



**G R E T A**  
GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

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of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Slovenia

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA's country-by-country monitoring deals with all parties to the Convention on an equal footing. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to all parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental. By the beginning of 2014, most of the parties had been or were being evaluated for the first time, whilst the number of parties to the Convention continues to grow.

GRETA decided to launch the second evaluation round of the Convention on 15 May 2014. Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA has decided to examine during this new evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - “urge”, “consider” and “invite” - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb “urge” when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of an obligation of the Convention is lacking. In other situations, GRETA “considers” that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By “inviting” a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to provide, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual final comments made by the national authorities, are made public and sent to the Committee of the Parties to the Convention.

## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Slovenia took place in 2012-2013. Following the receipt of Slovenia's reply to GRETA's first questionnaire on 28 May 2012, a country evaluation visit was organised from 10 to 13 December 2012. The draft report on Slovenia was examined at GRETA's 17th meeting (1-5 July 2013) and the final report was adopted at GRETA's 18th meeting (4-8 November 2013). Following the receipt of the Slovenian authorities' comments, GRETA's final report was published on 17 January 2014.<sup>1</sup>

2. In its first evaluation report, GRETA highlighted as a positive development the appointment of a National Co-ordinator and the adoption of national action plans for combating THB. While welcoming the efforts made to prevent human trafficking through awareness-raising measures, education and training, GRETA considered that efforts to discourage demand needed to be strengthened. Moreover, GRETA urged the Slovenian authorities to strengthen multi-agency involvement in victim identification by introducing a National Referral Mechanism, and to ensure that access to assistance for victims of trafficking is not made conditional on their co-operation in the investigation and criminal proceedings. Further, GRETA called on the Slovenian authorities to offer a recovery and reflection period to all possible victims of trafficking, to ensure that victims can benefit from the right to obtain a residence permit, and to facilitate and guarantee victims' access to compensation. GRETA also urged the Slovenian authorities to ensure compliance with the non-punishment provision of the Convention and to make full use of the legal possibilities for providing victims and witnesses with protection measures before, during and after criminal proceedings. GRETA stressed the need to strengthen the training and specialisation of judges, prosecutors and other relevant professionals to enable the successful prosecution of traffickers.

3. On the basis of GRETA's report, on 7 February 2014 the Committee of the Parties to the Convention adopted a recommendation to the Slovenian authorities, requesting them to report back on measures taken to implement it by 7 February 2016.<sup>2</sup> The report submitted by the Slovenian authorities was considered at the 18th meeting of the Committee of the Parties (23 May 2016). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.<sup>3</sup>

4. On 8 June 2016, GRETA launched the second round of evaluation of the Convention in respect of Slovenia by sending the questionnaire for this round to the Slovenian authorities. The deadline for submitting the reply to the questionnaire was 8 November 2016. Slovenia submitted its reply on 9 November 2016.

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<sup>1</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Slovenia, GRETA(2013)20, available at: <http://rm.coe.int/168063c3d7>

<sup>2</sup> Recommendation CP(2014)7 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Slovenia, adopted at the 13th meeting of the Committee of the Parties on 7 February 2014, available at: <http://rm.coe.int/168063c382>

<sup>3</sup> Available at: <http://rm.coe.int/1680657ec5>

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Slovenian authorities, the above-mentioned report submitted by them to the Committee of the Parties, and information received from civil society. An evaluation visit to Slovenia took place from 10 to 13 April 2017 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of the adopted measures. The visit was carried out by a delegation composed of:

- Mr Davor Derenčinović, member of GRETA;
- Ms Kateryna Levchenko, member of GRETA;
- Mr Markus Lehner, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation met Mr Boštjan Šefic, State Secretary in the Ministry of the Interior, Mr Sandi Čurin, National Co-ordinator for Combating Trafficking in Human Beings, officials from the Ministry of the Interior, the Ministry of Justice, the Ministry of Finance, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Health, and the Ministry of Foreign Affairs, as well as representatives of the Office of the State Prosecutor General, the Specialised State Prosecutor's Office, the Labour Inspectorate, the Government Communication Office and the Office for National Minorities. Further, the GRETA delegation met with the Deputy Human Rights Ombudsman, Mr Tone Dolčič, members of the Slovenian National Assembly and members of the judiciary.

7. Separate meetings were held with representatives of non-governmental organisations (NGOs), trade unions and lawyers. The GRETA delegation also met officials from the local offices of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).

8. In the course of the visit, the GRETA delegation visited an NGO-run shelter for victims of human trafficking, as well as a reception centre for asylum seekers in Ljubljana and an accommodation centre for unaccompanied children in Postojna.

9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

10. GRETA wishes to put on record the co-operation provided by the Slovenian authorities and in particular by the contact person appointed by them, Mr Sandi Čurin, National Co-ordinator for Combating Trafficking in Human Beings, as well as by Ms Tjaša Škreblin of the European Affairs and International Co-operation Department of the Ministry of the Interior.

11. The draft version of the present report was approved by GRETA at its 29th meeting (3-7 July 2017) and was submitted to the Slovenian authorities for comments on 1 August 2017. The authorities' comments were received on 16 October 2017 and were taken into account by GRETA when adopting the final report at its 30th meeting (20-24 November 2017). The report covers the situation up to 24 November 2017; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 42-47).

## II. Main developments in the implementation of the Convention by Slovenia

### 1. Emerging trends in trafficking in human beings

12. Slovenia continues to be primarily a country of destination and transit of victims of trafficking in human beings and to a lesser extent a country of origin. In the period 2013-2016, 119 victims of THB were formally identified (40 in 2013, 5 in 2014, 47 in 2015 and 27 in 2016). The vast majority of the identified victims were foreign women subjected to sexual exploitation (113). There were four men among the identified victims who were subjected to trafficking for the purpose of forced labour, exploitation of begging, or slavery and practices similar to slavery. Only two children were identified as victims of THB, both in 2015. The main countries of origin of the victims were Romania (29% of the identified victims), Ukraine (19%) and Serbia (13%). Other countries of origin included the Czech Republic, the Republic of Moldova, Bulgaria and "the former Yugoslav Republic of Macedonia". Only five of the identified victims, all of them adult women, were Slovenian nationals.

13. The Slovenian authorities have reported that while THB for the purpose of sexual exploitation remains the prevalent form of trafficking, cases of THB for the purpose of forced begging, forced marriage and forced labour have been detected by the law enforcement authorities. Slovenia is also a transit country, with groups of perpetrators and victims travelling from countries of origin (such as Bulgaria, Romania and the Slovak Republic) across Slovenia to other EU Member States (Italy, Austria, France) and stopping in Slovenia for only a short period at rest areas on motorways or in towns they travel through. Further, about half a million migrants and asylum seekers transited through Slovenia between October 2015 and March 2016 on their way to other EU countries. No victims of trafficking were detected among them as they mostly spent a very short time on Slovenian territory and did not claim asylum in the country. Given these challenges, GRETA notes that the real scope of human trafficking in Slovenia is probably higher than the above-mentioned figures of identified victims of trafficking suggest.

### 2. Developments in the legal framework

14. Since GRETA's first evaluation report, Article 113 (trafficking in human beings) of the Criminal Code (CC) of Slovenia has been amended in July 2015.<sup>4</sup> Following up on GRETA's recommendation, the retaining, removing, concealing, damaging or destroying of identity documents of victims of trafficking in human beings was criminalised. Moreover, the use of services provided by a victim of trafficking in human beings, with the knowledge that the person concerned is a victim of trafficking, was criminalised. Further, a new Article 132a (entering into forced marriage or setting up a similar community) was added.

15. In 2015, a new Act on the Employment, Self-Employment and Work of Aliens<sup>5</sup> was adopted, providing for access to the labour market for victims of THB holding a temporary residence permit.

16. The above-mentioned measures are discussed in greater detail in later parts of this report (see paragraphs 146-153).

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<sup>4</sup> Official Gazette of the Republic of Slovenia, No. 54/15.

<sup>5</sup> Official Gazette of the Republic of Slovenia, No. 47/15.

### 3. Developments in the institutional framework

17. In its first report, GRETA invited the Slovenian authorities to invest in the human and financial resources of the Secretariat of the Inter-ministerial Working Group for Combating Trafficking in Human Beings and the National Co-ordinator so that they can effectively carry out the full range of tasks within their mandates. GRETA also invited the authorities to consider the establishment of an independent National Rapporteur or another mechanism for monitoring the anti-trafficking activities of State institutions.

18. The Inter-ministerial Working Group for Combating Trafficking in Human Beings continues to be in charge of drafting the national action plans, which are approved by the Slovenian Government, supervising their implementation and preparing annual reports to the Government. It is composed of representatives of relevant ministries, government services and NGOs and meets four to five times a year. With a view to adapting its composition to the changing characteristics of THB, the Working Group was enlarged at the end of 2015 by adding representatives of the Financial Administration, the Slovenian Association of Free Trade Unions, the Government Office for National Minorities, as well as additional representatives of the Ministry of Labour, Family and Social Affairs.<sup>6</sup>

19. On 5 May 2016, the Slovenian Government approved the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings<sup>7</sup> upon the proposal of the Inter-Ministerial Working Group on Combating Trafficking in Human Beings. It defines the role and tasks of different stakeholders in the identification, assistance and protection of victims of trafficking.

20. As concerns the place of the National Anti-Trafficking Co-ordinator within the government structure, the Slovenian Government has considered different options without finding a definite solution. This issue was considered as part of the National Action Plan for 2015-2016, according to which "it is (...) necessary to find a solution that will ensure the comparability of the Office of the National Co-ordinator with that in other EU countries and the National Co-ordinator's proper placement within the system. The role and responsibility of the National Co-ordinator (...) does not provide the expected effectiveness and is below the average status of the majority of the members of the Inter-ministerial Working Group. Therefore, in addition to the appropriate job classification and hierarchical position of the National Co-ordinator, the necessary staff support should also be provided. One proposed solution is to establish a service of the National Co-ordinator for the Fight against Trafficking in Human Beings under the authority of the Ministry of the Interior." The Minister of the Interior, by decision of 17 June 2015, placed the National Anti-Trafficking Co-ordinator on a special position within the European Affairs and International Co-operation Department of the Ministry of the Interior. However, this placement remains contentious and appears to undermine the effectiveness of anti-trafficking action in Slovenia due to the fact that staff of other ministries and agencies do not feel obliged to respond to the National Co-ordinator's initiatives.

21. According to the Minister of the Interior's decision of 17 June 2015, the National Co-ordinator is to be supported by one additional staff member. However, there no such staff member has been appointed and in practice, the National Co-ordinator may be supported on an ad hoc basis by colleagues from the Ministry of the Interior, for example for the preparation of meetings of the Inter-ministerial Working Group.

<sup>6</sup> Government Resolution No. 01203-22/2015/3 of 3 December 2015.

<sup>7</sup> [http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/SOJ/word/2016/Prirocnik\\_-\\_print\\_A4.pdf](http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/SOJ/word/2016/Prirocnik_-_print_A4.pdf)



22. GRETA notes that the above-mentioned institutional setup and limited human resources dedicated to co-ordination of anti-trafficking action can have a negative impact on the implementation of the National Action Plan. GRETA is concerned that trafficking in human beings has not been the subject of sufficient political attention in Slovenia in recent years. Consequently, GRETA urges the Slovenian authorities to strengthen the co-ordination of anti-trafficking action by reviewing the placement of the National Co-ordinator and increasing the human and budgetary resources to enable the carrying out of the range of tasks related to national anti-trafficking action, reflecting the requirements of a co-ordinated and effective human rights-based approach to combating human trafficking.

23. GRETA notes that the National Anti-Trafficking Co-ordinator also fulfils *de facto* the role of National Rapporteur on THB. In GRETA's view, the key features of National Rapporteurs' mechanisms in the sense of Article 29, paragraph 4, of the Convention<sup>8</sup> should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. A structural separation between monitoring and executive functions enables an objective evaluation of the implementation of anti-human trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.<sup>9</sup> GRETA invites the Slovenian authorities to establish an independent National Rapporteur or the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.

#### 4. National Action Plan

24. At the time of the GRETA's second evaluation visit to Slovenia in April 2017, the National Action Plan for the period 2015-2016 had expired. It had included activities in the areas of prevention, investigation and prosecution, assistance to victims, international co-operation and support. These activities were implemented by relevant ministries which provided the necessary funding. Certain activities were carried out by NGOs chosen through public tenders and funded from the state budget. The authorities explained that despite the delay in the adoption of a new National Action Plan, the implementation of anti-trafficking activities was not affected. Nevertheless, GRETA stresses the importance of a timely adoption of the new National Action Plan.

25. The 2017-2018 National Action Plan was adopted by Government Decision on 26 April 2017.<sup>10</sup> Its thematic structure follows that of the preceding Action Plan. Funding amounting to 258 500 Euros for the implementation of the activities during the two years of the plan's duration has been provided in the budgets of the relevant ministries and agencies as follows: Ministry of Labour, Family and Social Affairs: 90 000 Euros (crisis accommodation programme); Ministry of the Interior: 80 000 Euros (safe accommodation programme), 32 500 euros (PATS Project), 10 000 Euros (meeting of National Anti-Trafficking Co-ordinators from South Eastern European countries), 2 000 euros (printing materials); Government Communication Office: 44 000 Euros (awareness-raising projects).

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<sup>8</sup> "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."

<sup>9</sup> In this context, see also the Summary report on the Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms organised by the UN Special Rapporteur on trafficking in persons, especially in women and children, in Berlin, 23-24 May 2013.

