ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

3. Konvencija začne veljati prvi dan meseca po poteku treh mesecev po dnevu, ko je deset podpisnic, od tega najmanj osem držav članic Sveta Evrope, izrazilo privolitev, da jih konvencija zavezuje v skladu z določbami prejšnjega odstavka.

4. Za vsako državo iz prvega odstavka ali za Evropsko unijo, ki naknadno izrazi soglasje, da jo konvencija zavezuje, začne konvencija veljati prvi dan meseca po poteku treh mesecev po dnevu deponiranja njene listine o ratifikaciji, sprejetju ali odobritvi.

76. člen – pristop h konvenciji

1. Po začetku veljavnosti te konvencije lahko Odbor ministrov Sveta Evrope po posvetovanju s pogodbenicami te konvencije in po pridobitvi njihove soglasne odobritve povabi katero koli državo nečlanico Sveta Evrope, ki ni sodelovala pri pripravi konvencije, da pristopi k njej s sklepom, ki ga sprejme večina, kakor določa d. točka 20. člena statuta Sveta Evrope, in s soglasno izvolitvijo predstavnikov pogodbenic, ki so upravičeni sodelovati v Odboru ministrov.

2. Za vsako državo pristopnico začne konvencija veljati prvi dan meseca po poteku treh mesecev po dnevu deponiranja listine o pristopu pri generalnem sekretarju Sveta Evrope.

77. člen – ozemlja uporabe

1. Vsaka država ali Evropska unija lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu določi ozemlje ali ozemlja uporabe te konvencije.

2. Vsaka pogodbenica lahko kadar koli naknadno z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, razširi uporabo te konvencije na katero koli drugo ozemlje, določeno v izjavi, in za mednarodne odnose katerega je odgovorna ali v imenu katerega je pooblaščen sprejeti obveznosti. Za tako ozemlje začne konvencija veljati prvi dan meseca po poteku treh mesecev po dnevu, ko je generalni sekretar prejel tako izjavo.

3. Z uradnim obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope, je mogoče umakniti vsako izjavo, dano po prejšnjih dveh odstavkih za katero koli ozemlje, določeno v taki izjavi. Umik začne veljati prvi dan meseca po poteku treh mesecev po dnevu, ko je generalni sekretar prejel tako uradno obvestilo.

78. člen – pridržki

1. K nobeni določbi te konvencije niso dopustni pridržki, razen tistih, določenih v drugem in tretjem odstavku.

2. Any state or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declares that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:

- Article 30, paragraph 2;
- Article 44, paragraphs 1.e, 3 and 4;

– Article 55, paragraph 1 in respect of Article 35 regarding minor offences;

- Article 58 in respect of Articles 37, 38 and 39;
- Article 59.

3. Any state or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declares that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.

4. Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.

Article 79 – Validity and review of reservations

1. Reservations referred to in Article 78, paragraphs 2 and 3, shall be valid for a period of five years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservations may be renewed for periods of the same duration.

2. Eighteen months before the date of expiry of the reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before the expiry, the Party shall notify the Secretary General that it is upholding, amending or withdrawing its reservation. In the absence of a notification by the Party concerned, the Secretariat General shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.

3. If a Party makes a reservation in conformity with Article 78, paragraphs 2 and 3, it shall provide, before its renewal or upon request, an explanation to GREVIO, on the grounds justifying its continuance.

Article 80 – Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 81 – Notification

The Secretary General of the Council of Europe shall notify the member states of the Council of Europe, the non-member states which have participated in its elaboration, any signatory, any Party, the European Union, and any state invited to accede to this Convention of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 75 and 76;

2. Vsaka država ali Evropska unija lahko ob podpisu ali deponiranju svoje listine o ratifikaciji, sprejetju, odobritvi ali pristopu z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, izjavi, da si pridržuje pravico, da ne uporablja ali da uporablja samo v posebnih primerih ali pod posebnimi pogoji določbe iz:

- drugega odstavka 30. člena,
- točke e. prvega odstavka ter tretjega in četrtega odstavka 44. člena,
- prvega odstavka 55. člena ob upoštevanju 35. člena v zvezi z lažjimi kaznivimi ravnanji;
- 58. člena ob upoštevanju 37., 38, in 39. člena;
- 59. člena.

3. Vsaka država ali Evropska unija lahko ob podpisu ali deponiranju svoje listine o ratifikaciji, sprejetju, odobritvi ali pristopu z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, izjavi, da si pridržuje pravico zagotoviti nekazenske sankcije namesto kazenskih za ravnanja iz 33. in 34. člena.

4. Vsaka pogodbenica lahko v celoti ali delno umakne pridržek z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope. Ta izjava začne veljati z dnem, ko jo prejme generalni sekretar.

79. člen – veljavnost in pregled pridržkov

1. Pridržki iz drugega in tretjega odstavka 78. člena za pogodbenico veljajo pet let od dneva začetka veljavnosti te konvencije. Pridržki se lahko obnovijo za enako dolga obdobja.

2. Osemnajst mesecev pred dnevom poteka veljavnosti pridržka generalni sekretar Sveta Evrope o tem obvesti pogodbenico. Najpozneje tri mesece pred potekom veljavnosti pogodbenica uradno obvesti generalnega sekretarja, da podaljšuje, spreminja ali umika svoj pridržek. Če generalni sekretar od pogodbenice ne prejme uradnega obvestila, jo obvesti, da je njen pridržek samodejno podaljšan za šest mesecev. Če pogodbenica ne pošlje uradnega obvestila o svoji nameri, da želi podaljšati ali spremeniti svoj pridržek pred iztekom tega obdobja, pridržek preneha veljati.

3. Če pogodbenica poda pridržek v skladu z drugim in tretjim odstavkom 78. člena, pred obnovitvijo ali na zaprosilo poda pojasnilo za GREVIO o razlogih zanj.

80. člen – odpoved

1. Vsaka pogodbenica lahko konvencijo kadar koli odpove z uradnim obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope.

2. Taka odpoved začne veljati prvi dan meseca po poteku treh mesecev po dnevu, ko je generalni sekretar prejel uradno obvestilo.

81. člen – uradno obvestilo

Generalni sekretar Sveta Evrope uradno obvesti države članice Sveta Evrope, države nečlanice, ki so sodelovale pri njeni pripravi, vsako podpisnico, vsako pogodbenico, Evropsko unijo in vsako državo, ki je povabljen k pristopu k tej konvenciji, o:

- a. vsakem podpisu;
- b. deponiranju vsake listine o ratifikaciji, sprejetju, odobritvi ali pristopu;
- c. vsakem dnevu začetka veljavnosti te konvencije v skladu s 75. in 76. členom;

d. any amendment adopted in accordance with Article 72 and the date on which such an amendment enters into force;
 e. any reservation and withdrawal of reservation made in pursuance of Article 78;
 f. any denunciation made in pursuance of the provisions of Article 80;
 g. any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Istanbul, this 11th day of May 2011, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member state of the Council of Europe, to the non-member states which have participated in the elaboration of this Convention, to the European Union and to any state invited to accede to this Convention.

Appendix – Privileges and immunities (Article 66)

1. This appendix shall apply to the members of GREVIO mentioned in Article 66 of the Convention, as well as to other members of the country visit delegations. For the purpose of this appendix, the term "other members of the country visit delegations" shall include the independent national experts and the specialists mentioned in Article 68, paragraph 9, of the Convention, staff members of the Council of Europe and interpreters employed by the Council of Europe accompanying GREVIO during its country visits.

2. The members of GREVIO and the other members of the country visit delegations shall, while exercising their functions relating to the preparation and the carrying out of country visits, as well as the follow-up thereto, and travelling in connection with those functions, enjoy the following privileges and immunities:

a. immunity from personal arrest or detention and from seizure of their personal baggage, and immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in their official capacity;

b. exemption from any restrictions on their freedom of movement on exit from and return to their country of residence, and entry into and exit from the country in which they exercise their functions, and from alien registration in the country which they are visiting or through which they are passing in the exercise of their functions.

