

CP(2019)13

**Report submitted by the Slovenian authorities
on measures taken to comply with
Committee of the Parties Recommendation
CP(2018)7 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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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
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Number: 500-354/2018/25
Date: 1. 3. 2019

Dear Ms Nestorova,

with reference to your letter of 15 February 2018 enclosed please find the Report of the Republic of Slovenia on measures taken to comply with Committee of the Parties Recommendation CP(2018)7 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. The report was adopted by the Government of the Republic of Slovenia on 28 February 2019.

According to the report, it can be noted that some of the GRETA's recommendations have already been fulfilled, whereas some are still outstanding but their implementation is foreseen in the framework of the Implementation of the Action Plan for Combating Trafficking in Human Beings for the period 2019-2020, adopted by the Government of the Republic of Slovenia on 7 January 2019.

I would like to thank you and the GRETA members once again for the efforts made during the second evaluation round concerning the Implementation of the Council of Europe Convention on. In this regard I would like to stress that the comments and recommendations highlighted by GRETA provided useful guidance to the Slovenian authorities for more efficient implementation of the Convention provisions.

With kind regards,

Sand Čurin, M Sc
State Secretary and
National Anti-Trafficking Coordinator



**REPORT OF THE REPUBLIC OF SLOVENIA ON MEASURES TAKEN TO COMPLY WITH
COMMITTEE OF THE PARTIES RECOMMENDATION CP(2018)7 ON THE IMPLEMENTATION OF
THE COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN
BEINGS**

Institutional framework

- 1. 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.**

In accordance with GRETA'S recommendations, a new unit - Anti-Trafficking Service - was established within the Ministry of the Interior on 26. 11. 2018, with the position of the National Anti-Trafficking Coordinator transferred to this unit. Four additional jobs are classified within this service.

The financial resources earmarked by individual ministries and government offices for anti-trafficking activities in accordance with the adopted plans are being increased as well. In 2018, additional funding was thus provided by the Office of the Government of the Republic of Slovenia for National Minorities. In this manner, awareness-raising on the dangers of forced and arranged marriages was included in the project of awareness-raising of senior primary school students, with one third of activities taking place in environments with Roma population.

Furthermore, on 7 January 2019 the Government of the Republic of Slovenia adopted a new Action Plan for Combating Trafficking in Human Beings 2019-2020 (hereinafter: Action Plan) and the envisaged funding for its implementation will be increased by 85,000 EUR in the next two-year period as compared with the previous action plan.

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

- 2. Identification of victims of trafficking in human beings**

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:

- a) ensure that the procedures in the Manual are effectively implemented in practice, including periodically training all relevant professionals;**
- b) ensure that the use of indicators, guidance and criteria for the identification of victims of trafficking by frontline staff is harmonised and monitored;**
- c) 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);**
- d) pay increased attention to detecting victims of trafficking among asylum seekers and foreign workers;**
- e) improve mechanisms and procedures for identifying as victims those who are trafficked within the country.**

a) In 2018, the Inter-Ministerial Working Group for Combating Trafficking in Human Beings (hereinafter: IWG) continued to train professionals involved in combating trafficking in human beings. In addition to training courses for criminal investigators and police officers (including border guards),

state prosecutors, judges, labour inspectors and employees of the Financial Administration of the Republic of Slovenia, awareness-raising efforts in the last year also targeted employees of social work centres and administrative units, diplomatic and consular staff, and principals of primary and secondary schools.

All such training courses were based on the Manual on the Identification of, Assistance to and Protection of Victims of Trafficking in Human Beings (hereinafter: Manual), which was adopted by the Government of the Republic of Slovenia in May 2016, together with the indicators for the identification of victims of trafficking in human beings.

In compliance with the Action Plan, training of professionals involved in preventing and combating trafficking in human beings will continue over the next two-year period.

b) The police have provided all criminal investigators with operational indicators to identify the victims of trafficking in human beings. In addition, the police have provided all police officers and criminal investigators with guidelines on procedures to be taken in cases where migrants are identified as victims of trafficking in human beings, as well as operational indicators that help staff recognise the victims of trafficking among the migrants, placing particular attention on identifying child victims of trafficking.

c) In detection, prevention and investigation of criminal offences related to trafficking in human beings, the police continue to effectively exercise all their powers, cooperating with other state authorities (Financial Administration of the Republic of Slovenia, Labour Inspectorate of the Republic of Slovenia, health care institutions, competent social work centres,...), NGOs and trade unions involved in trafficking in human beings. In the Republic of Slovenia, sexual exploitation remains the most frequently detected and investigated type of exploitation. In detecting and investigating criminal offences of trafficking in human beings, the police pay special attention to investigations related to suspected criminal offences against employment relationships and social security. In so doing, the police, in cooperation with the competent national authorities, plan and implement activities for the identification of potential victims of forced labour.