<sup>10</sup> The national action plans can be consulted on the website on combating THB of the Slovenian Ministry of the Interior at:

[http://www.vlada.si/en/projects/combating\\_trafficking\\_in\\_human\\_beings/medresorska\\_delovna\\_skupina\\_za\\_boj\\_proti\\_trgovini\\_z\\_ljudmi/action\\_plans/](http://www.vlada.si/en/projects/combating_trafficking_in_human_beings/medresorska_delovna_skupina_za_boj_proti_trgovini_z_ljudmi/action_plans/)

26. The Inter-ministerial Working Group draws up annual reports on the implementation of the National Action Plan which are sent to the Slovenian Government and the competent commission of the National Assembly and are made public.<sup>11</sup> An independent evaluation of the plan's implementation does not take place.

27. GRETA invites the Slovenian authorities to introduce an independent evaluation of the National Action Plan's implementation as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB.

## 5. Training of relevant professionals

28. As part of the initial training given to new police officers, the Police Academy provides training on THB, focusing on the detection and identification of victims, in collaboration with the Criminal Police. In 2015 the Police Academy organised two training courses on THB, attended by a total of 160 police officers and border police officers. Further, the Criminal Police Directorate conducts training sessions on THB for criminal investigators from regional sectors of the criminal police (36 officers in 2014 and 42 in 2016), with the involvement of other public institutions and NGOs. In 2015, a training course on transnational THB was planned for police officers working at border crossing points under a Frontex programme, as well as a multidisciplinary training course for other professionals who may encounter victims of human trafficking in the course of their work. According to the authorities, due to the police's heavy workload in the context of the migration crisis, the training courses were postponed until early 2016. In 2016 and 2017, the Police Academy provided initial training to new border police officers on indicators of trafficking in human beings, with 121 participants in 2016 and 96 in 2017. More training for border police officers is planned before the end of 2017.

29. Training on THB for prosecutors working at the Specialised State Prosecutor's Office and district prosecutors' offices is organised by the Supreme State Prosecutor's Office. GRETA was informed that judges and prosecutors participate in relevant events organised by the police. The Judicial Training Centre does not offer specialised training on THB and the last training of judges on issues related to THB took place in 2013. In December 2015, one Slovenian prosecutor attended a workshop organised by the Council of Europe, in co-operation with the Office for the Fight against Trafficking in Human Beings of Montenegro, in Budva (Montenegro) on victims' access to compensation and a more effective implementation of the non-punishment provision.

30. In June 2015, the Social Chamber of Slovenia, in co-operation with the Ministry of Labour, Family, Social Affairs and Equal Opportunities, organised a one-day training for social workers entitled "Training of practitioners on working with victims of trafficking in human beings", with 47 participants. Another seminar in June 2016 concerning the new Manual on the Identification, Assistance and Protection of Victims of Human Trafficking (see paragraph 90) involved 48 social workers. In 2017, the Social Chamber organised two one-day seminars dedicated to the topic of identification and support of victims of THB among unaccompanied migrant children (the first one had 32 participants).

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<sup>11</sup> The annual reports are available in English at: [http://www.vlada.si/en/projects/combating\\_trafficking\\_in\\_human\\_beings/medresorska\\_delovna\\_skupina\\_za\\_boj\\_proti\\_trgovini\\_z\\_ljudmi/annual\\_reports/](http://www.vlada.si/en/projects/combating_trafficking_in_human_beings/medresorska_delovna_skupina_za_boj_proti_trgovini_z_ljudmi/annual_reports/)

31. In June 2017, the Labour Inspectorate organised a one-day training for all labour inspectors on the topic of trafficking in human beings. In 2016 and 2017, representatives of the Labour Inspectorate participated in a simulation training entitled "Combating Trafficking along Migration Routes", aimed at enhancing the capacity to identify victims and effectively prosecute traffickers, organised by the OSCE in Vicenza, Italy. The Labour Inspectorate also took part in workshops on THB for the purpose of labour exploitation organised by ICMPD in Vienna and CEPOL in Stockholm in 2015. According to the Labour Inspectorate, all labour inspectors have received copies of the training materials developed for these workshops. As concerns inspectors of the Financial Administration, the National Action Plan for 2017-2018 foresees training on THB in November 2017.

32. The Ministry of Foreign Affairs informs consular staff about trafficking in human beings and recognising its signs through annual consular consultations. In 2016, two training sessions focusing on the issue of THB were organised at regional consular consultations attended by consuls from countries in the Western Balkans, Turkey, the Russian Federation, Ukraine, Egypt, India and China. In 2014, the Ministry started informing diplomats about the different forms of THB and how they can prevent it when hiring domestic staff.

33. In 2014, the NGO Society Ključ organised a series of lectures, training sessions and round table debates for a total of 980 professionals working in the fields of social affairs, education, police, judiciary and prosecution. Further, since 2015, the NGO Society Ključ has organised annually one-day trainings for medical staff on the identification of victims of human trafficking. The training is conducted within the framework of the project "Counselling, care, awareness-raising of medical professionals on trafficking in human beings", which is co-financed by the Ministry of Health. In 2015, 24 health-care professionals attended the training, and in 2016, 75 (as well as six medical students). More training is planned in 2018.

34. On 10 March 2016, IOM Slovenia, with funding from the Council of Europe Development Bank's Migrant and Refugee Fund, organised a one-day training for 26 frontline staff working in reception and accommodation centres for migrants and asylum seekers on the identification of potential victims of THB and the National Referral Mechanism.

35. According to UNHCR, new staff members at asylum centres need to be trained on THB, as well as asylum case handlers. Moreover, interpreters are not trained to work with victims of THB, including those working under the project PATS (Project on fighting trafficking in persons and sexual violence, see paragraph 94).

36. GRETA considers that the Slovenian authorities should continue to provide regular training about THB and the rights of victims of trafficking to all relevant professionals, including prosecutors, judges, lawyers, labour inspectors, financial administration inspectors, trade unions, social workers, asylum officials and staff working in centres for migrants and asylum seekers. The training should aim at strengthening victim identification and protection, increasing the number of prosecutions and convictions, and guaranteeing compensation to victims.

## 6. Data collection and research

37. As explained in the first report, statistical information on THB is collected by the Police and the State Prosecutor's Office, covering criminal charges, investigations, convictions, victims and perpetrators of THB identified during the investigation and prosecution of THB offences. The data on victims is broken down by sex, age, type of exploitation and country of origin and takes into account data collected from NGOs. The data is collated by the National Rapporteur and published in the annual reports of the Inter-ministerial Working Group on the implementation of the National Action Plans. However, the Slovenian authorities acknowledge that there is room for improvement in data collection on THB, in particular as concerns the unification of statistical parameters between various organisations compiling data. In their comments on the draft GRETA report, the authorities have indicated that they planned to upgrade the data collection and recording system, which largely depends on the organisations that collect the data and their internal regulations.

38. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the Slovenian authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

39. In its first evaluation report, GRETA considered that the Slovenian authorities should conduct and support research on trafficking-related issues as an important source of information for future policy measures, in particular as regards trafficking for labour exploitation, trafficking in children and trafficking within Slovenia.

40. As a follow-up to GRETA's recommendation, in 2014 the Government Communication Office funded a research project entitled "Analysis of trafficking in human beings for the purpose of labour exploitation, trafficking in children, forced begging and forced criminality." The study was carried out by two researchers from the Faculty of Criminal Justice and Security of the University of Maribor, based on data from labour and social inspections and interviews with officials, prosecutors, police officers, employers, migrant workers, trade unions and NGOs supporting victims of THB. The report recommended the carrying out of preventive activities intended to raise the awareness of consumers and users of services.<sup>12</sup>

41. In 2014 the Ministry of Labour, Family, Social Affairs and Equal Opportunities commissioned a research entitled "Forced marriages of Roma girls". The report evaluated the scale of this phenomenon in the country, identified its causes and consequences, and proposed action.<sup>13</sup> The same Ministry commissioned a research study on "Child labour in Slovenia", which was published in 2017, exploring the scale, causes and consequences of forced child labour.<sup>14</sup>

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<sup>12</sup> The study is available (in Slovenian) at:

[http://www.vlada.si/teme\\_in\\_projekti/boj\\_proti\\_trgovini\\_z\\_ljudmi/boj\\_proti\\_trgovini\\_z\\_ljudmi/raziskave\\_studije/](http://www.vlada.si/teme_in_projekti/boj_proti_trgovini_z_ljudmi/boj_proti_trgovini_z_ljudmi/raziskave_studije/)

<sup>13</sup> The study is available (in Slovenian) at: [http://www.mddsz.gov.si/si/medijsko\\_sredisce/raziskave/](http://www.mddsz.gov.si/si/medijsko_sredisce/raziskave/)

<sup>14</sup> The study is available (in Slovenian) at: [http://www.irssv.si/upload2/Otrosko\\_delo.pdf](http://www.irssv.si/upload2/Otrosko_delo.pdf)

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42. Further, in 2014-2016, the People's University of **Kočevje** implemented, together with partners from Slovenia, Bulgaria and Italy, the project entitled "Early marriages – culture or abuse", funded under the DAPHNE III programme of the European Commission. The project included research on the sociological aspects of early marriages in Roma communities and the provision of training to teachers, Roma representatives, social workers, counsellors, medical staff, NGOs and the police on how to act as mediators in cases of early, child and forced marriages.

43. According to the authorities, the results of these research activities were used in drawing up the 2015-2016 National Action Plan for Combating THB, specifically when defining the contents and priorities of awareness-raising activities targeting migrant workers, consumers and users of services potentially provided by victims of THB.

44. GRETA welcomes the above-mentioned research activities and considers that the Slovenian authorities should continue to conduct and support research on THB-related issues as an evidence base for future policy measures.

### III. Article-by-article findings

#### 1. Prevention of trafficking in human beings

##### a. Measures to raise awareness of THB (Article 5)

45. Since 2010, the Government Communication Office has co-financed every year four NGO projects in the field of prevention of THB for a total amount of 20 000 Euros (i.e. 5 000 Euros per project). The implementing NGOs have to fund 30% of the project. The projects are intended to raise awareness of human trafficking among children, young people and migrant workers, as well as to target demand. Since the projects are rather small, no impact assessment usually takes place, but the NGOs concerned report on the implementation of the projects to the Government Communication Office. For more information on projects organised in recent years, see paragraphs 49, 57 and 78-81.

46. Each year, a public awareness event is organised on the occasion of the European Anti-Trafficking Day, 18 October. For example, in 2014, a press conference was held in a staged "shop" with actors playing the role of human beings sold, as part of the project "A human being is not for sale", as well as a conference on discouraging demand for services provided by victims of trafficking. In 2015, a conference focusing on the differences between trafficking in human beings and smuggling of migrants was organised.

47. According to the authorities, efforts to raise awareness of THB among journalists and improve their knowledge on how to report on trafficking cases have not shown significant results.

48. GRETA invites the Slovenian authorities to continue their efforts to raise awareness of THB, by focusing on new trends and needs, in the light of impact assessment of previous measures, and to increase the budget for the activities of the Government Communication Office in the field of prevention of THB.

##### b. Measures to prevent THB for the purpose of labour exploitation (Article 5)

49. As noted in paragraph 45, the Government Communication Office provides funding every year to projects aimed at raising awareness of THB among migrant workers. In 2014 and 2015, these projects were implemented by the NGO Slovenian Philanthropy. As part of the project, migrant workers, other workers and the general public were informed of the risks of trafficking in human beings and how to recognise THB situations. In 2014, a campaign was carried out in 12 locations around Slovenia, in co-operation with other organisations. In 2015, eight field visits were carried out to inform workers on the ground. In the framework of the project, co-operation was established with stakeholders promoting the rights of foreign workers (trade unions, social work centres, NGOs, regional units of the Employment Service, regional associations of the Red Cross) as well as with the Austrian, German and Italian Embassies in Slovenia and the Slovenian-German Chamber of Commerce.

50. As noted in paragraph 18, the Inter-ministerial Working Group for Combating Trafficking in Human Beings was enlarged at the end of 2015 to include representatives of the Financial Administration, the Slovenian Association of Free Trade Unions and additional representatives of the Ministry of Labour, Family and Social Affairs added.

51. A manual on managing the risk of hidden forced labour and labour exploitation developed by the Danish Centre against Human Trafficking was translated into Slovenian and made available in the autumn of 2016. It is intended for companies, in particular those employing unskilled workers, engaging sub-contractors or operating in economic sectors with an increased risk of THB. The Inter-ministerial Working Group has ensured the manual's promotion on different websites

52. The Labour Inspectorate is responsible for the enforcement of labour law and health and safety standards at work. If labour inspectors come across indicators of THB, they have to contact the police. However, according to the Ombudsman, due to the shortage of staff, labour inspectors are unable to respond efficiently to information about violations, which diminishes the preventive effect of inspections. GRETA was informed that in 2016, the Labour Inspectorate found more than 11 000 labour law infringements, many of which concerned posted workers; however, in these cases the employers were often difficult to find as they were not based in Slovenia.

53. The Financial Administration, a body within the Ministry of Finance created in 2014 as a result of the merger of the Customs and the Tax Administration, controls undeclared work and illegal advertising of jobs. In 2015, the Financial Administration performed some 10 600 checks and discovered 1 900 infringements. Controls are also carried out in conjunction with other inspection services. In 2015, the Financial Administration lodged 16 complaints with the Prosecutor's Office and notified the police of suspected offences under Article 196 (violation of fundamental workers' rights) and Article 199 (illegal employment) of the Criminal Code, but none for THB.<sup>15</sup> According to NGOs, THB cases for the purpose of labour exploitation are often regarded as labour law violations. Training on THB for Financial Administration inspectors is included in the National Action Plan for 2017-2018 (see paragraph 31).