3. In the course of journeys undertaken in the exercise of their functions, the members of GREVIO and the other members of the country visit delegations shall, in the matter of customs and exchange control, be accorded the same facilities as those accorded to representatives of foreign governments on temporary official duty.

4. The documents relating to the evaluation of the implementation of the Convention carried by members of GREVIO and other members of the country visit delegations shall be inviolable insofar as they concern the activity of GREVIO. No stoppage or censorship shall be applied to the official correspondence of GREVIO or to official communications of members of GREVIO and other members of the country visit delegations.

5. In order to secure for the members of GREVIO and the other members of the country visit delegations complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

d. vsaki spremembi, sprejeti v skladu z 72. členom, in dnevu začetka veljavnosti te spremembe;
 e. vsakem pridržku in umiku pridržka na podlagi 78. člena;

f. vsaki odpovedi, dani na podlagi določb 80. člena;

g. vsakem drugem dejanju, uradnem obvestilu ali sporočilu v zvezi s to konvencijo.

V potrditev tega so podpisani, ki so bili za to pravilno pooblašteni, podpisali to konvencijo.

Sestavljeno v Istanbulu, 11. maja 2011 v angleškem in francoskem jeziku, pri čemer sta obe besedili enako verodostojni, v enem izvodu, ki se hrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsaki državi članici Sveta Evrope, državam nečlanicam, ki so sodelovale pri pripravi te konvencije, Evropski uniji in vsaki državi, ki je povabljen k pristopu k tej konvenciji.

Dodatek – privilegiji in imunitete (66. člen)

1. Ta dodatek se uporablja za člane GREVIO iz 66. člena konvencije in za druge člane delegacij za obisk v državi. Za namen tega dodatka izraz "drugi člani delegacije za obisk v državi" vključuje neodvisne nacionalne strokovnjake in specialiste iz devetega odstavka 68. člena konvencije, uslužbence Sveta Evrope in tolmače, ki jih zaposluje Svet Evrope, ki spremljajo GREVIO med obiski v državah.

2. Člani GREVIO in drugi člani delegacije za obisk v državi imajo med opravljanjem svojih nalog v zvezi s pripravo in izvedbo obiskov v državah ter pri nadaljnjih dejavnostih in med potovanji v zvezi s temi nalogami naslednje privilegije in imunitete:

a. imuniteto pred prijeto ali odvzemom prostosti in pred zasegom osebne prtljage ter imuniteto pred sodnimi postopki vseh vrst v zvezi z izgovorjenimi ali zapisanimi besedami in za vsa dejanja, ki so jih storili pri opravljanju svoje uradne dolžnosti;

b. oprostitev kakršnega koli omejevanja njihove svobode gibanja pri izstopu iz in povratku v državo svojega bivanja ter vstopu v in izstopu iz države, v kateri opravljajo svoje naloge, in oprostitev prijave za tujce v državi, kjer so na obisku, ali prek katere potujejo pri opravljanju svojih nalog.

3. Med potovanji pri opravljanju svojih nalog imajo člani GREVIO in drugi člani delegacij za obisk v državi pri carinski in devizni kontroli enake ugodnosti, kakor predstavniki tujih vlad na začasni uradni dolžnosti.

4. Dokumenti v zvezi z oceno izvajanja te konvencije članov GREVIO in drugih članov delegacij za obisk v državi so nedotakljivi, če gre za dejavnost GREVIO. Uradne korespondence GREVIO ali uradnega komuniciranja članov GREVIO in drugih članov delegacij za obisk v državi ni mogoče prekiniti ali cenzurirati.

5. Za zagotovitev popolne svobode govora in popolne neodvisnosti pri opravljanju njihovih nalog imajo člani GREVIO in drugi člani delegacij za obisk v državi imuniteto pred pravnim postopkom za izrečene ali napisane besede in vsa dejanja, storjena pri opravljanju njihovih nalog, tudi po prenehanju njihovih dolžnosti.

6. Privileges and immunities are granted to the persons mentioned in paragraph 1 of this appendix in order to safeguard the independent exercise of their functions in the interests of GREVIO and not for their personal benefit. The waiver of immunities of the persons mentioned in paragraph 1 of this appendix shall be made by the Secretary General of the Council of Europe in any case where, in his or her opinion, the immunity would impede the course of justice and where it can be waived without prejudice to the interests of GREVIO.

6. Privilegiji in imunitete se podelijo osebam iz prvega odstavka tega dodatka, da se zagotovi neodvisno opravljanje njihovih nalog v interesu GREVIO in ne v njihovo osebno korist. Generalni sekretar Sveta Evrope vselej odvzame imuniteto osebam iz prvega odstavka tega dodatka, kadar bi bila po njegovem mnenju imuniteta ovirala uresničevanje načela zakonitosti in jo je mogoče odvzeti brez škode za interese GREVIO.

3. člen

Za izvajanje konvencije skrbijo ministrstvo, pristojno za delo, družino, socialne zadeve in enake možnosti, ministrstvo, pristojno za pravosodje in ministrstvo, pristojno za notranje zadeve.

4. člen

Republika Slovenija ob deponiranju svoje listine o ratifikaciji Konvencije Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima generalnemu sekretarju Sveta Evrope sporoči naslednjo izjavo:

»Republika Slovenija si v skladu z drugim odstavkom 78. člena konvencije pridržuje pravico, da ne bo uporabljala drugega odstavka 30. člena konvencije, točke e prvega odstavka 44. člena konvencije, tretjega in četrtega odstavka 44. člena konvencije, prvega odstavka 55. člena ob upoštevanju 35. člena konvencije, 58. člena konvencije in 59. člena konvencije.«.

5. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 542-08/11-2/17

Ljubljana, dne 19. decembra 2014

EPA 1802-V

Državni zbor
Republike Slovenije
Primož Hainz l.r.
Podpredsednik

2. Zakon o ratifikaciji Protokola št. 16 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin (MPKVCP16)

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z**o razglasitvi Zakona o ratifikaciji Protokola št. 16 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin (MPKVCP16)**

Razglašam Zakon o ratifikaciji Protokola št. 16 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin (MPKVCP16), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 19. decembra 2014.

Št. 003-02-10/2014-19
Ljubljana, dne 29. decembra 2014

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI PROTOKOLA ŠT. 16 H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN (MPKVCP16)**

1. člen

Ratificira se Protokol št. 16 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, sklenjen v Strasbourgu 2. oktobra 2013.

2. člen

Besedilo protokola se v izvorniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:

P R O T O C O L**NO. 16 TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS****Preamble**

The member States of the Council of Europe and other High Contracting Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"), signatories hereto,

Having regard to the provisions of the Convention and, in particular, Article 19 establishing the European Court of Human Rights (hereinafter referred to as "the Court");

Considering that the extension of the Court's competence to give advisory opinions will further enhance the interaction between the Court and national authorities and thereby reinforce implementation of the Convention, in accordance with the principle of subsidiarity;

Having regard to Opinion No. 285 (2013) adopted by the Parliamentary Assembly of the Council of Europe on 28 June 2013,

Have agreed as follows:

Article 1

1 Highest courts and tribunals of a High Contracting Party, as specified in accordance with Article 10, may request the Court to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or the protocols thereto.

2 The requesting court or tribunal may seek an advisory opinion only in the context of a case pending before it.

3 The requesting court or tribunal shall give reasons for its request and shall provide the relevant legal and factual background of the pending case.

