



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2018)7 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Slovenia

*adopted at the 22nd meeting of the Committee of the Parties
on 9 February 2018*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Slovenia on 3 September 2009;

Recalling Committee of the Parties' Recommendation CP(2014)7 of 7 February 2014 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Slovenia and the report of the Slovenian authorities on measures taken to comply with this recommendation, submitted on 5 February 2016;

Having examined the second report concerning the implementation of the Convention by Slovenia adopted by GRETA at its 30th meeting (20-24 November 2017), as well as the comments of the Government of Slovenia received on 30 January 2018;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, including the criminalisation of acts relating to travel and identity documents for the purpose of enabling human trafficking and the criminalisation of the use of services of victims of trafficking, with the knowledge that the person concerned is a victim;
 - the enlarged composition of the Inter-ministerial Working Group for Combating Trafficking in Human Beings, including trade unions;
 - the steps taken to provide training to relevant professionals and to expand the categories of staff trained, in co-operation with NGOs;
 - the action taken to raise public awareness of human trafficking, focusing on children, young people and migrant workers, as well as to discourage demand;
 - the research carried out on different aspects of human trafficking, including on labour exploitation and forced marriages;

- the adoption of the Manual of the Identification, Assistance and Protection of Victims of Trafficking in Human Beings defining the roles and tasks of relevant actors and providing indicators for different forms of exploitation;

2. Recommends that the Slovenian authorities take measures to address the following issues for immediate action identified in GRETA's report:

- following the adoption of the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings:
 - 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;
- ensure that access to assistance for victims of THB is not made conditional on their cooperation in the investigation and criminal proceedings, and is based on their individual needs;
- 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;
- implement effectively the Convention obligations relating to the recovery and reflection period, including by:
 - reviewing 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;
 - ensuring that all presumed foreign victims of trafficking are systematically informed of the possibility to benefit from such period and are effectively granted it;
- facilitate and guarantee access to compensation for victims of trafficking, in particular by:

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- ensuring 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;
 - enabling victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid;
 - including victim compensation into training programmes for prosecutors and judges;
 - including 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;
- 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, including by 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;
 - 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.
3. Requests the Government of Slovenia to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 9 February 2019.
4. Recommends that the Government of Slovenia take measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Slovenia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.