54. GRETA was informed of a case dating back to 2015-2016 where a Bulgarian company had posted workers to work for a Slovenian company. Following a complaint by trade union representatives, the Slovenian Labour Inspectorate carried out an inspection and established that the employment legislation had been infringed because the workers had not received wages and/or were not socially insured, and their living conditions were inadequate. The Slovenian Labour Inspectorate contacted the Bulgarian Labour Inspectorate to find out more about the Bulgarian company, whether the workers had social insurance in Bulgaria and when they had received their last salaries, but no information was received. The Slovenian Labour Inspectorate banned the Slovenian company from continuing to use the services of the posted workers because the Bulgarian company had not been recorded in the register of foreign legal and natural entities for the purpose of providing work in Slovenia. The labour contracts of the workers (110 Bulgarians and three Romanians) were taken over by a newly founded Slovenian company. The new company was inspected and no major irregularities were found, but there were some violations in respect of working hours. The procedures have not yet been concluded since a longer period must be inspected.

55. The new Act on Transnational Provision of Services, which enters into force on 1 January 2018, regulates the provision of services by posted workers and self-employed persons from Slovenia to other EU Member States and vice versa. Under the new law, posted workers and self-employed persons are covered by the social insurance in their home country. Slovenian companies to which foreign workers are posted can be subsidiarily responsible for the payment of wages and other remuneration if the foreign employer does not fulfil these obligations.

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<sup>15</sup> See the 2015 Annual Report of the Financial Administration, available at: [http://www.fu.gov.si/en/about\\_the\\_financial\\_administration/](http://www.fu.gov.si/en/about_the_financial_administration/)

56. GRETA considers that the Slovenian authorities should take further steps in the area of preventing trafficking for the purpose of labour exploitation, in particular by:

- providing regular practice-oriented training on THB for the purpose of labour exploitation to relevant officials, in particular labour inspectors, staff of the financial administration, police officers, prosecutors and judges;
- strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;
- working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights<sup>16</sup> and Recommendation CM/Rec(2016)3 on human rights and business.<sup>17</sup>

c. Measures to prevent trafficking in children (Article 5)

57. Projects to raise awareness of THB among pupils in primary and secondary school are organised each year with funding from the Government Communication Office. For example, in 2015, the NGO Legal Centre for the Protection of Human Rights conducted 48 workshops for more than 1 000 primary schoolchildren who were informed about different forms of trafficking in human beings, recruitment methods and how they can protect themselves.

58. Further, Caritas Slovenia, which provides crisis accommodation to victims of trafficking, organises activities to raise awareness of the risks of THB among children, adolescents and staff working with them, such as workshops in primary and secondary schools. GRETA was informed that schools take a great interest in the workshops and the participants' reactions and active participation, including surveys carried out after the workshops, are an indication of the positive impact of these activities.

59. According to the previously mentioned research "Forced marriages of Roma girls" (see paragraph 41), in 2013 the social services found eight cases of forced marriage of Roma children living in Slovenia and three cases of forced marriage of Roma children arriving in Slovenia from other countries. According to other organisations included in the research, the number of forced marriages was higher (namely 12 cases involving Roma children living in Slovenia and nine cases of Roma children from other countries). As a follow-up to the research, in January 2015, the NGO Society **Ključ** organised a round table on the topic of forced marriages and launched an exhibition entitled "Moje sanje" ("My dream") which was shown in 10 towns across Slovenia.

60. Slovenian law stipulates that a child's birth must be registered within 15 days of the day of birth. Giving birth at home is reportedly rare and no cases of non-registration of birth have been reported to date.

<sup>16</sup> [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>17</sup> [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec\(2016\)3&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec(2016)3&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true)



61. According to Eurostat data, between 30 and 65 unaccompanied children claimed asylum per year in Slovenia in 2013-2015, but the number increased to 245 in 2016.<sup>18</sup> Asylum-seeking unaccompanied children are placed in reception centres together with adults and those who do not claim asylum are detained in police facilities. GRETA was informed that in 2016, 218 unaccompanied children went missing. In 2016, two new facilities for unaccompanied children were opened: one for children under 15 years of age in Postojna (with 18 places) and another one for older children in Nova Gorica (with 10 places). The GRETA delegation visited the facility in Postojna, which at the time of the visit was accommodating unaccompanied children from Afghanistan, Syria and Iraq. The facilities offered good material conditions and a team of volunteers was present around the clock. The children could go to school, follow language classes and participate in recreational activities.

62. Article 16 of the International Protection Act stipulates that unaccompanied asylum-seeking children are to be appointed a legal representative until the execution of the decision on the application for asylum. The competent social work centre is responsible for protecting the rights of unaccompanied children, including the appointment of a guardian.

63. GRETA considers that the Slovenian authorities should step up their efforts in the area of prevention of child trafficking, on the basis of the results of research on new trends, by sensitising and training child protection professionals across the country, raising awareness among children as part of school education, and paying special attention to migrant children and children from vulnerable groups, such as Roma children.

64. Further, noting the positive obligation of reducing children's vulnerability to trafficking by creating a protective environment, GRETA considers that the Slovenian authorities should take steps to address the problem of unaccompanied children disappearing from public care by providing suitable safe accommodation and adequately trained supervisors or foster parents.

d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)

65. In its first evaluation report, GRETA considered that the Slovenian authorities should step up the implementation of economic and social measures which address the root causes of THB.

66. GRETA notes that according to ECRI's Fourth Report on Slovenia<sup>19</sup>, a number of steps have been taken to improve the situation of Roma in the field of education and the Strategy for the Education of Roma has had a significant impact since its adoption in 2004. A new development showing positive results is the introduction of Roma teaching assistants, 30 of whom are working at primary school level.

67. The Government Office for National Minorities publishes public tenders for co-financing of programmes in the Roma community. These programmes include awareness-raising on the negative consequences of child, early and forced marriages. The NGO Preporod has created on its website a special section with information about child, early and forced marriages.<sup>20</sup> A conference on this issue was held on 8 June 2016 by Roma organisations with the participation of the National Anti-trafficking Co-ordinator. Further, several workshops have been organised by Roma NGOs to provide information of the new criminal offence of forced marriage.

<sup>18</sup> <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/main-tables>

<sup>19</sup> European Commission against Racism and Intolerance (ECRI), [Fourth report on Slovenia](#), paragraph 98.

<sup>20</sup> <http://www.zveza-preporod.si/stop-prezgodnjim-porokam-info-tocka/>

68. On 25 May 2017, the Slovenian Government adopted the 2017-2021 National Programme of Measures for the Roma, aimed at promoting social integration and reducing social exclusion of Roma community members. It includes measures relevant to the prevention of THB, such as empowerment measures for Roma girls and boys, programmes to prevent child, early and forced marriages, the preparation of a protocol for competent institutions on how to deal with such cases, and training of social workers on how to deal with children absconding to harmful environments.

69. In its first report, GRETA raised the issue of the so-called “erased” persons, i.e. persons whose registration as permanent residents was recorded as terminated in the register of permanent residents in Slovenia in 1992, following the secession of Slovenia from Yugoslavia. As a result of this step, the persons concerned became foreigners without legal status in Slovenia, which involved the loss of access to fundamental rights attached to residence, including the right to work, access to health care and other social rights, along with the annulment of personal documents and the risk of deportation.<sup>21</sup> As a result, the persons concerned became very vulnerable, including to becoming victims of THB. According to ECRI’s Fourth Report on Slovenia, between 10 000 and 11 000 persons of the 25 671 persons initially affected by this step have now obtained permanent residence or Slovenian citizenship, following a law adopted in 2010 which allowed “erased” persons to apply for the regulation of their status.<sup>22</sup> According to the Ombudsman, there are cases in which the public administration is trying to avoid granting residence permits to “erased” persons.<sup>23</sup> GRETA invites the Slovenian authorities to continue taking measures to reduce the vulnerability of the so-called “erased” persons to THB and exploitation.

70. GRETA refers to the report of the Committee on the Elimination of Discrimination against Women (Concluding observations on the combined fifth and sixth periodic reports of Slovenia), which noted the absence of a permanent mechanism to co-ordinate, monitor and assess the effectiveness of measures taken to tackle violence against women, as well as the lack of systematically organised rehabilitation and reintegration measures for victims of trafficking.<sup>24</sup> The Committee also expressed concerns that the shelters for refugees and asylum seekers do not provide adequate medical care, sanitary conditions, psychological support and legal counselling for women and girls.

71. GRETA considers that the Slovenian authorities should strengthen the implementation of social, economic and other measures for persons and groups vulnerable to THB and take further efforts to promote gender equality, combat gender-based violence, and support specific policies for the empowerment of women as a means of combating the root causes of THB for different purposes of exploitation.

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<sup>21</sup> See also ECRI, Third report on Slovenia (CRI(2007)5), paragraph 109.

<sup>22</sup> See also European Commission against Racism and Intolerance, Fourth report on Slovenia, paragraph 122.

<sup>23</sup> Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2015, page 101; available in English at: <http://www.varuh-rs.si/publications-documents-statements/annual-reports/?L=6>

<sup>24</sup> [CEDAW/C/SVN/CO/5-6](http://www.cedaw.org/C/SVN/CO/5-6) (24 November 2015).

e. Measures to prevent trafficking for the purpose of organ removal (Article 5)

72. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs<sup>25</sup> are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.<sup>26</sup> Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings.

73. Article 181 of the Criminal Code criminalises the illegal transplantation of parts of the human body. Further, the Act on Obtaining and Transplantation of Human Body Parts for the Purpose of Medical Treatment regulates the removal of body parts from living and dead persons (voluntary and unpaid donation) and provides quality and safety standards for the transplantation of human organs. The removal of body parts is subject to the donor's written consent, which can be withdrawn at any time. The Act stipulates that the traceability of organs from donor to recipient must be ensured and that staff must be trained. Several regulations on the implementation of this Act have been issued.<sup>27</sup>

74. Slovenia Transplant is the national entity co-ordinating all institutions working in the field of transplantation and co-operation with Eurotransplant. There are 10 donor hospitals and one transplantation centre which are licenced by the Ministry of Health. The Health Inspectorate performs regular inspections of donor and transplantation centres and may impose sanctions. According to the authorities, Slovenia Transplant raises awareness of the prohibition of organ trafficking in the context of training programmes for medical and non-medical staff involved in organ transplantation, in co-operation with educational institutions, such as the faculties of medicine and health sciences, NGOs and the Red Cross.

75. GRETA considers that, as part of their training, medical professionals involved in organ transplantations and other health-care professionals should continue to be sensitised about THB for the purpose of organ removal.

76. The Ministry of Health and the Ministry of Justice are assessing the legal implications of Slovenia signing the Council of Europe Convention against Trafficking in Human Organs and it is envisaged to do so in 2018. GRETA encourages Slovenia to sign and ratify the Council of Europe Convention against Trafficking in Human Organs, which will enter into force on 1 March 2018, as this could contribute to preventing trafficking for the purpose of organ removal.

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<sup>25</sup> Opened for signature in Santiago de Compostela on 25 March 2015.

<sup>26</sup> See Council of Europe/United Nations, *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs*, 2009, in particular pages 55-56; OSCE, *Trafficking in human beings for the purpose of organ removal in the OSCE region*, OSCE Occasional Paper No. 6, 2013.

<sup>27</sup> Rules on tracking and disposal of human organs for transplantation and on national identification numbers (Official Gazette of the Republic of Slovenia, No. 76/15); Rules on reporting and management of severe undesired events and undesired reactions in handling human organs (Official Gazette of the Republic of Slovenia, No. 76/15); Rules on conservation methods of human organs and human organs transport procedures; Rules on the content of training programmes for individual organ supply procedures (Official Gazette of the Republic of Slovenia, No. 21/16), Rules on the tasks of transplantation coordinators (Official Gazette of the Republic of Slovenia, No. 42/16).

f. Measures to discourage demand (Article 6)

77. In its first report, GRETA considered that the Slovenian authorities should strengthen their efforts to discourage demand for services from trafficked persons, in partnerships with the private sector and civil society.

78. As mentioned in paragraph 45, the Government Communication Office annually funds one project dedicated to reducing demand. Since 2014, the NGO Drogart has been awarded the funding following a tender. In 2014, it organised a project entitled "A human being is not for sale", which involved a staged "shop" in Ljubljana where actors played the role of human beings sold for different types of exploitation. Information was made available to visitors, including leaflets, video screenings and an photo exhibition. Visitors were also invited to symbolically sign a petition to close the shop.

79. In 2015 the NGO Drogart organised a campaign entitled "Prostitution is not always a matter of choice. It is often forced" aimed at raising awareness of THB for the purpose of sexual exploitation among clients and staff employed in the tourism and transport sectors to enable them to recognise signs of forced prostitution. The project's website<sup>28</sup> was launched on 14 October 2015, offering information about warning signs that a person may be a victim and available assistance. Billboards were displayed in the 10 largest towns for one month and online advertisements of the campaign were placed on internet portals. Further, posters placed in bars, night clubs and pubs, door hangers distributed to hotels and motels as well as stickers in taxis highlighted the campaign's message and advertised the project's website.

80. In 2016 the project entitled "Resnica" ("Truth") aimed at raising awareness of services and products that are the result of THB for the purpose of labour exploitation. The project was implemented in co-operation with the widely read web portal 24ur.com and involved the publication of 27 articles about the production chain of everyday products that were accessed 168 828 times.<sup>29</sup> In addition, five programmes were shown on the TV channel Kanal A. Further, a special website was created with stories on products such as chocolate, clothes, cotton, electronic devices, orange juice, rice, coffee and frozen sea food that can be the result of labour exploitation.<sup>30</sup> The website contains a list of 136 products that could involve violations of human rights and of the countries where the violations take place, with recommendations for consumers on how to contribute to the reduction of the problem. Further, messages were sent to companies that import or sell products which may involve exploited labour or raw materials produced with forced labour.

81. In 2017, the annual project implemented by the NGO Drogart involves the setting up of an "escape room" in which visitors are locked in and have to solve a task related to the fight against THB in order to leave the room.