P R O T O K O L**ŠT. 16 H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN****Uvod**

Države članice Sveta Evrope in druge visoke pogodbenice Konvencije o varstvu človekovih pravic in temeljnih svoboščin, podpisane v Rimu 4. novembra 1950 (v nadaljnjem besedilu: konvencija), podpisnice tega protokola, so se

ob upoštevanju določb konvencije in zlasti 19. člena o ustanovitvi Evropskega sodišča za človekove pravice (v nadaljnjem besedilu: Sodišče),

ob upoštevanju, da bo razširitev pristojnosti Sodišča za dajanje svetovalnih mnenj poglobila odnose med Sodiščem in državnimi oblastmi ter tako okrepila izvajanje konvencije v skladu z načelom subsidiarnosti,

ob upoštevanju mnenja št. 285 (2013), ki ga je 28. junija 2013 sprejela Parlamentarna skupščina Sveta Evrope,

dogovorile:

1. člen

1. Najvišja sodišča visoke pogodbenice, kot so določena v skladu z 10. členom, lahko zaprosijo Sodišče za svetovalna mnenja o načelnih vprašanjih, ki se nanašajo na razlago ali uporabo pravic in svoboščin, opredeljenih v konvenciji ali njenih protokolih.

2. Sodišče, ki je zaprosilo za svetovalno mnenje, tega lahko pridobi le v zvezi z zadevo, ki jo obravnava.

3. Sodišče, ki je zaprosilo za svetovalno mnenje, navede razloge za svoje zaprosilo in zagotovi ustrezno pravno in dejansko ozadje obravnavane zadeve.

Article 2

1 A panel of five judges of the Grand Chamber shall decide whether to accept the request for an advisory opinion, having regard to Article 1. The panel shall give reasons for any refusal to accept the request.

2 If the panel accepts the request, the Grand Chamber shall deliver the advisory opinion.

3 The panel and the Grand Chamber, as referred to in the preceding paragraphs, shall include *ex officio* the judge elected in respect of the High Contracting Party to which the requesting court or tribunal pertains. If there is none or if that judge is unable to sit, a person chosen by the President of the Court from a list submitted in advance by that Party shall sit in the capacity of judge.

Article 3

The Council of Europe Commissioner for Human Rights and the High Contracting Party to which the requesting court or tribunal pertains shall have the right to submit written comments and take part in any hearing. The President of the Court may, in the interest of the proper administration of justice, invite any other High Contracting Party or person also to submit written comments or take part in any hearing.

Article 4

1 Reasons shall be given for advisory opinions.

2 If the advisory opinion does not represent, in whole or in part, the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

3 Advisory opinions shall be communicated to the requesting court or tribunal and to the High Contracting Party to which that court or tribunal pertains.

4 Advisory opinions shall be published.

Article 5

Advisory opinions shall not be binding.

Article 6

As between the High Contracting Parties the provisions of Articles 1 to 5 of this Protocol shall be regarded as additional articles to the Convention, and all the provisions of the Convention shall apply accordingly.

Article 7

1 This Protocol shall be open for signature by the High Contracting Parties to the Convention, which may express their consent to be bound by:

a signature without reservation as to ratification, acceptance or approval; or

b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2 The instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 8

1 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which ten High Contracting Parties to the Convention have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 7.

2 In respect of any High Contracting Party to the Convention which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the expression of its consent to be bound by the Protocol in accordance with the provisions of Article 7.

2. člen

1. Ob upoštevanju 1. člena zbor petih sodnikov velikega senata odloči, ali bo sprejel zaprosilo za svetovalno mnenje. Zbor navede razloge za vsako zavrnitev zaprosila.

2. Če zbor sprejme zaprosilo, veliki senat izda svetovalno mnenje.

3. V zboru in velikem senatu, kakor sta navedena v prejšnjih odstavkih, je po uradni dolžnosti tudi sodnik, izvoljen za visoko pogodbenico, katere sodišče je zaprosilo za mnenje. Če takega sodnika ni ali ta sodnik ne more odločati, namesto njega kot sodnik odloča oseba, ki jo izbere predsednik Sodišča s seznama, ki ga vnaprej predloži ta pogodbenica.

3. člen

Komisar Sveta Evrope za človekove pravice in visoka pogodbenica, katere sodišče je zaprosilo za mnenje, imata pravico, da predložita pisne pripombe in se udeležita katerega koli zaslišanja. Predsednik Sodišča lahko v interesu pravičnega sojenja povabi tudi katero koli drugo visoko pogodbenico ali osebo, da predloži pisne pripombe ali se udeleži katerega koli zaslišanja.

4. člen

1. Svetovalna mnenja se obrazložijo.

2. Če svetovalno mnenje v celoti ali delno ne izraža soglasnega mnenja sodnikov, ima vsak sodnik pravico dati svoje ločeno mnenje.

3. Svetovalna mnenja se sporočijo sodišču, ki je zanje zaprosilo, in visoki pogodbenici, v kateri je to sodišče.

4. Svetovalna mnenja se objavijo.

5. člen

Svetovalna mnenja niso zavezujoča.

6. člen

Za visoke pogodbenice se določbe 1. do 5. člena tega protokola štejejo kot dodatni členi konvencije in vse njene določbe veljajo skladno s tem.

7. člen

1. Ta protokol je na voljo za podpis visokim pogodbenicam konvencije, ki lahko izrazijo svoje soglasje, da jih zavezuje:

a. podpis brez pridržka ratifikacije, sprejetja ali odobritve ali

b. podpis s pridržkom ratifikacije, sprejetja ali odobritve, ki mu sledi ratifikacija, sprejetje ali odobritev.

2. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

8. člen

1. Ta protokol začne veljati prvi dan meseca po poteku treh mesecev od dneva, ko je v skladu z določbami 7. člena deset visokih pogodbenic konvencije izrazilo svoje soglasje, da jih ta protokol zavezuje.

2. Za vsako visoko pogodbenico konvencije, ki pozneje izrazi soglasje, da jo protokol zavezuje, začne protokol veljati prvi dan meseca po poteku treh mesecev od dneva, ko je izrazila soglasje, da jo protokol zavezuje v skladu s 7. členom.

Article 9

No reservation may be made under Article 57 of the Convention in respect of the provisions of this Protocol.

Article 10

Each High Contracting Party to the Convention shall, at the time of signature or when depositing its instrument of ratification, acceptance or approval, by means of a declaration addressed to the Secretary General of the Council of Europe, indicate the courts or tribunals that it designates for the purposes of Article 1, paragraph 1, of this Protocol. This declaration may be modified at any later date and in the same manner.

Article 11

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and the other High Contracting Parties to the Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance or approval;
- c any date of entry into force of this Protocol in accordance with Article 8;
- d any declaration made in accordance with Article 10; and
- e any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 2nd day of October 2013, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to the other High Contracting Parties to the Convention.

9. člen

Glede določb protokola ni dopusten noben pridržek po 57. členu konvencije.

10. člen

Vsaka visoka pogodbenica konvencije ob podpisu ali deponiranju listine o ratifikaciji, sprejetju ali odobritvi z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, navede sodišča, ki jih je določila za namene prvega odstavka 1. člena tega protokola. Ta izjava se lahko kadar koli pozneje in na enak način spremeni.

11. člen

Generalni sekretar Sveta Evrope uradno obvesti države članice Sveta Evrope in druge visoke pogodbenice konvencije o:

- a. vsakem podpisu,
- b. deponiranju vsake listine o ratifikaciji, sprejetju ali odobritvi,
- c. vsakem datumu začetka veljavnosti tega protokola v skladu z 8. členom,
- d. vsaki izjavi v skladu z 10. členom in
- e. vsakem drugem dejanju, uradnem obvestilu ali sporočilu v zvezi s tem protokolom.

V potrditev tega so podpisani, ki so bili za to pravilno pooblaščen, podpisali ta protokol.

Sklenjeno v Strasbourgu 2. oktobra 2013 v angleškem in francoskem jeziku, pri čemer sta obe besedili enako verodostojni, v enem izvodu, ki se hrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjeno kopijo vsem državam članicam Sveta Evrope in drugim visokim pogodbenicam konvencije.

3. člen

Republika Slovenija ob deponiranju svoje listine o ratifikaciji Protokola št. 16 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, skladno z 10. členom protokola, generalnemu sekretarju Sveta Evrope sporoči naslednjo izjavo:

»Republika Slovenija izjavlja, da za namene prvega odstavka 1. člena tega protokola svetovalna mnenja na Evropsko sodišče za človekove pravice v Republiki Sloveniji naslavljata Vrhovno sodišče Republike Slovenije in Ustavno sodišče Republike Slovenije.«.

4. člen

Za izvajanje protokola skrbi ministrstvo, pristojno za pravosodje.

5. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 000-04/13-17/11

Ljubljana, dne 19. decembra 2014

EPA 1403-VI

Državni zbor
Republike Slovenije
Primož Hainz l.r.
Podpredsednik

3. Uredba o ratifikaciji Memoranduma o soglasju za institucionalni okvir Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo (2013)

Na podlagi petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) izdaja Vlada Republike Slovenije

U R E D B O

**o ratifikaciji Memoranduma o soglasju
za institucionalni okvir Pobude za pripravljenost na nesreče in njihovo preprečevanje
za Jugovzhodno Evropo (2013)**

1. člen

Ratificira se Memorandum o soglasju za institucionalni okvir Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo (2013), podpisan 28. novembra 2013 v Sarajevu, Bosna in Hercegovina ga je podpisala 18. aprila 2014 v Sarajevu.

2. člen

Besedilo memoranduma se v izvirniku v angleškem in v prevodu v slovenski jezik glasi:

**DISASTER PREPAREDNESS
AND PREVENTION INITIATIVE
FOR SOUTH EASTERN EUROPE
MEMORANDUM OF UNDERSTANDING
ON THE INSTITUTIONAL FRAMEWORK
OF THE DISASTER PREPAREDNESS
AND PREVENTION INITIATIVE
FOR SOUTH EASTERN EUROPE (2013)**

Preamble

The Governments of the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Republic of Macedonia, the Republic of Moldova, Montenegro, Romania, the Republic of Serbia, the Republic of Slovenia and the Republic of Turkey, hereinafter referred to as the Parties of the Disaster Preparedness and Prevention Initiative for South Eastern Europe (hereinafter "the DPPI SEE Parties"),

Recognising the need to further enhance regional co-operation and regional consultation in the field of disaster management (capacity building, methods and practices) as essential;

Reaffirming their commitments expressed in the Memorandum of Understanding on the Institutional Framework of the Disaster Preparedness and Prevention Initiative signed by the Governments of the Republic of Albania, the Republic of Bulgaria, the Republic of Croatia, the Republic of Macedonia, the Republic of Moldova, Montenegro, Romania and the Republic of Slovenia in Zagreb on 24 September 2007 and by the Governments of Bosnia and Herzegovina and the Republic of Turkey in Sofia on 8th April 2008 and by the Republic of Serbia in Sarajevo on 7 April 2009, and which shall cease to be in force on 1st January 2014;

Acknowledging the successful cooperation among the Parties of the Disaster Preparedness and Prevention Initiative for South Eastern Europe as a regionally owned institutional framework for South Eastern Europe with an aim to improve and strengthen abilities and capacities to prevent and prepare for natural and man-made disasters;

Have agreed as follows:

**POBUDA ZA PRIPRAVLJENOST NA NESREČE
IN NJIHOVO PREPREČEVANJE
ZA JUGOVZHODNO EVROPO
MEMORANDUM
O SOGLASJU ZA INSTITUCIONALNI OKVIR
POBUDE ZA PRIPRAVLJENOST NA NESREČE
IN NJIHOVO PREPREČEVANJE
ZA JUGOVZHODNO EVROPO (2013)**

Uvod

Sveta ministrov Republike Albanije ter Bosne in Hercegovine ter vlade Republike Bolgarije, Republike Hrvaške, Republike Makedonije, Republike Moldavije, Črne gore, Romunije, Republike Srbije, Republike Slovenije in Republike Turčije, v nadaljnjem besedilu: pogodbeniki Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo (v nadaljnjem besedilu: pogodbeniki PPPN JVE), ki

priznavajo, da je bistvenega pomena nadaljnja krepitev regionalnega sodelovanja in regionalnega posvetovanja pri ukrepanju ob nesrečah (krepitev zmogljivosti, metode in prakse);

ponovno potrjujejo svoje zaveze iz Memoranduma o soglasju za institucionalni okvir Pobude za pripravljenost na nesreče in njihovo preprečevanje, ki so ga podpisale vlade Republike Albanije, Republike Bolgarije, Republike Hrvaške, Republike Makedonije, Republike Moldavije, Črne gore, Romunije in Republike Slovenije v Zagrebu 24. septembra 2007 ter vlade Bosne in Hercegovine in Republike Turčije v Sofiji 8. aprila 2008 in Republike Srbije v Sarajevu 7. aprila 2009 ter preneha veljati 1. januarja 2014;

priznavajo uspešno sodelovanje med pogodbeniki Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo kot regionalnega institucionalnega okvira za Jugovzhodno Evropo zaradi izboljšanja in okrepitve sposobnosti in zmogljivosti za preprečevanje naravnih nesreč in nesreč, ki jih povzroči človek, in pripravo nanje, so se dogovorili:

I. DPPI SEE Goals and Objectives**Article 1**

The principal objectives of the Disaster Preparedness and Prevention Initiative for South Eastern Europe are to contribute to the institutional capacity-building of disaster management organisations to enhance disaster prevention and preparedness in the countries of South Eastern Europe (hereinafter "the SEE") region by:

- a) Serving as a regional network and facilitator in disaster preparedness and prevention of natural and man-made disasters in the SEE region;
- b) Enhance cooperation among the DPPI SEE Parties in view of EU enlargement and the process of Euro-Atlantic integration;
- c) Supporting countries in the SEE region in their efforts to further develop disaster preparedness and prevention through common approach and cooperation with all relevant international organisations and bodies, especially the EU Civil Protection Mechanism;
- d) Strengthening and enhancing bilateral and multilateral cooperation, facilitating exchange of information in the field of disaster preparedness and prevention at all levels among competent national disaster management authorities and other relevant institutions in the SEE region, in accordance with the national regulations regarding the exchange of information;
- e) Identifying and sharing lessons learned and best practices.

II. DPPI SEE Governance and Coordination Structure**Article 2****DPPI SEE Regional Meeting**

The DPPI SEE Regional Meeting is a governing and decision-making forum/body, composed of Heads of the disaster management authorities of the DPPI SEE Parties supported by other relevant authorities/ministries responsible for disaster preparedness, prevention and management issues.

The DPPI SEE Regional Meeting provides a policy framework for the DPPI SEE and serves as a platform for internal consultations and recommendations to be forwarded to the appropriate national authorities to facilitate the decision-making process within the national governments.

It fosters networking and cooperation with international partners and actors, exchange of information, experiences, lessons learned and best practices in the field of disaster preparedness, prevention and response and resolves issues of common interest.

The DPPI SEE Regional Meeting shall be attended by the DPPI SEE Parties. Upon invitation, DPPI SEE Advisory Board members and DPPI SEE Partners may also participate in the DPPI SEE Regional Meeting.

The Chairmanship of the DPPI SEE Regional Meeting shall rotate on an annual basis between the DPPI SEE Parties in alphabetical order.