82. GRETA was informed that the Government Communication Office is planning a project, in collaboration with the Consultation Office for Workers and with support from the Ministry of Public Administration, aimed at raising awareness of public sector managers who outsource cleaning and security services about the risks of THB for the purpose of labour exploitation. The Ministry of Public Administration, which oversees public procurement matters, is planning to prepare guidelines on public procurement in the cleaning and security services.

83. GRETA welcomes the above-mentioned projects and considers that the Slovenian authorities should continue their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the private sector.

<sup>28</sup> [www.prisilnaprostitucija.si](http://www.prisilnaprostitucija.si)

<sup>29</sup> <http://www.24ur.com/arhiv/novice/pravicno-za-vse/index.html>

<sup>30</sup> [www.resnica.info](http://www.resnica.info)

g. Border measures (Article 7)

84. As explained in GRETA's first report, border surveillance tasks are carried out by the Border Police Division within the Slovenian Police. Border police staff are provided with training on the identification of victims of trafficking, based on the Frontex training manual for border guards and Handbook on Risk Profiles on Trafficking in Human Beings, which provides indicators for the identification of victims. If a presumed victim of trafficking is detected by border police officers, the case has to be referred to the criminal police.

85. Slovenia has an integrated single check system as regards persons entering the country which liaises with the SIRENE, Interpol, SIS and Slovenian national data bases. The exchange of operational data with Europol member states takes place by means of the SIENA system. There is also regular exchange of information with the police services in neighbouring countries, including through the police co-operation centres in Vrata Megvarje (with Austria and Italy) and Dolga Vas (with Austria and Hungary).

86. The Slovenian authorities have indicated that border police officers focus on vulnerable groups among migrants, such as unaccompanied children, women travelling alone with small children, and women and girls travelling alone. During individual interviews, the police try to identify migrants who were promised help by smugglers in seeking employment with third parties in the target country as well as migrants who owe money to smugglers. Materials with information about trafficking in human beings and assistance possibilities are distributed. The police have detected no concrete indicators of trafficking in human beings, but there were indications that certain vulnerable migrants could become victims of THB after arriving in the country of destination.

87. GRETA considers that the Slovenian authorities should continue to strengthen their efforts to prevent human trafficking through border measures and to provide relevant officials with training to enable early detection and referral of possible victims of THB among vulnerable groups, such as migrants and asylum seekers, including unaccompanied and separated children.

2. Measures to protect and promote the rights of victims, guaranteeing gender equality

a. Identification of victims of THB (Article 10)

88. In its first report, GRETA urged the Slovenian authorities to strengthen the multi-agency involvement in the victim identification procedure by introducing a clear National Referral Mechanism (NRM) and providing frontline staff with operational indicators and guidance. GRETA stressed that relevant actors should adopt a more proactive approach and increase their outreach work, in particular as regards identifying cases of THB for the purpose of labour exploitation.

89. The procedure for the identification of victims of trafficking in Slovenia put in place following the establishment of the Inter-ministerial Working group in 2003 was initially not formalised. Co-operation between different actors (law enforcement agencies, NGOs, social workers, labour inspectors and other relevant professional groups) was based on protocols, agreements or arrangements made with the National Co-ordinator.

90. Since GRETA's first evaluation, the procedure for detection, identification and referral of victims has been formalised in a document entitled "Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings." It was developed by the Inter-ministerial Working Group in 2015 and approved in 2016 by the Slovenian Government. The manual defines the role and tasks of state authorities, bodies exercising public powers, public service providers, bodies of self-governing local communities and non-governmental and humanitarian organisations in dealing with trafficking in human beings, and determines victim assistance and protection measures. It contains standardised procedures and lists of indicators for the identification of trafficking in human beings. The indicators serve as a basic tool for detecting different forms of trafficking in human beings, including trafficking in children. At the same time, the manual serves as an important material for training relevant professionals.

91. According to the Manual, the identification of a person as a victim of THB can be initiated by the police or an NGO. Regardless of whether the police or an NGO detected a presumed victim, it is always an NGO representative who conducts the first interview with the presumed victim. This first interview takes place at the police station. As a next step, irrespective of whether the victim has decided to cooperate with the authorities or not, the police interviews the presumed victim and decides whether he/she is a victim of THB, following which the person is referred for assistance to an NGO, and the Specialised State Prosecutor's Office, the National Co-ordinator and the Inter-ministerial Working Group are informed.

92. Police officers use indicators for the identification of victims of THB for different forms of exploitation which are included in the Manual. The police has also developed indicators of forced labour, with guidelines circulated to all police and criminal police units with a view to identifying possible victims of trafficking in human beings among migrant workers. In the context of the migration crisis, police officers and criminal investigators have been provided with guidelines on steps to be taken when a migrant is identified as a victim of human trafficking, as well as operational indicators for the identification of victims of human trafficking. Various departments of the police (criminal police, uniformed police, border police) use harmonised and protocol procedures in connection with identifying victims of trafficking, as well as further procedures involving victims and investigating this criminal offence. The border police use Frontex's Handbook on Risk Profiles on Trafficking in Human Beings which provides indicators for identifying victims of trafficking in certain target groups or among citizens of certain countries during border control procedures (see also paragraph 84). Further, the manual "Guidelines for the first-level identification of victims of trafficking in Europe" (Euro TrafGuID project)<sup>31</sup> had been translated into Slovenian.

93. The Slovenian authorities have indicated that the inspection bodies have stepped up their efforts to detect possible victims of THB for the purpose of labour exploitation. In 2015, the police investigated nearly 5 000 criminal offences related to violations of labour rights, but in none of the cases was an offence of human trafficking established. The checks carried out by the Labour Inspectorate and the Financial Administration (see paragraphs 52-53) have not resulted in identification of victims of THB for the purpose of labour exploitation. On the other hand, NGOs and trade unions have informed GRETA of cases of labour exploitation which could amount to THB, but these cases were treated as violations of labour rights due to low awareness of what constitutes human trafficking.

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<sup>31</sup> This manual was developed as part of the EU-funded project "Elaborating common guidelines and procedures for the identification of victims of trafficking" (CoGuideID-THB) and provides practical tools for first-level identification of victims of different forms of trafficking. (sexual exploitation, labour exploitation, forced begging and illicit activities).

94. As already mentioned in the first report,<sup>32</sup> the Slovenian authorities have taken steps to identify victims of THB among asylum seekers by setting up the so-called Project PATS (Project on fighting trafficking in persons and sexual violence). An organisation is selected through an annual tender to implement this project and in recent years, this has been the Institute for African Studies. Individual interviews are held with all asylum seekers belonging to risk groups, including women, girls from 14 to 18 years and unaccompanied children. Interviews are also held with other persons where a relevant professional has identified risks of trafficking or violence. If indicators of THB are detected, a working group has to be convened within one day and if it confirms that there are grounds to believe that a person is a victim of THB, the police are informed. According to the authorities, 148 interviews took place in 2016 and THB indicators were detected in 13 cases. In the first half of 2017, 82 interviews were performed and THB indicators were found in seven cases (six unaccompanied children and one woman). The detected indicators concerned trafficking/exploitation related to the time prior to arrival in Slovenia, e.g. in countries of origin and/or en route to Slovenia. The persons concerned received psychological assistance and social support within the asylum system.

95. On 26 January 2017, the Slovenian National Assembly passed amendments to the Aliens Act (new Articles 10a and 10b) which allow the authorities to close the country's borders, including for asylum seekers, and to send back aliens who crossed the border irregularly in case of "circumstances which might or have seriously endangered public order or the internal security of Slovenia due to an altered situation in the field of migration".<sup>33</sup> The application of this measure would require a two-thirds majority in favour in the National Assembly and would be valid for six months. This amendment has been criticised by civil society and international organisations.<sup>34</sup> GRETA is concerned that such measures, if taken, besides other implications, could seriously impede the fulfilment of Slovenia's positive obligations to identify, protect and support victims of trafficking (see also paragraphs 143-144). In their comments on the draft GRETA report, the Slovenian authorities have stressed that the police pay attention to detecting potential victims of THB in all alien-related procedures. According to the authorities, in case the new Articles 10a and 10b of the Aliens Act are enforced, the police will be attentive to victims of THB as well as other vulnerable persons, as indicated in the third paragraph of Article 10b. If the police detect an alien who belongs to a vulnerable group or may be a victim of THB, the procedure will be implemented according to usual and regular processes, meaning that the victim will not be directly sent back while the identification procedure is ongoing.

96. The police informed GRETA that several victims of THB for the purpose of forced begging have been identified in one investigation, which resulted in the conviction of a Slovak national. According to the authorities, the victims were referred to the crisis accommodation programme for victims of trafficking, but they wanted to return immediately to their country of origin and the return was organised by the NGO Caritas Slovenia.

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<sup>32</sup> See paragraph 111 of GRETA's first report on Slovenia.

<sup>33</sup> Non-official translation.

<sup>34</sup> See, for example, the statement of the Council of Europe Commissioner for Human Rights, available at: <https://www.coe.int/fr/web/commissioner/-/slovenia-commissioner-concerned-about-adoption-of-amendments-to-aliens-act-that-violate-human-rights>; statement by UNHCR, available at: <http://www.unhcr.org/ceu/9031-unhcr-changes-to-the-aliens-act-would-jeopardize-the-right-to-asylum.html> ; The Peace Institute, "Ten reasons why the draft amendments to the Aliens Act violate Slovenian Constitution and international law", available at: <http://www.mirovni-institut.si/en/ten-reasons-why-the-draft-amendments-to-the-aliens-act-violate-slovenian-constitution-and-international-law/>

97. While welcoming the adoption of the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, GRETA urges the Slovenian authorities to:

- ensure that the procedures in the Manual are effectively implemented in practice, including by periodically training all relevant professionals;
- ensure that the use of indicators, guidance and criteria for the identification of victims of trafficking by frontline staff is harmonised and monitored;
- encourage law enforcement officials (including border police), social workers, labour inspectors and other relevant actors to pursue a more proactive approach and increase their outreach work to identify potential victims of trafficking, in particular as regards forms of exploitation other than sexual (such as labour exploitation, forced marriages, forced begging);
- pay increased attention to detecting victims of trafficking among asylum seekers and foreign workers;
- improve mechanisms and procedures for identifying as victims those who are trafficked within the country.

b. Assistance measures (Article 12)

98. In its first report, GRETA urged the Slovenian authorities to ensure that access to assistance for victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings. Further, GRETA considered that the Slovenian authorities should step up their efforts to facilitate the reintegration into society of victims of trafficking and provide them with access to education, vocational training and the labour market.

99. As explained in the first report, assistance to victims of trafficking is provided in the framework of two programmes financed by the government and implemented by NGOs selected through a public tender. Both programmes include a comprehensive assistance package and the contracts concluded with the service providers foresee standards that have to be complied with.

100. The programme "Providing assistance to victims of trafficking in human beings – crisis accommodation" is open to all victims of THB regardless of whether they co-operate in the criminal proceedings. The programme provides shelter and support to women, men and children during 30 days, which is an improvement compared to the previous time-limit of five days.<sup>35</sup> The Ministry of Labour, Family and Social Affairs and Equal Opportunities provides 80% of the funding of this programme. Caritas Slovenia, which currently runs this programme, provides information to victims about possible further assistance measures.

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<sup>35</sup> See paragraph 117 of GRETA's first report on Slovenia.



101. The second programme, entitled "Providing assistance to victims of trafficking in human beings - safe accommodation", is funded by the Ministry of the Interior. It is intended for victims of trafficking who have decided to co-operate in the investigation/criminal proceedings. The NGO implementing this programme (currently Caritas Slovenia) runs a shelter for women and men victims of trafficking. After being accommodated in the crisis shelter for 30 days, victims are transferred to this shelter if they decide to accede to the safe accommodation programme and can remain in it for up to 60 days. A new element is the setting up of a Multidisciplinary Working Body for every case where a victim of THB accedes to the safe accommodation programme. It is convened within 10 days of the victim having been accommodated and its main task is to monitor the implementation of the programme, to approve and if necessary amend the victim's individual care plan, and to decide on additional assistance or safety measures. The Multidisciplinary Working Body is composed of representatives of the National Co-ordinator for Combating THB, the Ministry of the Interior, the Criminal Police and the Specialised Public Prosecutors' Office, as well as a representative of the NGO implementing the programme.

102. Victims of THB with an irregular residence status who do not co-operate in the investigation can spend up to 30 days in crisis accommodation, but after this period they do not qualify for state-funded support. Such third-country nationals are allowed to remain in Slovenia for up to 90 days. NGOs such as Society Ključ support such victims with the help of donations and funds from Ljubljana City Municipality, but the available funding is not sufficient for the long-term recovery of victims of trafficking. GRETA stresses once again that the Convention's provisions on assistance measures to be provided for the physical, psychological and social recovery of victims, in particular those listed under Article 12, paragraph 1 and 2, apply to all victims of trafficking, regardless of whether they co-operate with the authorities.

103. According to the statistics provided by the authorities, 77 persons received some form of assistance in 2013-2016 (40 in 2013, five in 2014, five in 2015 and 27 in 2016), including four men. Eighteen persons were accommodated in shelters. The figures do not include children.

104. Victims without health insurance can receive health care in two health centres which specialise in receiving persons without health insurance. According to NGOs, this is not a satisfactory arrangement due to logistical problems and it would be preferable to give victims access to the general health insurance scheme which would enable them to access health services at local clinics.

105. During the second evaluation visit the GRETA delegation visited the crisis shelter for victims of THB run by Caritas Slovenia. It is located in an apartment and has a capacity of eight places. In 2016, three victims were accommodated in this shelter, two in 2017 up to the time of GRETA's visit in April, and at the time of GRETA's visit, one victim was accommodated there. The NGO running the shelter has to be informed two hours in advance during the day and four hours during the night if a person is to be placed at the shelter. Basic information about the shelter is available in 16 languages and Caritas Slovenia has a list of interpreters they can call. There is round-the-clock presence of staff or volunteers. Following risk assessment by the police, it may be decided that certain victims can only leave the shelter escorted by staff.