The DPPI SEE Regional Meeting decides by consensus on the following:

- a) amendments to the Memorandum of Understanding;
- b) the seat and the composition of the DPPI SEE Secretariat;
- c) any request pursuant to Article 13 of this Memorandum of Understanding;
- d) adoption of Rules of Procedure and Financial Management Rules;
- e) adoption of Annual Work Plan and Budget;

I. CILJI IN NAMENI PPPN JVE**1. člen**

Glavni cilji Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo so prispevati h krepitvi institucionalnih zmogljivosti organizacij, odgovornih za ukrepanje ob nesrečah, da se izboljšata preprečevanje nesreč in pripravljenost nanje v državah Jugovzhodne Evrope (v nadaljnjem besedilu: JVE), in sicer tako:

- a) da se v JVE uporablja kot regionalna mreža in spodbuja pripravljenost na naravne nesreče in nesreče, ki jih povzroči človek, ter njihovo preprečevanje;
- b) da krepí sodelovanje med pogodbeniki PPPN JVE z vidika širitve EU in evroatlantskih povezav;
- c) da podpira države v JVE pri njihovih prizadevanjih za nadaljnji razvoj pripravljenosti na nesreče in njihovo preprečevanje s skupnim pristopom in sodelovanjem z vsemi ustreznimi mednarodnimi organizacijami in organi, zlasti z mehanizmom EU za civilno zaščito;
- d) da krepí in pospešuje dvostransko in večstransko sodelovanje, spodbuja izmenjavo informacij o pripravljenosti na nesreče in o njihovem preprečevanju na vseh ravneh med organi, pristojnimi za ukrepanje ob nesrečah, in drugimi ustreznimi institucijami v JVE v skladu s predpisi držav o izmenjavi informacij;
- e) da ugotavlja in izmenjuje pridobljena nova spoznanja in najboljše prakse.

II. STRUKTURA UPRAVLJANJA IN USKLAJEVANJA PPPN JVE**2. člen****Regionalno zasedanje PPPN JVE**

Regionalno zasedanje PPPN JVE je upravno telo za sprejemanje odločitev, ki ga sestavljajo vodje organov pogodbenikov PPPN JVE, pristojnih za ukrepanje ob nesrečah, in ga podpirajo drugi ustrezní organi/ministrstva, odgovorna za pripravljenost na nesreče, njihovo preprečevanje in ukrepanje ob nesrečah.

Regionalno zasedanje PPPN JVE zagotavlja politični okvir za PPPN JVE in je izhodišče za notranja posvetovanja in priporočila, ki se pošljejo ustreznim nacionalnim organom kot pomoč pri sprejemanju odločitev njihovih vlad.

Regionalno zasedanje PPPN JVE spodbuja vzpostavljanje mrež in sodelovanje z mednarodnimi partnerji in subjekti, izmenjavo informacij, izkušenj, novih spoznanj in najboljših praks o pripravljenosti na nesreče, njihovem preprečevanju in odzivanju nanje ter rešuje vprašanja, ki so v skupnem interesu.

Regionalnega zasedanja PPPN JVE se udeležujejo pogodbeniki PPPN JVE. Na njem lahko na povabilo sodelujejo tudi člani Svetovalnega odbora PPPN JVE in partnerji PPPN JVE.

Regionalnemu zasedanju PPPN JVE vsako leto predseduje drug pogodbenik PPPN JVE po abecednem redu.

Regionalno zasedanje PPPN JVE s soglasjem odloča o:

- a) spremembah memoranduma o soglasju,
- b) sedežu in sestavi Sekretariata PPPN JVE,
- c) kakršni koli prošnji v skladu s 13. členom tega memoranduma o soglasju,
- d) sprejetju poslovnika in pravil o finančnem poslovanju,
- e) sprejetju letnega načrta dela in proračuna,

f) endorsement of Report on the implementation of the Annual Work Plan and Annual Financial Report;

g) projects that are funded from the DPPI SEE Budget.

The DPPI SEE Regional Meeting meets twice per year. Extraordinary sessions may be scheduled at the initiative of the DPPI SEE Chair-in-Office and with the consensus of all DPPI SEE Parties.

The DPPI SEE Regional Meeting shall adopt Rules of Procedures and any other internal regulations governing the work of the DPPI SEE bodies and structures including the DPPI SEE Secretariat.

Article 3

DPPI SEE Advisory Board (DPPI SEE AB)

The DPPI SEE Advisory Board is composed of experts with functional expertise, representing international partners of the DPPI SEE and invited by the DPPI SEE Chair-in-Office. The DPPI SEE Advisory Board advises on proposed and planned projects and activities, and contributes to sustained policy relevance.

There are no formal voting rights; decisions are to be reached by consensus.

Article 4

DPPI SEE Working Groups (DPPI SEE WG)

The DPPI SEE Regional Meeting may establish DPPI SEE WGs as technical bodies to develop and support specific DPPI SEE projects. DPPI SEE WGs shall be chaired on an informal basis by a country in the SEE region with the participation of national and international experts. DPPI SEE WGs report to the DPPI SEE Regional Meeting and are supported by the DPPI SEE Secretariat.

Article 5

The TRIO Mechanism

The Trio Mechanism (hereinafter "the Trio") is comprised of the present DPPI SEE Chair-in-Office and representatives of the previous and incoming DPPI SEE Chair-in-Office.

The role of the Trio shall be to ensure the strategic coordination and planning of the DPPI SEE activities.

The Trio meetings shall take place twice a year back to back with Regional Meetings. The present DPPI SEE Chair-in-Office shall in coordination with other two members of the Trio, establish date, place and agenda for the meeting.

Article 6

DPPI SEE Partners and/or Donors

Interested countries and international organisations/institutions may become DPPI SEE Partners and/or Donors and participate in DPPI SEE activities by notifying the DPPI SEE Chair-in-Office or Head of the DPPI SEE Secretariat or by announcing such interest at the DPPI SEE Regional Meeting.

Participation shall be at the DPPI SEE Partner's own cost and with its own financial and human resources.

III. ADMINISTRATING THE DPPI SEE

The DPPI SEE Secretariat

Article 7

The Seat

The seat of the DPPI SEE Secretariat is in Sarajevo, Bosnia and Herzegovina (hereinafter: "the Host Country"). The DPPI SEE Secretariat shall have legal capacity as necessary for carrying out its functions.

f) potrditvi poročila o izvajanju letnega načrta dela in letnega finančnega poročila,

g) projektih, ki se financirajo iz proračuna PPPN JVE.

Regionalno zasedanje PPPN JVE je dvakrat letno. Na pobudo predsedujočega PPPN JVE in s soglasjem vseh pogodbenikov PPPN JVE se lahko skličejo izredna zasedanja.

Regionalno zasedanje PPPN JVE sprejme poslovnik in vse druge notranje predpise, ki urejajo delo organov in struktur PPPN JVE, vključno s Sekretariatom PPPN JVE.

3. člen

Svetovalni odbor PPPN JVE

Svetovalni odbor PPPN JVE sestavljajo strokovnjaki s funkcionalnim znanjem in izkušnjami, ki zastopajo mednarodne partnerje PPPN JVE in jih je v odbor povabil predsedujoči PPPN JVE. Svetovalni odbor svetuje o predlaganih in načrtovanih projektih in dejavnostih ter prispeva k zagotavljanju dolgoročne ustreznosti politike.

Formalnih glasovalnih pravic ni, odločitve se sprejemajo s soglasjem.

4. člen

Delovne skupine PPPN JVE

Regionalno zasedanje PPPN JVE lahko ustanovi delovne skupine PPPN JVE kot strokovna telesa za razvoj posameznih projektov PPPN JVE in podpora tem projektom. Delovnim skupinam PPPN JVE neformalno predseduje ena od držav JVE ob sodelovanju nacionalnih in mednarodnih strokovnjakov. Delovne skupine PPPN JVE poročajo Regionalnemu zasedanju PPPN JVE, pomaga pa jim Sekretariat PPPN JVE.

5. člen

Mehanizem trio

Mehanizem trio (v nadaljnjem besedilu: trio) sestavljajo sedanji predsedujoči PPPN JVE ter predstavnika prejšnjega in prihodnjega predsedujočega PPPN JVE.

Vloga tria je zagotoviti strateško usklajevanje in načrtovanje dejavnosti PPPN JVE.

Zasedanja tria so dvakrat letno za regionalnimi zasedanji. Sedanji predsedujoči PPPN JVE v sodelovanju z drugima članoma tria določi datum, kraj in dnevni red zasedanja.

6. člen

Partnerji PPPN JVE in/ali donatorji

Zainteresirane države in mednarodne organizacije/ustanove lahko postanejo partnerji in/ali donatorji PPPN JVE in sodelujejo pri dejavnostih PPPN JVE, ko o tem uradno obvestijo predsedujočega PPPN JVE ali vodjo Sekretariata PPPN JVE ali ko tako željo izrazijo na Regionalnem zasedanju PPPN JVE.

Partnerji PPPN JVE sodelujejo na lastne stroške ter z lastnimi finančnimi in človeškimi viri.

III. ADMINISTRATIVNO IN FINANČNO POSLOVANJE PPPN JVE

Sekretariat PPPN JVE

7. člen

Sedež

Sekretariat PPPN JVE ima sedež v Sarajevu, Bosna in Hercegovina (v nadaljnjem besedilu: država gostiteljica). Sekretariat PPPN JVE ima pravno sposobnost, kakor je potrebno za izvajanje njegovih nalog.

The Host Country shall provide the facilities and office operating costs for the DPPI SEE Secretariat unless agreed otherwise. The legal capacity, privileges and immunities of the DPPI SEE Secretariat shall be defined in the Host Country Agreement to be concluded between the Host Country and the DPPI SEE Parties.

The Seat of the DPPI SEE Secretariat may be changed by the consensual decision of the DPPI SEE Regional Meeting.

Article 8

Structure and Functions

The administrative/supportive structure for the DPPI SEE and DPPI SEE CiO is the DPPI SEE Secretariat.

The DPPI SEE Secretariat consists of the Head of the DPPI SEE Secretariat and the Administrative/Finance Assistant. The mandate of the DPPI SEE Secretariat staff shall be three years with a possibility of extension for one additional year.

Article 9

Reporting

The DPPI SEE Secretariat works under the guidance of the DPPI SEE Chair-in-Office and reports to the DPPI SEE Regional Meeting on its activities and expenditures. Additional reporting (narrative and financial) may be required by the DPPI SEE Chair-in-Office.

Any reporting shall be provided in accordance with the Rules of Procedure and Financial Management Rules.

IV. BUDGET AND FINANCING OF THE DPPI SEE

Article 10

Budget

The DPPI SEE Budget is composed of annual contributions by DPPI SEE Parties.

The DPPI SEE Secretariat prepares, on the basis of the DPPI SEE Annual Work Plan, the Budget to be presented for approval to the DPPI SEE Regional Meeting during its autumn session. The DPPI SEE Secretariat also prepares additional work plans and budgets for projects, which may be implemented with the assistance of DPPI SEE Partners.

DPPI SEE Partners that are contributing to the DPPI SEE projects budget may request specific audit reports.

Article 11

Financing

The DPPI SEE activities shall be financed from the DPPI SEE Budget and may be additionally financed by the DPPI SEE Parties/Partners/Donors.

The DPPI SEE Parties agree to make reasonable efforts to provide the human, technical and financial resources needed for the sustainable functioning of the DPPI SEE and the DPPI SEE Secretariat.

Each DPPI SEE Party's annual financial contribution to the DPPI SEE shall be at least €25,000.00 and shall be transferred before the end of April of each year.

Delay in payment of the annual contribution by a DPPI SEE Party shall immediately result in the suspension of the right to take decisions and having the costs of participation in any DPPI SEE activity covered from the DPPI SEE Budget until such time as the payment is made.

DPPI SEE Parties participating in any given project also agree to provide matching contributions to financial support provided by DPPI SEE Partners, subject to mutual agreement, for the development and implementation of projects.

Država gostiteljica zagotovi objekte in krije stroške poslovanja pisarne Sekretariata PPPN JVE, razen če ni dogovorjeno drugače. Pravna sposobnost, privilegiji in imunitete Sekretariata PPPN JVE so opredeljeni v sporazumu z državo gostiteljico, ki se sklene med državo gostiteljico in pogodbeniki PPPN JVE.

Sedež Sekretariata PPPN JVE se lahko spremeni s soglasno odločitvijo Regionalnega zasedanja PPPN JVE.

8. člen

Sestava in naloge

Sekretariat PPPN JVE deluje kot administrativna/podporna struktura PPPN JVE in predsedujočega PPPN JVE.

Sekretariat PPPN JVE ima vodjo in administrativnega/finančnega pomočnika. Mandat osebjia Sekretariata PPPN JVE je tri leta z možnostjo podaljšanja za nadaljnje leto.

9. člen

Poročanje

Sekretariat PPPN JVE deluje po navodilih predsedujočega PPPN JVE ter poroča o svojih dejavnostih in izdatkih Regionalnemu zasedanju PPPN JVE. Predsedujoči PPPN JVE lahko zahteva dodatno poročanje (opisno in finančno).

Poročanje poteka v skladu s poslovnikom in pravili o finančnem poslovanju.

IV. PRORAČUN IN FINANCIRANJE PPPN JVE

10. člen

Proračun

Proračun PPPN JVE je sestavljen iz letnih prispevkov pogodbenikov PPPN JVE.

Sekretariat PPPN JVE na podlagi letnega načrta dela PPPN JVE pripravi proračun in ga na jesenskem zasedanju predloži v potrditev Regionalnemu zasedanju PPPN JVE. Sekretariat PPPN JVE pripravi tudi dodatne načrte dela in proračune za projekte, ki se lahko izvajajo s pomočjo partnerjev PPPN JVE.

Partnerji PPPN JVE, ki prispevajo k proračunu projektov PPPN JVE, lahko zahtevajo posebna poročila o reviziji.

11. člen

Financiranje

Dejavnosti PPPN JVE se financirajo iz proračuna PPPN JVE, lahko pa jih financirajo tudi pogodbeniki PPPN JVE/partnerji/donatorji.

Pogodbeniki PPPN JVE soglašajo, da bodo v skladu z možnostmi zagotavljali človeške, tehnične in finančne vire, potrebne za trajno delovanje PPPN JVE in Sekretariata PPPN JVE.

Letni finančni prispevek posameznega pogodbenika za PPPN JVE znaša najmanj 25.000 € in se nakaže vsako leto do konca aprila.

Ob zamudi pri plačilu letnega prispevka pogodbeniku PPPN JVE takoj začasno preneha pravica do sprejemanja odločitev in kritja stroškov udeležbe pri kateri koli dejavnosti PPPN JVE iz proračuna PPPN JVE, dokler plačilo ni opravljeno.

Pogodbeniki PPPN JVE, ki sodelujejo pri posameznih projektih, soglašajo tudi, da bodo na podlagi medsebojnega dogovora zagotovili prispevke za razvoj in izvajanje teh projektov, ki bodo enakovredni finančni pomoči partnerjev PPPN JVE.

The financial management of the Budget and reporting shall be in accordance with the Financial Management Rules adopted by the DPPI SEE Regional Meeting.”

V. FINAL PROVISIONS

Article 12 Amendments

This Memorandum of Understanding may be amended in writing by consent of the DPPI SEE Parties pursuant to Article 2, paragraph 6 (a). The amendments shall enter into force in accordance with Article 14 of this Memorandum of Understanding.

Article 13 Accession

The DPPI SEE Regional meeting shall decide by consensus on the request of any party to accede to this Memorandum of Understanding and become the DPPI SEE Party.

Article 14 Entering into Force

This Memorandum of Understanding shall enter into force the first day of the month following the month of the receipt of the sixth notification of the DPPI SEE Parties, by the Ministry of Foreign Affairs of Bosnia and Herzegovina regarding the completion of their internal requirements for its entry into force.

For any DPPI SEE Party which after the deposit of the sixth notification pursuant to paragraph 1 of this Article notifies the Ministry of Foreign Affairs of Bosnia and Herzegovina about the completion of its internal procedures for entry into force of this Memorandum of Understanding, it shall enter in force on the date of its notification to the Depositary.