106. The GRETA delegation also visited an accommodation facility for asylum seekers where the PATS project (see paragraph 94) is being implemented in co-operation with NGOs. At the time of GRETA's visit, 141 asylum seekers were present at this facility (another facility in the centre of Ljubljana hosted 49 asylum-seeking men). Staff working at the asylum centre underlined the excellent co-operation with NGOs which offer language courses, other activities, information and support to asylum seekers.

107. While welcoming the extension of the crisis accommodation programme from five to 30 days, GRETA once again urges the Slovenian authorities to ensure that access to assistance for victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings, and is based on their individual needs.

108. Further, GRETA considers that the Slovenian authorities should:

- ensure adequate funding and staff to facilitate the integration into society of victims of trafficking legally present in the country, by providing them with vocational training, education and access to the labour market;
- guarantee access to local public health care to all victims of THB.

c. Identification and assistance of child victims of THB (Articles 10 and 12)

109. In its first report, GRETA urged the Slovenian authorities to set up a specific identification mechanism which takes into account the special circumstances and needs of child victims of trafficking, involves child specialists and ensures that the best interests of the child are the primary consideration. GRETA also called on the Slovenian authorities to pay increased attention to detecting victims of THB among unaccompanied children. Further, GRETA invited the Slovenian authorities to invest in the human and financial resources of centres for social work so that they can effectively provide assistance to child victims of trafficking.

110. The process of identification of child victims of trafficking is carried out in accordance with the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, which sets out the procedures for identifying child victims of THB in a separate chapter. Identification can be initiated by NGOs or the police, in co-operation with centres for social work and other organisations specialised in working with children. Regardless of their professional duty to safeguard the confidentiality of information, all professionals who come into contact with possible child victims of THB, in particular health-care staff, educators and carers, must immediately report any suspicion of a child being a victim of trafficking to the police, the State Prosecutor's Office or a social work centre.

111. According to the Slovenian authorities, in handling cases of child victims of THB, all authorities and organisations must follow the principle of the best interests of the child, which overrides immigration considerations and crime prevention. The views of the children must be considered when taking decisions that concern them.

112. Child victims of THB are accommodated in the above-mentioned crisis shelter, together with adult victims (see paragraph 105). Under the crisis accommodation programme, child victims of trafficking should be provided with shelter, food, psychological assistance, basic medical care, protection, assistance in returning the victim to his/her country of origin, as well as reintegration measures. Further, an individual plan has to be prepared, in co-operation with the child's guardian. Legal counselling should be provided by a lawyer in the presence of the child's guardian and, if needed, an interpreter.

113. Following the 30-day crisis accommodation, longer-term solutions for child victims must be sought in co-operation with social work centres. However, the authorities admit that there is a lack of systemic and comprehensive provision of longer-term accommodation and assistance to child victims of trafficking.

114. GRETA notes that during the reporting period, only two child victims of THB were identified in Slovenia (see paragraph 12). According to NGOs met by GRETA, this does not reflect the real situation and the number of children who are forced into begging, forced into marriage or sexually exploited is much higher. GRETA also notes with concern the disappearance of unaccompanied children who may include victims of trafficking (see paragraph 61). The police referred to the case of a Bulgarian girl who was suspected of having committed aggravated theft, but under Article 205/I-3 of the CC during the investigation, which included co-operation with foreign security authorities, the police detected indicators that she was a victim of trafficking in human beings and had been forced to commit the offence. The girl was handed over to the Bulgarian law enforcement authorities, in collaboration with the Bulgarian National Commission for Combating Trafficking in Human Beings, the Bulgarian Embassy in Ljubljana and the competent social work centre.

115. If the age of a victim of THB is unknown, all measures and decisions must be based on the presumption that the person is a child until the age determination procedure is completed. The procedure for age determination is laid down in Article 82, paragraph 5, of the Aliens Act. Physical and psychological maturity, statements of the person, any available documentation and the opinion of medical experts must be taken into account. Based on an expert's opinion the police issue a declaratory decision concerning the age of the person. This decision can be appealed against within eight days to the Ministry of the Interior. During the visit, the GRETA delegation was informed that since December 2016, the paediatric clinic in Ljubljana had not carried out any age assessment examinations. In their comments on the draft report, the authorities informed GRETA that the clinic has decided to stop the carrying out of medical tests for age assessment because the possibility of error in determining the age on the basis of them is very high.

116. GRETA urges the Slovenian authorities to make efforts to improve the identification of, and assistance to, child victims of trafficking, in particular by:

- ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to unaccompanied foreign children, Roma children and children involved in begging;
- providing further training to stakeholders (police, service providers, NGOs, centres for social work) as well as guidance for the identification of child victims of THB for different forms of exploitation;
- providing specialised support and services beyond the recovery and reflection period which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training, and ensuring long-term monitoring of their reintegration;
- taking steps to address the problem of unaccompanied children disappearing by providing suitable safe accommodation and trained supervisors.

d. Protection of private life (Article 11)

117. In Slovenia, the Personal Data Protection Act regulates the collection, processing, supervision and protection of the confidentiality of personal data. The law guarantees the protection of personal data and prohibits their use contrary to the purpose for which it was collected.

118. Further, pursuant to the Code of Ethical Principles in Social Care,<sup>36</sup> social care professionals must treat personal data as a professional secret and protect it from disclosure and abuse by the media and the general public. NGOs providing assistance to victims of trafficking have to adhere to a set of clearly defined standards of data protection. In the tender documents, the service provider signs declarations confirming that the activities are carried out in compliance with the Code of Ethical Principles in Social Care and that the organisation will act in compliance with the regulations governing the protection of personal data, including the Personal Data Protection Act.

119. The Slovenian authorities have referred to two relevant provisions of the Criminal Code. Article 287 (violation of the secrecy of proceedings) criminalises the disclosure of restricted information, personal data and the identity of protected victims or endangered persons by a person who comes to know these elements during judicial, administrative or any other proceedings. Further, Article 143 (abuse of personal data) criminalises the publication of personal data contained in records of judicial proceedings concerning victims of criminal offences, victims of violations of rights and freedoms and protected witnesses, if such a publication is not allowed by statute or by decision of the court.

e. Recovery and reflection period (Article 13)

120. The legal basis for granting a recovery and reflection period to victims of trafficking in human beings in Slovenia has not changed since GRETA's first report. Article 50 of the Aliens Act stipulates that the police *ex officio* or upon the victim's request provide victims of THB whose stay in the country is irregular with the right to remain in Slovenia for up to 90 days in order to decide whether to participate in criminal proceedings. Article 50(3) of the Aliens Act stipulates that victims of THB allowed to stay in Slovenia are to be provided with translation and interpretation services and information concerning the possibility of being granted a residence permit.

121. GRETA notes that according to the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, the duration of the recovery and reflection period is 30 days and victims of THB whose stay in the country is irregular are granted by the police a three-month permission to remain in the country, which includes the 30 days of recovery and reflection. In their comments on the draft report, the authorities have explained that the Manual refers to the accommodation scheme: the first 30 days in the crisis accommodation are labelled as "recovery and reflection period", followed by two months in the safe accommodation programme, this distinction being made because the accommodation programmes are financed by two different Ministries (see paragraphs 100-101). On the other hand, the length of the recovery and reflection period for which a person is granted a residence permit pursuant to the Aliens Act is 90 days. GRETA notes that the use of the expression "recovery and reflection period" in the Manual for the 30-day period in crisis accommodation is misleading and recalls its concerns expressed in paragraph 102, as well as the recommendation made in paragraph 108.

122. The provisions of the Aliens Act concerning victims of THB apply only to third-country nationals whose stay in the country is irregular. The Slovenian authorities have indicated that if the competent authorities encounter a victim who is an EU citizen, the person is provided with all urgent assistance needed.

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<sup>36</sup> Official Gazette of the Republic of Slovenia, No. 59/02.

123. The Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings stipulates that the police should inform victims, in a language they can understand, of their rights, including the right to a recovery and reflection period, as recommended by GRETA in its first report. The assistance during the recovery and reflection period is provided by the NGO implementing the crisis accommodation programme (see paragraph 105).

124. According to official statistics, five victims of trafficking were granted a recovery and reflection period in 2013, five in 2014, five in 2015 and three in 2016. GRETA notes that the number of recovery and reflection periods granted is low, compared to the number of identified foreign victims of trafficking. In their comments on the draft GRETA report, the authorities indicated that most victims rejected the support offered to them because they did not consider themselves as victims or did not want to be identified as such. Nevertheless, GRETA stresses the positive obligation on State Parties to the Convention to identify victims of trafficking and to provide them with assistance.

125. While welcoming the adoption of the Manual on the Identification, Assistance and Protection of Victims of Trafficking, GRETA is concerned that Article 50 of the Aliens Act still does not state the purpose of the recovery and reflection period as it is stated in the Convention, i.e. to enable possible victims of trafficking to escape the influence of the traffickers and/or to take an informed decision on co-operating with the competent authorities. Moreover, considering that after three months EU citizens can only stay legally in other EU countries provided they meet a number of requirements (e.g. economic activity, sufficient resources, being enrolled as a student), the possibility that they would be considered as being irregular cannot be excluded and they should logically be entitled to enjoy a recovery and reflection period.

126. GRETA urges the Slovenian authorities to:

- review the legislation in order to ensure that all foreign persons for whom there are reasonable grounds to believe that they are victims of trafficking, including EU citizens, are provided with a recovery and reflection period, the purpose of which is stated as it is in Article 13 of the Convention;
- ensure that all presumed foreign victims of trafficking are systematically informed of the possibility to benefit from such period and are effectively granted it.

f. Residence permits (Article 14)

127. In its first report, GRETA urged the Slovenian authorities to ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit and to remove from the Aliens Act the condition of the victim's testimony being "important" in the opinion of the authority in charge of the criminal case as a condition for granting a residence permit. In their report on measures taken to comply with the Committee of the Parties' Recommendation on the implementation of the Convention, the Slovenian authorities indicated that when amending the Aliens Act they would re-examine that part of Article 50 as regards the condition of the victim's testimony being "important" and make the necessary amendments.

128. The legislation for granting a residence permit to victims of trafficking has not changed since the first report. Article 50, paragraph 4, of the Aliens Act continues to stipulate that a temporary residence permit may be issued to victims of trafficking in human beings if the victim is willing to co-operate as a witness in criminal proceedings and if his/her testimony is considered important by the authority conducting the criminal case. Further, Article 50, paragraph 7, of the Aliens Act stipulates that the duration of the residence permit granted to a victim of THB will be the same as the foreseen duration of the criminal proceedings, but not less than six months and not more than one year. The residence permit may be extended upon the victim's request until the criminal proceedings are concluded.

129. According to statistics provided by the authorities, five residence permits were issued to victims of trafficking during the 2013-2016 period. GRETA notes that this figure is far below the number of identified victims of THB from third countries.

130. The authorities indicated that victims of trafficking can also obtain a residence permit for other reasons, for example for the purpose of work or education. However, GRETA was informed that in order to obtain a residence permit for education, they would need proof of sufficient means (no less than the basic minimum wage) and for a work permit, they have to prove that they have an employment.

131. GRETA recalls that Article 14 of the Convention allows Parties to choose between granting a residence permit in exchange for co-operation with the authorities or on account of the victim's needs, or indeed to adopt both simultaneously. There are situations in which victims might be afraid to co-operate in the investigation because of threats from the traffickers. Granting a residence permit on account of the personal situation of the victim takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human-rights based approach to combating THB. GRETA invites the Slovenian authorities to grant temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings.

132. GRETA also considers that the Slovenian authorities should keep under review the practical application of the provisions on granting temporary residence permits to victims co-operating in criminal proceedings and to ensure that it is systematically proposed and effectively granted to presumed victims of THB.

g. Compensation and legal remedies (Article 15)

133. In its first report, GRETA urged the Slovenian authorities to facilitate and guarantee access to compensation for victims of trafficking, by ensuring that they are systematically informed of the right to seek compensation and the procedures to be followed and have effective access to legal aid. Further, GRETA called on the Slovenian authorities to include all victims of trafficking in the scope of the Crime Victim Compensation Act, irrespective of their nationality and of whether force or violation of the sexual integrity has been used.

134. As explained in the first report, a victim of a criminal offence may seek damages from the perpetrator in the course of the criminal proceedings through a compensation claim. The criminal court may grant compensation in full or in part and may refer the victim to claim the remaining part or any other damages through civil proceedings. The court may also refer the injured party to seek compensation through civil proceedings altogether.

135. Victims of THB may also claim compensation pursuant to the Crime Victims Compensation Act. In their report on measures taken to comply with the Committee of the Parties' Recommendation on the implementation of the Convention, the Slovenian authorities stated that they would give due consideration to GRETA's recommendation to amend the legislation concerning compensation from the State. However, the scope of application of the Crime Victim Compensation Act remains limited to victims of violent intentional crimes who are EU citizens.

136. Both public and civil society representatives informed GRETA that they were not aware of any victims of trafficking having requested compensation during the reporting period, be it from the perpetrators or from the State. It was noted that it is very difficult for victims of THB to obtain compensation. In this context, GRETA stresses the importance of confiscating traffickers' assets and using them to compensate victims (see also paragraph 170).

137. Pursuant to the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, the public bodies and NGOs involved in the identification procedure must inform victims of their right to legal assistance and free legal aid and the requirements for claiming compensation. According to the authorities, this information is provided during the initial identification interviews, first by NGOs and then by the police. The courts decide on the basis of the Free Legal Aid Act to grant free legal aid to persons without sufficient means and select a lawyer from a roster.