After the signing, the original of this Memorandum of Understanding shall be deposited with the Council of Ministers of Bosnia and Herzegovina that shall serve as the Depositary. The Depositary shall provide the DPPI SEE Parties to the Memorandum of Understanding and the Secretariat with duly certified copies thereof.

This Memorandum of Understanding shall apply provisionally as of the date of its signing unless a DPPI SEE Party declares at the moment of signing of the Memorandum of Understanding that its internal legal requirements do not permit such provisional application. For any such DPPI SEE Party the Memorandum of Understanding shall enter into force on the date of its notification to the Depositary.

Article 15 Duration

This Memorandum of Understanding shall remain in force for undefined period, unless agreed otherwise among the DPPI SEE Parties.

Any DPPI SEE Party may denounce this Memorandum of Understanding with written notification to the DPPI SEE Chair-in-Office. The denunciation shall take effect three (3) months after the date of receipt of the notification.

IN WITNESS WHEREOF, the undersigned being duly authorised by their respective Governments have signed this Memorandum of Understanding.

Finančno upravljanje proračuna in poročanje potekata v skladu s pravili o finančnem poslovanju, ki jih sprejme Regionalno zasedanje PPPN JVE.

V. KONČNE DOLOČBE

12. člen Spremembe

Ta memorandum o soglasju se lahko spremeni na podlagi pisnega soglasja pogodbenikov PPPN JVE v skladu s točko a šestega odstavka 2. člena. Spremembe začnejo veljati v skladu s 14. členom tega memoranduma o soglasju.

13. člen Pristop

Regionalno zasedanje PPPN JVE s soglasjem odloča o prošnji katerega koli pogodbenika, da pristopi k temu memorandumu o soglasju in postane pogodbenik PPPN JVE.

14. člen Začetek veljavnosti

Ta memorandum o soglasju začne veljati prvi dan v mesecu po mesecu, ko Ministrstvo za zunanje zadeve Bosne in Hercegovine prejme šesto uradno obvestilo pogodbenikov PPPN JVE o izpolnitvi njihovih notranjih zahtev za začetek njegove veljavnosti.

Za vsakega pogodbenika PPPN JVE, ki po deponiranju šestega uradnega obvestila v skladu s prvim odstavkom tega člena uradno obvesti Ministrstvo za zunanje zadeve Bosne in Hercegovine o končanju svojih notranjih postopkov za začetek veljavnosti tega memoranduma o soglasju, ta začne veljati na dan, ko je uradno obvestil depozitarja.

Po podpisu se izviren tega memoranduma o soglasju deponira pri Svetu ministrov Bosne in Hercegovine, ki je depozitar. Depozitar pogodbenikom PPPN JVE memoranduma o soglasju in Sekretariatu pošlje njegove pravilno overjene kopije.

Ta memorandum o soglasju se začasno uporablja od dneva podpisa, razen če pogodbenik PPPN JVE ob njegovem podpisu izjavi, da njegovi notranje pravni postopki ne dovoljujejo take začasne uporabe. Za vsakega takega pogodbenika PPPN JVE memorandum o soglasju začne veljati na dan, ko je uradno obvestil depozitarja.

15. člen Trajanje

Ta memorandum o soglasju velja za nedoločen čas, razen če se pogodbeniki PPPN JVE ne dogovorijo drugače.

Vsak pogodbenik PPPN JVE lahko ta memorandum o soglasju odpove s pisnim uradnim obvestilom predsedujočemu PPPN JVE. Odpoved začne veljati tri (3) mesece po prejemu uradnega obvestila.

DA BI TO POTRDILI, so podpisani, ki so jih njihove vlade za to pravilno pooblastile, podpisali ta memorandum o soglasju.

Done at Sarajevo, on this 28th November 2013, in one original in English

Sestavljeno v Sarajevu 28. novembra 2013 v enem izvorniku v angleškem jeziku.

For the Government of the Republic of Albania
Shemsi Prençi (s)

For the Government of the Republic of Bulgaria
Nikolay Nikolov (s)

Za Svet ministrov Republike Albanije
Shemsi Prençi l.r.

Za Vlado Republike Bolgarije
Nikolay Nikolov l.r.

For the Government of the Republic of Croatia
Jadran Perinić (s)

For the Government of the Republic of Macedonia
Shaban Saliu (s)

Za Vlado Republike Hrvaške
Jadran Perinić l.r.

Za Vlado Republike Makedonije
Shaban Saliu l.r.

For the Government of Montenegro
Mirsad Mulić (s)

For the Government of the Republic of Serbia
Djordje Babić (s)

Za Vlado Črne gore
Mirsad Mulić l.r.

Za Vlado Republike Srbije
Djordje Babić l.r.

For the Government of the Republic of Slovenia
Darko But (s)

For the Government of the Republic of Turkey
Halil Afsarata (s)

Za Vlado Republike Slovenije
Darko But l.r.

Za Vlado Republike Turčije
Halil Afsarata l.r.

ANNEX to the Signatory page for signing of the "Memorandum of Understanding on the Institutional Framework of the Disaster Preparedness and Prevention Initiative for South Eastern Europe"

PRILOGA k podpisani strani o podpisu Memoranduma o soglasju za institucionalni okvir Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo

Done at Sarajevo, on this 18th April 2014, in single authentic copy in English.

Sestavljeno v Sarajevu 18. aprila 2014 v enem izvorniku v angleškem jeziku.

For the Council of Ministers of Bosnia and Herzegovina
Fahrudin Radončić (s)

Za Svet ministrov Bosne in Hercegovine
Fahrudin Radončić l.r.

3. člen

Za izvajanje memoranduma o soglasju skrbi ministrstvo, pristojno za obrambo.

4. člen

Ta uredba začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 00724-43/2014

Ljubljana, dne 24. decembra 2014

EVA 2014-1811-0027

Vlada Republike Slovenije

dr. Miroslav Cerar l.r.
Predsednik

4. Uredba o ratifikaciji Sporazuma med Vlado Republike Slovenije in Svetom ministrov Republike Albanije o opravljanju pridobitne dejavnosti vzdrževanih članov družine članov diplomatskih predstavništev in konzulatov

Na podlagi petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD) izdaja Vlada Republike Slovenije

U R E D B O

o ratifikaciji Sporazuma med Vlado Republike Slovenije in Svetom ministrov Republike Albanije o opravljanju pridobitne dejavnosti vzdrževanih članov družine članov diplomatskih predstavništev in konzulatov

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Svetom ministrov Republike Albanije o opravljanju pridobitne dejavnosti vzdrževanih članov družine članov diplomatskih predstavništev in konzulatov, podpisan v Ljubljani 16. junija 2014.

2. člen

Sporazum se v izvorniku v slovenskem in angleškem jeziku glasi¹:

S p o r a z u m

med Vlado Republike Slovenije in Svetom ministrov Republike Albanije o opravljanju pridobitne dejavnosti vzdrževanih članov družine članov diplomatskih predstavništev in konzulatov

Vlada Republike Slovenije in Svet ministrov Republike Albanije sta se

v želji, da bi sklenila sporazum, ki bi omogočil opravljanje pridobitne dejavnosti vzdrževanim članom družine članov diplomatskih predstavništev in konzulatov države pošiljateljice na ozemlju države sprejemnice, dogovorila:

1. člen

Vladi se strinjata, da se na podlagi vzajemnosti vzdrževanim družinskim članom akreditiranih uslužbencev države pošiljateljice, ki so napoteni v državo sprejemnico kot člani diplomatskega predstavništva ali konzulata, dovoli opravljanje pridobitne dejavnosti v državi sprejemnici.