138. GRETA once again urges the Slovenian authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, and in particular to:

- ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid;
- include victim compensation into training programmes for prosecutors and judges;
- include all victims of trafficking in the scope of the Crime Victim Compensation Act, irrespective of their nationality and of whether force or violation of sexual integrity has been used.

h. Repatriation and return of victims (Article 16)

139. In their report on measures taken to comply with the Committee of the Parties' Recommendation on the implementation of the Convention, the Slovenian authorities indicated that, upon receiving notification of the return of a victim of THB to Slovenia, the police should collect relevant information and draw up a risk assessment. When returning to Slovenia, the victim should be informed by the police about the right to accommodation as part of the crisis accommodation programme. According to the authorities, access to the crisis accommodation programme would also be possible if the Slovenian police come to the conclusion that the person concerned is not a victim of THB, despite the identification by the authorities of the country of destination. GRETA recalls, however, that during the first evaluation the authorities had indicated that for victims of trafficking returned to Slovenia the condition for receiving assistance was that criminal proceedings have been initiated in the country where the victim was identified. The authorities did not provide information on whether this is still the case.

140. Voluntary returns of victims of THB can be organised on the basis of an agreement between the police and IOM.

141. The Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings does not address the return of victims of THB in detail. It states that the return of victims of trafficking shall be based on the provisions of the Aliens Act. The return of child victims of trafficking follows the rules on return of foreign children under Article 82 of the Aliens Act. According to the authorities, in the case of an unaccompanied child, a special case guardian is appointed by the Social Work Centre. If the guardian decides that it is in the best interests of the child to return to his/her country of origin, the child is included in the voluntary return programme run by IOM which also provides for reintegration measures.

142. According to available data, no victims of trafficking were returned to Slovenia in the period 2013-2016. During the same period, six victims were returned from Slovenia to other countries (three women in 2013, two women and one man in 2014).

143. GRETA notes that the 2017 amendments to the Aliens Act (see paragraph 95) would allow for returning persons having entered Slovenia in an irregular manner, including asylum seekers, to the country from which they entered. GRETA is concerned that victims of trafficking could be forced to leave the country, in breach of the principle of *non-refoulement* which is enshrined in Article 40, paragraph 4, of the Convention.

144. GRETA considers that the Slovenian authorities should take additional steps to:

- ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking;
- ensure with regard to children, repatriation programmes include enjoyment of the right to education and measures to secure adequate care or receipt by the family or appropriate care structures and that child victims are not returned if such return would not be in the best interests of the child;
- ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention, taking into account the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people.<sup>37</sup>

### 3. Substantive criminal law

#### a. Criminalisation of THB (Article 18)

145. In its first report, GRETA considered that, in order to meet the requirements of Article 24 of the Convention, the commission of THB by a public official in the performance of his/her duties and deliberately or by gross negligence endangering the victim's life should effectively be taken into account as aggravating circumstances of the THB offence. GRETA also considered that a specific criminal offence regarding the concealment, damaging or destruction of travel or identity documents in relation to THB should be introduced.

146. As mentioned in paragraph 14, following an amendment of the CC in June 2015, Article 113 (trafficking in human beings) reads as follows:

"(1) Whoever, for the purpose of exploitation of prostitution or other forms of sexual abuse, forced labour, slavery, servitude, commission of criminal offences or trafficking in human organs, human tissues or blood, buys, takes over, accommodates, transports, sells, hands over or uses in any other way another person, or recruits, exchanges or transfers control over such a person, or serves as an agent in such acts, irrespective of the consent of the person, shall be punished by imprisonment of between one and 10 years and a fine.

(2) If the offence referred to in the preceding paragraph is committed against a child or with force, threat, deception, kidnapping, or by abuse of a subordinate or dependent position, or by giving or receiving of payments or benefits in order to achieve the consent of a person having control over another person, or for the purpose of enforced pregnancy or artificial insemination, the perpetrator shall be punished by imprisonment of from three to 15 years.

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<sup>37</sup> [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked](#), HCR/GIP/06/07, 7 April 2006.



(3) Whoever, for the purpose of execution of acts referred to in the first or second paragraph of this Article, withholds, seizes, hides, damages or destroys a public document which attests the identity of the victim of trafficking in human beings, shall be punished by imprisonment of up to three years and a fine.

(4) Whoever knows that a person is a victim of trafficking in human beings and uses his/her services that are a result of the exploitation of this person as described in the first and second paragraph of this Article, shall be punished by imprisonment of up to three years and a fine.

(5) Whoever commits an offence referred to in the first, second or third paragraph of this Article as a member of a criminal organisation set up for the commission of such offences, or if a large pecuniary benefit was gained through the commission of the offence, shall be punished by imprisonment of from three to fifteen years and a fine.”<sup>38</sup>

147. GRETA welcomes the amendment which takes into account the recommendation to criminalise acts relating to travel and identity documents for the purpose of enabling THB. Another amendment is adding a mandatory fine to the penalty of imprisonment.

148. As noted in GRETA's first report, the use of means is not a constituent element of the basic offence of THB, but is considered as an aggravating circumstance. GRETA had asked the Slovenian authorities to keep under review whether this leads to confusion with other criminal offences or to difficulties when it comes to mutual assistance with other countries. Judges met by the GRETA delegation during the second visit referred to difficulties in distinguishing between THB and other offences, in particular abuse of prostitution (Article 175 of the CC),<sup>39</sup> placing a person in slavery conditions (Article 112 of the CC),<sup>40</sup> violation of the fundamental rights of workers (Article 196 of the CC) and illegal employment (Article 199 of the CC). It is noteworthy that the latter offence includes as an aggravating circumstance the “exploitation of victims of human trafficking”, with a punishment of up to three years' imprisonment, which is considerably lower than the penalties envisaged in Article 113 of the CC.

149. GRETA stresses that it is of fundamental importance to use a definition of trafficking in human beings that is in compliance with the Council of Europe Anti-Trafficking Convention. GRETA considers that the Slovenian authorities should conduct a comprehensive assessment of the effectiveness of the criminal law provisions concerning THB and related offences. The authorities should be prepared to readjust on the basis of such an assessment the content and/or the application of the relevant provisions with a view to addressing any shortcomings identified.

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<sup>38</sup> Non-official translation.

<sup>39</sup> Article 175, paragraph 1, of the CC reads as follows: “Whoever, with the purpose of exploitation, participates in the prostitution of another person or who by force, threat or deception solicits, obtains, or encourages another person to prostitution, shall be punished by imprisonment of three months up to five years” (unofficial translation).

<sup>40</sup> Article 112, paragraph 1, of the CC reads as follows: “Whoever, in violation of international law, places another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third person, or brokers the buying, selling or delivery of such a person, or incites another person to sell his/her freedom or the freedom of the person he supports or looks after, shall be punished by imprisonment of one up to ten years”.

150. The list of means included in Article 113, paragraph 2, of the CC does not explicitly refer to “abuse of power or of a position of vulnerability”. The Slovenian authorities have indicated that the term “exploitation of a subordinate or dependent position”, in conjunction with one of the actions listed in Article 113, paragraph 1, makes it possible to cover situations of abuse of power or of a position of vulnerability. The authorities have referred to jurisprudence of the Supreme Court, according to which abuse of a position of vulnerability in relation to sexual offences is the “(...) abuse of a person who has a mental illness or a temporary medical disorder or suffers from a severe mental retardation, or is weak or in another state due to which they are unable to resist the offender (...)”.<sup>41</sup> GRETA notes that this interpretation of abuse of a position of vulnerability is more restrictive than that of the Convention and draws the attention of the authorities to paragraph 83 of the Explanatory Report of the Convention, which states as follows: “by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim’s administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce.” GRETA urges the Slovenian authorities to bring the interpretation of the abuse of a position of vulnerability in full conformity with the Convention.<sup>42</sup>

151. As regards the forms of exploitation, the exploitation of criminal activities is explicitly mentioned in Article 113 of the CC. The authorities have referred to a case in which a child who had been forced to commit criminal offences (aggravated theft) was identified as a victim of THB (see paragraph 114). The exploitation of begging is considered as one of the forms of THB for the purpose of forced labour, but no cases of THB for the purpose of exploitation of begging have been identified.

152. Despite the amendment to the CC, two of the aggravating circumstances envisaged in Article 24 of the Convention, namely the offence being committed by a public official in the performance of his/her duties and the offence deliberately or by gross negligence endangering the victim’s life, have not been added to Article 113 of the CC. With regard to THB being committed by a public official in the performance of his/her duties, the Slovenian authorities indicated at the time of the first evaluation that Article 266 of the CC (violation of human dignity by abuse of an official position or rights) would apply in concurrence with Article 113 of the CC.<sup>43</sup> Further, the Slovenian authorities have referred to Article 49, paragraph 2, of the CC, pursuant to which the court considers all mitigating and aggravating circumstances and the relevant case law when deciding on a sentence. According to information provided by the State Prosecutor’s Office, there have been no cases of involvement of public officials in THB offences. GRETA considers that the Slovenian authorities should ensure that all the aggravating circumstances included in the Convention are appropriately taken into account.

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<sup>41</sup> No. I Ips 177/2009, 6 November 2009.

<sup>42</sup> See also UNODC [Guidance Note](#) on “abuse of a position of vulnerability” as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>43</sup> See paragraph 152 of GRETA’s first report on Slovenia.

153. Slovenia ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention") on 5 February 2015 and the Criminal Code was amended to introduce a new Article 132a entitled "entering into a forced marriage or setting up a similar community",<sup>44</sup> as envisaged by Article 37 of this Convention. GRETA welcomes the ratification of the Istanbul Convention by Slovenia. Considering the possible overlap between Articles 113 and 132a of the CC, GRETA considers that the Slovenian authorities should ensure that law enforcement officers, prosecutors and judges possess the necessary skills to establish the specific facts of each of these offences and to base charging decisions on an assessment of the available evidence, referring cases of forced marriage which have the elements of THB to the Specialised State Prosecutor's Office.

b. Criminalisation of the use of services of a victim (Article 19)

154. In its first report, GRETA invited the Slovenian authorities to consider establishing as a criminal offence the use of services from persons who are subjected to exploitation as defined in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking in human beings.

155. As part of the 2015 amendment of the CC referred to above, a new paragraph 4 was added to Article 113 in order to criminalise the knowing use of services of a victim of THB (see paragraph 146). The authorities have indicated that so far there have been no cases of application of this provision, which is relatively new.

156. GRETA welcomes the criminalisation of the use of services of victims of trafficking in human beings, with the knowledge that the person is a victim of trafficking, and invites the Slovenian authorities to disseminate knowledge about this new provision and to ensure its application in practice.

c. Corporate liability (Article 22)

157. Slovenian legislation establishes the criminal liability of legal persons by virtue of the 1991 Act on the Liability of Legal Persons for Criminal Offences, amended in 2012. The offences listed in Article 25 of this Act refer to Chapter 14 of the Criminal Code, which includes trafficking in human beings. As explained in the first report, the sanctions envisaged include a fine, confiscation of property and closing of the legal entity. Additional measures may be imposed, such as prohibition of specific commercial activity or activities on the basis of licenses, authorisations or concessions granted by the state.

158. According to the Slovenian authorities, that the case law under the Act on the Liability of Legal Persons for Criminal Offences is in general not well developed. The Specialised State Prosecutor's Office informed GRETA that they had initiated proceedings against legal entities connected to THB and that several proceedings were pending. In 2013, an indictment was brought against one legal entity, but the prosecutor withdrew it since the legal entity had no property. Another indictment was brought in 2013 against a legal entity and the proceedings have not been concluded yet. A third indictment made in 2014 resulted in an acquittal and the prosecutor did not file a complaint, since the legal entity had ceased to operate during the criminal proceedings and had no property. In 2016, an indictment was brought against two legal entities and the case is now at the main hearing stage.

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<sup>44</sup> Article 132a, paragraph 1, of the CC reads as follows: "Whoever, by force or threat of force or with an abuse of a subordinate or dependent position, forces another person to enter into a conclusion of a marriage or setting up of a similar community which in accordance with the statute has the same legal consequences as the marriage, shall be punished by imprisonment of up to three years" (unofficial translation).

159. GRETA invites the Slovenian authorities to keep under review the application of the corporate liability provisions in THB cases with a view to ensuring that they are effectively applied in practice.

d. Non-punishment of victims of THB (Article 26)

160. In its first report, GRETA urged the Slovenian authorities to adopt a provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, or to develop relevant guidance for public prosecutors.

161. There have been no legal developments in Slovenia with regard to the non-punishment provision of the Convention. The authorities have once again referred to Article 23 of the CC (coercion) pursuant to which "an act committed under coercion, which the perpetrator was not able to withstand, shall not constitute a criminal offence". Other general provisions of the CC, such as Article 32 (necessity) and Article 33 (limits of punishability), as well as the possibility for a prosecutor to abstain from starting a prosecution or to discontinue a prosecution pursuant to Article 163, paragraph 2, of the Criminal Procedure Act, can also be applied in cases where victims of THB have committed offences while being trafficked.<sup>45</sup>

162. The Slovenian authorities have indicated that they have not encountered any cases of victims of THB being prosecuted, tried or penalised. They pointed out that possible victims of trafficking in human beings are not punished for illegal crossing of the border, prostitution is not a criminal offence in Slovenia and begging is subject to a fine only when it is done in an intrusive manner. However, GRETA was informed by NGOs that in one case of forced begging, 40 persons were fined, had to leave the country and were forbidden to come back to Slovenia.

163. GRETA notes that no guidance has been issued to prosecutors on the application of the non-punishment provision. The Specialised State Prosecutor's Office noted that the team competent for THB cases is sufficiently familiar with the topic and no specific guidance is needed.