2. člen

1. »Član diplomatskega predstavništva ali konzulata« pomeni uslužbenca države pošiljateljice, ki ni državljan države sprejemnice in je napoten v državo sprejemnico na diplomatsko predstavništvo, konzulat ali stalno predstavništvo pri mednarodni organizaciji.

2. »Vzdrževani družinski člani« pomenijo:

- zakonce in zunajzakonske partnerje,
- neporočene vzdrževane otroke uslužbencev do 18. leta ali do 26. leta, če so redni študentje visokošolskih izobraževalnih ustanov, in
- neporočene vzdrževane otroke uslužbencev, ki so telesno ali duševno prizadeti.

3. člen

1. Vrsta pridobitne dejavnosti ni omejena. Pri poklicih, za katere se zahtevajo posebne kvalifikacije, mora vzdrževani družinski član izpolnjevati te zahteve.

2. Opravljanje pridobitne dejavnosti se ne dovoli, če se zaradi varnostnih razlogov lahko zaposlijo samo državljani države sprejemnice.

3. Dovoljenje za opravljanje pridobitne dejavnosti v državi sprejemnici preneha veljati, ko se uslužbencu izteče napotitev.

A g r e e m e n t

between the Government of the Republic of Slovenia and the Council of Ministers of the Republic of Albania on the gainful occupation of dependents of members of diplomatic missions and consular posts

The Government of the Republic of Slovenia and the Council of Ministers of the Republic of Albania,

desiring to conclude an agreement with the view to facilitate the gainful occupation of dependents of members of diplomatic missions and consular posts of the sending State on the territory of the receiving State have agreed as follows:

Article 1

The two governments accept that, on the basis of reciprocity, dependents of accredited employees of the sending State assigned to official duty in the receiving State as members of a diplomatic mission or of a consular post, shall receive authorization to accept gainful occupation in the receiving State.

Article 2

1. »A member of a diplomatic mission or consular post« means an employee of the sending State who is not a national of the receiving State and who is assigned to official duty in the receiving State in a diplomatic mission, consular post or mission to an international organisation.

2. »Dependent(s)« means:

- spouses and common-law partners;
- unmarried dependent children of employees up to 18, or up to 26 if in full-time attendance as students at a post-secondary educational institution; and
- unmarried dependent children of employees who are physically or mentally disabled.

Article 3

1. No restrictions are placed on the type of gainful occupation that may be undertaken. However, in professions where particular qualifications are required, it will be necessary for the dependent to meet those qualifications.

2. Authorization to accept gainful occupation may be denied in cases where, for security reasons, only nationals of the receiving State may be employed.

3. Any permission to accept gainful occupation in the receiving State shall be terminated at the end of the assignment of the employee.

¹ Besedilo sporazuma v albanskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

4. člen

1. Preden vzdrževani družinski član začne opravljati pridobitno dejavnost v državi sprejemnici, diplomatsko predstavništvo države pošiljateljice pošlje uradno zaprosilo sektorju za protokol ministrstva za zunanje zadeve države sprejemnice.

2. Potem ko se ugotovi, da se oseba uvršča v kategorije iz tega sporazuma, in ob upoštevanju veljavnih notranjih postopkov sektor za protokol takoj uradno obvesti diplomatsko predstavništvo, da se osebi dovoli opravljanje pridobitne dejavnosti, ko se v skladu z veljavnimi zakoni in predpisi države sprejemnice izpolnijo zakonske zahteve in se po potrebi izda delovno dovoljenje.

5. člen

1. Država pošiljateljica se za vzdrževane družinske člane, ki v skladu s tem sporazumom opravljajo pridobitno dejavnost in uživajo imuniteto pred sodišči v državi sprejemnici po Dunajski konvenciji o diplomatskih odnosih ali Dunajski konvenciji o konzularnih odnosih, odreče sodni imuniteti pred civilnimi in upravnimi postopki v vseh zadevah, povezanih z opravljanjem pridobitne dejavnosti.

2. Če je vzdrževani družinski član, ki uživa imuniteto pred kazenskimi postopki po Dunajski konvenciji o diplomatskih odnosih ali Dunajski konvenciji o konzularnih odnosih, obdolžen kaznivega dejanja v zvezi z opravljanjem pridobitne dejavnosti, država pošiljateljica temeljito prouči vsako pisno zahtevo za odrek taki imuniteti, ki jo predloži država sprejemnica.

6. člen

Za vzdrževane družinske člane, ki opravljajo pridobitno dejavnost po tem sporazumu, veljata za vse zadeve, povezane z opravljanjem pridobitne dejavnosti v državi sprejemnici, davčni sistem in sistem socialne varnosti te države.

7. člen

Sporazum začne veljati na dan prejema zadnjega uradnega obvestila po diplomatski poti, da so izpolnjene vse notranjepravne zahteve, potrebne za začetek njegove veljavnosti.

8. člen

Sporazum se sklene za nedoločen čas. Pogodbenica ga lahko kadar koli odpove, tako da o tem šest mesecev prej pisno obvesti drugo pogodbenico.

Sestavljeno v Ljubljani dne 16. junija 2014 v dveh izvornikih v slovenskem, albanskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah v razlagi tega sporazuma prevlada angleško besedilo.

Za Vlado
Republike Slovenije

Karl Erjavec l.r.

Za Svet ministrov
Republike Albanije

Ditmir Bushati l.r.

For the Government
of the Republic of Slovenia

Karl Erjavec (s)

For the Council
of Ministers of the
Republic of Albania
Ditmir Bushati (s)

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za zunanje zadeve.

4. člen

Ta uredba začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 00724-46/2014

Ljubljana, dne 24. decembra 2014

EVA 2014-1811-0134

Vlada Republike Slovenije

Boris Koprivnikar l.r.
Podpredsednik

Article 4

1. Before a dependent may accept gainful occupation in the receiving State, the diplomatic mission of the sending State shall make an official request to the Protocol Division of the Ministry of Foreign Affairs of the receiving State.

2. Upon verification that the person in question falls within the categories defined in this Agreement, and after observing applicable domestic procedures, the Protocol Division shall promptly and officially inform the diplomatic mission that the person has permission to accept gainful occupation after fulfilment of legal requirements in accordance with the applicable laws and regulations of the receiving State, including issuing the work permit, if necessary.

Article 5

1. For dependents who obtain gainful occupation under this Agreement and who have immunity from the jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, immunity from civil and administrative jurisdiction with respect to all matters arising out of such gainful occupation is hereby irrevocably waived by the sending State.

2. In the event that a dependent who has immunity from criminal jurisdiction in accordance with the Vienna Convention on Diplomatic Relations is accused of a criminal offence committed in relation to his or her gainful occupation, the sending State shall give serious consideration to any written request that may be submitted by the receiving State for the waiving of such immunity.

Article 6

Dependents obtaining gainful occupation under this Agreement shall be subject to the fiscal and social security regimes of the receiving State for all matters in connection with their gainful occupation in that State.

Article 7

The Agreement shall enter into force on the date of receipt of the last notification through diplomatic channels, that all the necessary internal legal requirements for its entry into force have been fulfilled.

Article 8

The Agreement shall be concluded for an indefinite period of time. Either Party may terminate it at any time by giving six months notice in writing to the other Party.

Done at Ljubljana on 16 June 2014, in two original copies, each in Slovenian, Albanian and English languages, all texts being equally authentic. In case of any divergences in interpretation, the English language shall prevail.

Obvestilo o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

5. Obvestilo o začetku veljavnosti Sporazuma o sodelovanju na področju kulture med Vlado Republike Slovenije in Vlado Države Kuvajt

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 8. julija 2014 začel veljati Sporazum o sodelovanju na področju kulture med Vlado Republike Slovenije in Vlado Države Kuvajt, sestavljen v mestu Kuvajt 15. novembra 2006 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 2/14 (Uradni list Republike Slovenije, št. 11/14).

Ljubljana, dne 4. decembra 2014

Ministrstvo za zunanje zadeve
Republike Slovenije

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