164. GRETA urges the Slovenian authorities to take additional measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers and prosecutors on the scope of the non-punishment provision. Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.<sup>46</sup>

#### 4. Investigation, prosecution and procedural law

a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

165. In its first report, GRETA considered that more training was necessary for judges, prosecutors and other relevant professionals on the issue of THB to ensure the practical application of the anti-trafficking provisions so that traffickers are prosecuted effectively and receive sentences commensurate with the seriousness of this offence. GRETA also considered that the law enforcement and prosecution services should develop their specialisation in THB with a view to improving the collection of sufficient evidence to successfully prosecute more traffickers.

<sup>45</sup> See paragraph 156 of GRETA's first report.

<sup>46</sup> <http://www.osce.org/secretariat/101002?download=true>

166. As noted in GRETA's first report, pursuant to the 2012 State Prosecutor Act, a Specialised State Prosecutor's Office was established and given the responsibility for prosecuting serious criminal offences. One of its departments is exclusively responsible for the most serious forms of general and organised crime, including THB. It consists of seven prosecutors, two of whom work exclusively on THB cases. They receive regular training and attend meetings and conferences in other countries. GRETA welcomes the development of specialisation on THB in the Prosecutor's Office.

167. The investigation of THB offences is assigned to specially qualified investigators in eight regional criminal police divisions. Twice a year, expert working meetings of the police take place in order to analyse concluded investigations and learn about new forms of trafficking in human beings and ways to detect them.

168. As noted in GRETA's first report, the Slovenian law enforcement bodies have a variety of special investigation techniques at their disposal (including covert surveillance, use of undercover agents and phone tapping).<sup>47</sup> The use of these investigation techniques is authorised by a prosecutor or the competent court. According to the authorities, the use of special investigation techniques in connection with THB investigations has been on the increase.

169. The legal basis for blocking access to websites or removing content from them is the Act on the Electronic Commerce Market. The grounds for requiring Internet service providers to remove illegal content or blocking access to websites are limited to detection and prevention of crime, protection of privacy, protection of classified information, and business secrets.<sup>48</sup> Court proceedings have shown that on-line advertisements have been used as a form of recruitment of victims of THB.

170. Under the Confiscation of Proceeds of Crime Act, if there is a well-grounded suspicion that a person has assets of illicit origin exceeding 50 000 Euros, there is a procedure of civil forfeiture of assets that do not derive directly from a criminal offence, but whose origin the perpetrator cannot explain. The authorities have stated that the Prosecutor's Office devotes substantial attention to detecting, freezing and confiscating proceeds of perpetrators of THB offences. Confiscation of the proceeds of crime following a conviction of the offender is possible on the basis of the Criminal Code in connection with the Criminal Procedure Act, as well as under the Confiscation of Proceeds of Crime Act. GRETA was informed that charges had been filed in two ongoing criminal proceedings of THB. In the first case, well-grounded suspicion exist that unlawful proceeds had been acquired in the amount of 301 600 euros and the case is at the main hearing phase. A temporary securing under Article 502 of the Criminal Procedure Act was ordered in the same amount. In the second case, it is suspected that unlawful proceeds had been acquired in the amount of 2 005 625 euros. A conviction was handed down, but the court decided that the acquired unlawful property amounted to 850 000 euros and a temporary securing was ordered up to the amount of 850 000 euros. The judgement has not yet been made final.

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<sup>47</sup> See paragraph 163 of GRETA's first report on Slovenia.

<sup>48</sup> See the Country Report on Slovenia within the "Comparative Study on Blocking, Filtering and Take-Down of Illegal Internet Content", pages 632-633. The study was commissioned by the Secretary General of the Council of Europe and prepared by the Swiss Institute of Comparative Law in 2015. The full study including the report on Slovenia is available at: <http://www.coe.int/en/web/freedom-expression/country-reports>.

171. The Slovenian authorities have reported that in the period 2013-2016, 75 persons were subject to criminal proceedings in THB cases. In the same period, charges of THB were brought against 52 persons (three in 2013, five in 2014, 23 in 2015 and 21 in 2016). A total of 10 persons were convicted of THB offences (two in 2013, five in 2015 and three in 2016), including three convictions for THB for the purpose of slavery, servitude or forced labour in 2015. The highest penalty was imprisonment of five years. In 2015, three co-offenders (father, mother and son) were convicted of THB for the purpose of slavery and servitude. They had bought a girl from her father in "the former Yugoslav Republic of Macedonia" for 6 000 Euros for the purpose of an arranged marriage with the son. After her arrival in Slovenia, the victim's movements, contacts and communications were restricted. She was exploited for the purpose of domestic servitude by the family members, worked on construction sites and farms without any payment, and was frequently beaten. Due to the physical and psychological violence, the victim found herself in a subordinate and dependent position within an unknown environment. The son was sentenced to imprisonment of three years and one month and his parents to imprisonment of one year and one month. According to the authorities, in the Slovenian context these are severe punishments for first-time offenders.

172. Trade union representatives met by GRETA referred to cases which could amount to THB for the purpose of labour exploitation, but were not investigated as such. In one case an asylum seeker from Ukraine worked long hours in unsafe conditions and under threats in the forestry sector. The case was treated as illegal employment (Article 199 of the CC). In another case, three persons of Asian origin worked in the hotel industry in slavery-like conditions, accommodated in a warehouse and subjected to threats. Another case concerned a truck driver recruited from Bosnia and Herzegovina who was made to sign an employment contract in front of a notary in Bosnia and Herzegovina in which he undertook to pay 5 000 Euros to his employer if he left him within five years (the annual minimum wage in Slovenia being 7 000 Euros per year). In an annex to the contract, the driver agreed to pay for certain items that according to the law have to be paid by the employer. The driver was reportedly forced to manipulate the tachometer, was not allowed to take breaks, and if there were breaks he had to use them for loading and unloading goods.

173. GRETA considers that the Slovenian authorities should take further steps to ensure that THB cases are investigated proactively, prosecuted successfully and result in effective, proportionate and dissuasive sanctions, including by:

- providing further training to police officers and prosecutors to investigate and prosecute cases of THB for purposes other than sexual exploitation, including through co-operation with other relevant actors and countries;
- developing the specialisation of judges on THB cases.

b. Protection of witnesses and victims (Articles 28 and 30)

174. In its first report, GRETA urged the Slovenian authorities to make full use of the available measures to protect victims during the investigation and during and after the court proceedings. Further, GRETA considered that the special protection procedures should be extended to cover all child victims of THB up to the age of 18.

175. According to the authorities, during the identification phase the police inform victims of human trafficking about their rights in the course of their participation in the criminal proceedings. Pursuant to the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, public bodies and NGOs inform victims about how and under what conditions they can receive protection. The police take the necessary protection measures when victims are placed in the safe accommodation programme. A risk assessment is carried out and if necessary, the multi-disciplinary working body adopts a decision on additional protection measures. The police use unmarked police cars to transfer victims from the safe accommodation to the premises where the proceedings are conducted. If necessary, physical protection is provided.

176. As explained in the first report, the Criminal Procedure Act (CPA) provides for possibilities to avoid the disclosure of the identity of witnesses and to take testimony by technical means, such as video-conference. The Witness Protection Act can be applied to witnesses or other endangered persons. According to the Prosecutor's Office, in several cases the identity of victims of THB was protected, either by concealing the victim's personal details or testifying via video conference.

177. Pursuant to the CPA, child victims of THB and other offences against the sexual integrity must have a legal counsel from the onset of the criminal proceedings. A child may also be accompanied by a trusted person (Article 65 of the CPA). For children under the age of 15, Article 178 of the CPA prohibits the presence of the defendant during the person's testimony. Further, Article 331 of the CPA stipulates that direct questioning of persons under 15 years of age is not permitted in the main hearing, and the court must order that the testimony of such a witness be read out. For example, in the case referred to in paragraph 170, the victim's testimony took place via video link while the victim was in an unknown location while the other parties and the victim's lawyer were in the courtroom.

178. GRETA urges the Slovenian authorities to extend the application of the procedural protection measures currently reserved to children under the age of 15 years to cover all child victims and witnesses of THB up to the age of 18, taking into account the best interests of the child and in order to bring such measures in full conformity with the Convention.<sup>49</sup> In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.<sup>50</sup>

179. Further, GRETA considers that the Slovenian authorities should make full use of the measures available to protect victims and witnesses of THB.

<sup>49</sup> Article 4(d) of the Council of Europe Convention states that "Child is any person under eighteen years of age."

<sup>50</sup> [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

c. Jurisdiction (Article 31)

180. Article 12 of the CC stipulates that the Slovenian CC shall be applicable to any citizen of Slovenia who commits any criminal offence abroad.

181. Article 13 of the CC regulates the application of the CC to foreign citizens who commit a criminal offence abroad. It reads as follows:

“(1) The Criminal Act of the Republic of Slovenia shall apply to any foreign citizen who has, in a foreign country, committed a criminal offence against the Republic of Slovenia or any of its citizens (...).

(2) The Criminal Act of the Republic of Slovenia shall also be applicable to any foreign citizen who has, in a foreign country, committed a criminal offence against a third country or any of its citizens if he has been apprehended in the territory of the Republic of Slovenia, but was not extradited to the foreign country. In such case, the court shall not impose a punishment on the perpetrator that is graver than the punishment prescribed by the statute of the country in which the offence was committed.

(3) The Criminal Act of the Republic of Slovenia shall be applicable to any person who commits any other criminal offence abroad covered by an international treaty or by general legal rules that are recognised by the international community, which is subject to prosecution in all countries, regardless of the location where it was committed.”<sup>51</sup>

5. International co-operation and co-operation with civil society

a. International co-operation (Articles 32 and 33)

182. When investigating cases of trafficking in human beings, the Slovenian police co-operate with other countries via the Europol and Interpol communication channels, operational meetings with counterparts and by means of parallel investigations (e.g. with the Serbian authorities in 2015). Furthermore, the Slovenian police participate in the implementation of the operational action plan on THB carried out by the European Multidisciplinary Platform against Criminal Threats (EMPACT). In 2013-2015, the Slovenian Ministry of the Interior implemented as lead agency the EU-funded ISEC project entitled "The introduction of the requirements for establishing Joint Investigation Teams (JIT) to fight trafficking in human beings in South-Eastern Europe". The project aimed at facilitating the use of JITs in trafficking in human beings cases and, in addition to Slovenia, involved Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Montenegro, "the former Yugoslav Republic of Macedonia" and Serbia. As part of this project, guidelines on the use of JITs were published.<sup>52</sup> Several three-day workshops involving representatives of Eurojust and Europol were held in the participating countries, attended by approximately 250 prosecutors and police officers. GRETA notes that despite its leading role in this project, Slovenia has not yet participated in any JITs in THB-related cases. In 2014, the Specialised State Prosecutor's Office submitted a proposal to establish a JIT with the Czech Republic, but the Czech representatives thought that the conditions for such a team had not been fulfilled. In this context, a meeting in The Hague was held with Eurojust and Europol representatives.

<sup>51</sup> Non-official translation provided by the Slovenian authorities.

<sup>52</sup> Available at: <https://rm.coe.int/16806f720a>



183. The State Prosecutor's Office referred to the very good level of co-operation received in respect of requests for mutual legal assistance in THB cases, for example with Ukraine and the Republic of Moldova which promptly sent information on the identity and location of victims and provided the necessary assistance by searching for alleged perpetrators. However, according to the Specialised State Prosecutor's Office, proposals for joint prosecutions in THB cases made to certain countries of origin of victims of THB were not accepted because the countries concerned did not detect any signs of THB or their legislation did not allow the use of special investigation techniques.

184. Other international co-operation activities have included the conclusion of an Agreement on Enhancing Co-operation in Preventing and Combating Serious Crime with the USA, which explicitly refers to THB.

185. An early warning system for missing children was set up in 2011. GRETA notes that Slovenia is neither a member of Missing Children Europe nor does it participate in the AMBER Alert system. According to the authorities, the police have an effective operational system for searching for missing children and they are usually found immediately or within 72 hours. The Slovenian authorities have indicated that the General Police Directorate is in the process of considering the conclusion of a Memorandum of Understanding with AMBER Alert Europe (the European Child Rescue Alert and Police Network on Missing Children).

186. GRETA welcomes the steps taken by the Slovenian authorities in the area of international co-operation in combating THB and invites them to continue their efforts with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences.

187. Further, GRETA encourages the Slovenian authorities to bring to a conclusion the signing of a Memorandum of Understanding with the AMBER Alert system.

b. Co-operation with civil society (Article 35)

188. The Inter-ministerial Working Group comprises NGOs as full members. Currently, four NGOs are members and in 2015 the Association of Free Trade Unions was also included in the Working Group.

189. The role of NGOs in the process of identification of victims of trafficking is laid down in the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings.

190. NGOs implement government-funded programmes for providing assistance to victims of THB and annual projects aimed at preventing THB by raising awareness and reducing demand. Some NGOs, such as Society Ključ, have signed formal co-operation agreements with the Police, the Ministry of the Interior and the State Prosecutor's Office.

191. GRETA welcomes the co-operation established between the Slovenian authorities and NGOs in the field of action against THB and invites the Slovenian authorities to continue building strategic partnerships with civil society, as well as to develop co-operation with trade unions and the private sector.

## IV. Conclusions

192. Since the adoption of GRETA's first report on Slovenia in 2013, progress has been made in a number of areas.

193. The Slovenian authorities have continued to develop the legal framework for combating trafficking in human beings, in accordance with GRETA's recommendations. As a result of amendments to the Criminal Code, the use of services provided by a victim of trafficking in human beings, with the knowledge that the person concerned is a victim, has been criminalised. Further, victims of trafficking holding a temporary residence permit have been granted access to the labour market.

194. The institutional framework for action against trafficking in human beings in Slovenia has also evolved. With a view to adapting its composition to new trends in human trafficking, the Inter-ministerial Working Group for Combating Trafficking in Human Beings has been enlarged.

195. Further, a new two-year National Action Plan was adopted in 2017, with funding for the activities envisaged by it included in the budgets of different ministries. Another welcome development is the research carried out on different issues related to human trafficking, including in areas suggested in GRETA's first evaluation report. The research findings were used to inform the preparation the new action plan.

196. Efforts have been made to provide training to relevant professionals and to expand the categories of staff targeted. The training is often carried out in co-operation with NGOs and, whenever possible, a multi-stakeholder approach is promoted.

197. In the area of prevention of human trafficking, a number of awareness-raising activities have been implemented, focusing on raising awareness of human trafficking among children, young people and migrant workers, as well as on discouraging demand.

198. Another positive development is the drawing up of a Manual of the Identification, Assistance and Protection of Victims of Trafficking in Human Beings which defines the roles and tasks of relevant actors and provides indicators for different forms of exploitation. Further, GRETA commends the extension of the crisis accommodation programme for victims of trafficking, regardless of whether they co-operate in the investigation, to 30 days.

199. GRETA welcomes the development of specialisation on human trafficking cases in the Prosecutor's Office. This, as well as the use of special investigation techniques when investigating human trafficking offences and the attention paid to freezing and confiscating the proceeds of perpetrators of such offences, has contributed to strengthening the criminal justice response to human trafficking.

200. Partnership with civil society has continued to be a strong part of anti-trafficking action in Slovenia. Efforts have also been made in the area of international legal co-operation in combating trafficking in human beings.

201. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the Slovenian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

### Issues for immediate action

- While welcoming the adoption of the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, GRETA urges the Slovenian authorities to:
  - ensure that the procedures in the Manual are effectively implemented in practice, including periodically training all relevant professionals;
  - ensure that the use of indicators, guidance and criteria for the identification of victims of trafficking by frontline staff is harmonised and monitored;
  - encourage law enforcement officials (including border police), social workers, labour inspectors and other relevant actors to pursue a more proactive approach and increase their outreach work to identify potential victims of trafficking, in particular as regards forms of exploitation other than sexual (such as labour exploitation, forced marriages, forced begging);
  - pay increased attention to detecting victims of trafficking among asylum seekers and foreign workers;
  - improve mechanisms and procedures for identifying as victims those who are trafficked within the country (paragraph 97);
- While welcoming the extension of the crisis accommodation programme from five to 30 days, GRETA once again urges the Slovenian authorities to ensure that access to assistance for victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings, and is based on their individual needs (paragraph 107);
- GRETA urges the Slovenian authorities to make efforts to improve the identification of, and assistance to, child victims of trafficking, in particular by:
  - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to unaccompanied foreign children, Roma children and children involved in begging;
  - providing further training to stakeholders (police, service providers, NGOs, centres for social work) as well as guidance for the identification of child victims of THB for different forms of exploitation;
  - providing specialised support and services beyond the recovery and reflection period which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training, and ensuring long-term monitoring of their reintegration;
  - taking steps to address the problem of unaccompanied children disappearing by providing suitable safe accommodation and trained supervisors (paragraph 116);
- GRETA urges the Slovenian authorities to:
  - review the legislation in order to ensure that all foreign persons for whom there are reasonable grounds to believe that they are victims of trafficking, including EU citizens, are provided with a recovery and reflection period, the purpose of which is stated as it is in Article 13 of the Convention;
  - ensure that all presumed foreign victims of trafficking are systematically informed of the possibility to benefit from such period and are effectively granted it (paragraph 126);

- GRETA once again urges the Slovenian authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, and in particular to:
  - ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
  - enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid;
  - include victim compensation into training programmes for prosecutors and judges;
  - include all victims of trafficking in the scope of the Crime Victim Compensation Act, irrespective of their nationality and of whether force or violation of sexual integrity has been used (paragraph 138);
- GRETA urges the Slovenian authorities to take additional measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers and prosecutors on the scope of the non-punishment provision (paragraph 164);
- GRETA urges the Slovenian authorities to extend the application of the procedural protection measures currently reserved to children under the age of 15 years to cover all child victims and witnesses of THB up to the age of 18, taking into account the best interests of the child and in order to bring such measures in full conformity with the Convention (paragraph 178).

#### Further conclusions

- GRETA urges the Slovenian authorities to strengthen the co-ordination of anti-trafficking action by reviewing the placement of the National Co-ordinator and increasing the human and budgetary resources to enable the carrying out of the range of tasks related to national anti-trafficking action, reflecting the requirements of a co-ordinated and effective human rights-based approach to combating human trafficking (paragraph 22);
- GRETA invites the Slovenian authorities to establish an independent National Rapporteur or the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions (paragraph 23);
- GRETA invites the Slovenian authorities to introduce an independent evaluation of the National Action Plan's implementation as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB (paragraph 27);
- GRETA considers that the Slovenian authorities should continue to provide regular training about THB and the rights of victims of trafficking to all relevant professionals, including prosecutors, judges, lawyers, labour inspectors, financial administration inspectors, trade unions, social workers, asylum officials and staff working in centres for migrants and asylum seekers. The training should aim at strengthening victim identification and protection, increasing the number of prosecutions and convictions, and guaranteeing compensation to victims (paragraph 36);

- For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the Slovenian authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 38);
- GRETA welcomes the above-mentioned research activities and considers that the Slovenian authorities should continue to conduct and support research on THB-related issues as an evidence base for future policy measures (paragraph 44);
- GRETA invites the Slovenian authorities to continue their efforts to raise awareness of THB, by focusing on new trends and needs, in the light of impact assessment of previous measures, and to increase the budget for the activities of the Government Communication Office in the field of prevention of THB (paragraph 48);
- GRETA considers that the Slovenian authorities should take further steps in the area of preventing trafficking for the purpose of labour exploitation, in particular by:
  - providing regular practice-oriented training on THB for the purpose of labour exploitation to relevant officials, in particular labour inspectors, staff of the financial administration, police officers, prosecutors and judges ;
  - strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;
  - working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business (paragraph 56);
- GRETA considers that the Slovenian authorities should step up their efforts in the area of prevention of child trafficking, on the basis of the results of research on new trends, by sensitising and training child protection professionals across the country, raising awareness among children as part of school education, and paying special attention to migrant children and children from vulnerable groups, such as Roma children (paragraph 63);
- Noting the positive obligation of reducing children's vulnerability to trafficking by creating a protective environment, GRETA considers that the Slovenian authorities should take steps to address the problem of unaccompanied children disappearing from public care by providing suitable safe accommodation and adequately trained supervisors or foster parents (paragraph 64);
- GRETA invites the Slovenian authorities to continue taking measures to reduce the vulnerability of the so-called "erased" persons to THB and exploitation (paragraph 69);
- GRETA considers that the Slovenian authorities should strengthen the implementation of social, economic and other measures for persons and groups vulnerable to THB and take further efforts to promote gender equality, combat gender-based violence, and support specific policies for the empowerment of women as a means of combating the root causes of THB for different purposes of exploitation (paragraph 71);
- GRETA considers that, as part of their training, medical professionals involved in organ transplantations and other health-care professionals should continue to be sensitised about THB for the purpose of organ removal (paragraph 75);

- GRETA encourages Slovenia to sign and ratify the Council of Europe Convention against Trafficking in Human Organs, which will enter into force on 1 March 2018, as this could contribute to preventing trafficking for the purpose of organ removal (paragraph 76);
- GRETA welcomes the above-mentioned projects and considers that the Slovenian authorities should continue their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the private sector (paragraph 83);
- GRETA considers that the Slovenian authorities should continue to strengthen their efforts to prevent human trafficking through border measures and to provide relevant officials with training to enable early detection and referral of possible victims of THB among vulnerable groups, such as migrants and asylum seekers, including unaccompanied and separated children (paragraph 87);
- GRETA considers that the Slovenian authorities should:
  - ensure adequate funding and staff to facilitate the integration into society of victims of trafficking legally present in the country, by providing them with vocational training, education and access to the labour market;
  - guarantee access to local public health care to all victims of THB (paragraph 108);
- GRETA invites the Slovenian authorities to grant temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings (paragraph 131);
- GRETA considers that the Slovenian authorities should keep under review the practical application of the provisions on granting temporary residence permits to victims co-operating in criminal proceedings and to ensure that it is systematically proposed and effectively granted to presumed victims of THB (paragraph 132);
- GRETA considers that the Slovenian authorities should take additional steps to:
  - ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking;
  - ensure with regard to children, repatriation programmes include enjoyment of the right to education and measures to secure adequate care or receipt by the family or appropriate care structures and that child victims are not returned if such return would not be in the best interests of the child;
  - ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention, taking into account the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people (paragraph 144);
- GRETA considers that the Slovenian authorities should conduct a comprehensive assessment of the effectiveness of the criminal law provisions concerning THB and related offences. The authorities should be prepared to readjust on the basis of such an assessment the content and/or the application of the relevant provisions with a view to addressing any shortcomings identified (paragraph 149);
- GRETA urges the Slovenian authorities to bring the interpretation of the abuse of a position of vulnerability in full conformity with the Convention (paragraph 150);
- GRETA considers that the Slovenian authorities should ensure that all the aggravating circumstances included in the Convention are appropriately taken into account (paragraph 152);
- Considering the possible overlap between Articles 113 and 132a of the CC, GRETA considers that the Slovenian authorities should ensure that law enforcement officers, prosecutors and judges possess the necessary skills to establish the specific facts of each of these offences and to base

charging decisions on an assessment of the available evidence, referring cases of forced marriage which have the elements of THB to the Specialised State Prosecutor's Office (paragraph 153);

- GRETA welcomes the criminalisation of the use of services of victims of trafficking in human beings, with the knowledge that the person is a victim of trafficking and invites the Slovenian authorities to disseminate knowledge about this new provision and to ensure its application in practice (paragraph 156);
- GRETA invites the Slovenian authorities to keep under review the application of the corporate liability provisions in THB cases with a view to ensuring that they are effectively applied in practice (paragraph 159);
- GRETA considers that the Slovenian authorities should take further steps to ensure that THB cases are investigated proactively, prosecuted successfully and result in effective, proportionate and dissuasive sanctions, including by:
  - providing further training to police officers and prosecutors to investigate and prosecute cases of THB for purposes other than sexual exploitation, including through co-operation with other relevant actors and countries;
  - developing the specialisation of judges on THB cases (paragraph 173);
- GRETA considers that the Slovenian authorities should make full use of the measures available to protect victims and witnesses of THB (paragraph 179);
- GRETA welcomes the steps taken by the Slovenian authorities in the area of international co-operation in combating THB and invites them to continue their efforts with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences (paragraph 186);
- GRETA encourages the Slovenian authorities to bring to a conclusion the signing of a Memorandum of Understanding with the AMBER Alert system (paragraph 187);
- GRETA welcomes the co-operation established between the Slovenian authorities and NGOs in the field of action against THB and invites the Slovenian authorities to continue building strategic partnerships with civil society, as well as to develop co-operation with trade unions and the private sector (paragraph 191).

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## Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

### Public bodies

- Ministry of the Interior
  - National Co-ordinator for Combating Trafficking in Human Beings
  - Criminal Police Directorate
  - Uniformed Police Directorate, including Border Police Section
  - Migration Office
- Ministry of Justice
  - Penal Law and Human Rights Directorate
  - Office for International Co-operation and Mutual Legal Assistance
- Ministry of Labour, Family, Social Affairs and Equal Opportunities
  - Family Directorate
  - Labour Market and Employment Directorate
  - Labour Inspectorate
- Ministry of Finance
  - Financial Administration
- Ministry of Foreign Affairs
- Ministry of Health
- Office for National Minorities
- Government Communication Office
- Higher Court Ljubljana
- District Court Ljubljana
- District Court Maribor
- Office of the State Prosecutor General
- Specialised State Prosecutor's Office
- Office of the Human Rights Ombudsman
- National Assembly

### Intergovernmental organisations

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)



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NGOs and other civil society organisations

- Association of Free Trade Unions of Slovenia (ZSSS)
- Caritas Slovenia
- Centre for the Legal Protection of Human Rights
- Slovenian Philanthropy
- Society Ključ - Centre for Fight against Trafficking in Human Beings
- Sluga Law Firm

## Government's comments

GRETA engaged in a dialogue with the Slovenian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Slovenian authorities on 20 December 2017 and invited them to submit any final comments. By letter of 30 January 2018 (reproduced hereafter), the Slovenian authorities indicated that they do not see the need to submit any comments to the final GRETA report.



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**COUNCIL OF EUROPE**  
**Secretariat of the Council of Europe Convention on Action against**  
**Trafficking in Human Beings**  
**GRETA and Committee of the Parties**

**Ms Petya Nestorova**  
**Executive Secretary**  
[Trafficking@coe.int](mailto:Trafficking@coe.int)

Number: 500-354/2016/21

Date: 30. 1. 2018

Dear Ms Nestorova,

I would like to thank you and the GRETA members for the efforts made during the second evaluation round concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. The Republic of Slovenia received the final report on 20 December 2017.

The report of the Group of Experts on Action against Trafficking in Human Beings – GRETA gives a thorough assessment of the achievements and shortcomings in the implementation of the Convention provisions and objectively reflects the situation in this field in the Republic of Slovenia. Besides, most of our comments to the previous draft report have been taken into account so the Slovenian authorities essentially agree with the final report and its conclusions.

Finally, I would like to inform you that the Government of the Republic of Slovenia has already taken note of the final report as well as the constructive comments highlighted by GRETA which will undoubtedly provide useful guidance to the Slovenian authorities for more efficient implementation of the Convention provisions.

With kind regards,

Sandi Čurn, M Sc  
Secretary  
National Anti-Trafficking Coordinator