In 2017 and 2018, the police detected and investigated cases of suspected criminal offences of trafficking in human beings under Article 113 of the Criminal Code where the purpose of exploitation was forced commission of criminal offences. A criminal association was identified which in the territory of the Republic of Slovenia had been forcing 32 Chinese citizens to commit criminal offences. Six persons were arrested, of which four were Chinese and two were Slovenian citizens.

In 2018, the police also detected and investigated several criminal offences of violation of fundamental rights of employees under Article 196 of the Criminal Code, with established elements of labour exploitation of the victims. However, when those criminal offences were investigated in pretrial and further criminal proceedings, no elements of forced labour as a form of exploitation of the victims of trafficking in human beings were established.

d) In order to identify potential victims of trafficking in human beings among the international protection applicants, PATS project has been implemented for a number of years in the Asylum Centre, and in 2018 it was again carried out by the Institute for African Studies (hereinafter: IAS). The purpose of the project is to raise the awareness of persons who in most cases do not realise the dangers and consequences of trafficking in human beings and to encourage them, with a suitable approach, to actively participate in preventing various types of exploitation. The most important are individual interviews with unaccompanied minors and women, in which those individuals are informed of trafficking in human beings and preventive measures. Interviews are held in the presence of an interpreter. Each applicant for international protection (hereinafter: applicant) receives a leaflet (in the language they understand) with basic information on trafficking in human beings and telephone

numbers where they can get assistance and advice. The project also includes the possibility of individual information sessions with adult men.

Also, it is important to provide the identified victims of trafficking in human beings or sexual or gender-based violence with access to adequate care. The project also includes informing the employees and everybody in contact with applicants in the course of their work of the presence and dangers of this phenomenon. The Institute for African Studies started implementing the project in late July and by end of 2018, 342 individual information sessions (311 with unaccompanied minors and 31 with women) were held.

In parallel with these activities, the Government of the Republic of Slovenia co-finances awareness-raising and prevention activities targeting migrants and applicants on an annual basis. In 2018 the Slovene Philanthropy - Association for Promotion of Voluntary Work implemented the project „Countering trafficking in human beings – spreading information is a weapon against exploitation“.

The main attention was focused on individual information sessions with refugees and migrants, with seven information workshops organised for the latter and five workshops for professionals (employees of the Slovenian Government Office for the Support and Integration of Migrants, all branches of the Asylum Centre, school boarding houses accommodating children/unaccompanied minors, the integration house, various NGOs and other organisations, and services who organise programmes for refugees and migrants and are in contact with the latter) and volunteers. Information posters and leaflets were printed, informing the target public of trafficking in human beings.

In the procedures of identifying potential victims of trafficking in human beings among foreign workers, the police cooperate closely with the Labour Inspectorate and the Financial Administration of the Republic of Slovenia, as well as with other relevant institutions if necessary. According to the findings of the labour inspectors who supervise the employment and work of foreigners in accordance with the Act on the Employment, Self-Employment and Work of Foreigners, the number of violations in 2018 dropped from 45 (previous year) to 29. As regards ensuring the rights of workers who were posted to the Republic of Slovenia for temporary work on the basis of an employment contract concluded under foreign law, no violations of Article 210 of the Employment Relationship Act, which specifically governs the position of foreign posted workers, were established in 2018. On 1. 1. 2018, the Transnational Provision of Services Act started to be applied. This act specifies the conditions under which legal and natural persons registered to perform an activity and established in the Republic of Slovenia may temporarily perform services in another EU Member State and vice-versa. Last year, while supervising the implementation of this act, inspectors established 20 violations, but no elements of the criminal offence of trafficking in human beings were established.

The Government of the Republic of Slovenia regularly co-finances various awareness-raising projects, which also include foreign workers. In 2018, awareness-raising and identification of potential victims of forced labour (and, in that context, foreign workers) took place within the project Za-govor implemented by the Workers' Counselling Centre. Within the project, 815 information sessions were held, equipping the users with information they can use in exercising their rights, and 406 in-depth counselling sessions, providing the users with comprehensive and active support in terms of advocacy in eliminating labour exploitation and exercising their rights. In addition, the Workers' Counselling Centre issued and distributed leaflets on work-related rights in cases of rights violation procedures in three languages (three language versions, 1,500 copies altogether), published seven regular monthly reports indicating the number of contacts with regard to violation type and branches where violations most often took place, and organised two press conferences.

Awareness-raising of foreigners also takes place within the project Care of victims of trafficking in human beings – crisis accommodation, on the basis of which the NGO that is selected at a public tender prepares information materials on trafficking in human beings to be distributed at border

crossing points, administrative units and diplomatic and consular missions of the Republic of Slovenia abroad.

e) According to police findings, the Republic of Slovenia is not a country of origin for victim of trafficking in human beings exploited in Slovenia or abroad. In 2017, three victims of trafficking in human beings were identified as Slovenian citizens (out of 66). Nevertheless, the Slovenian police, in detecting and investigating criminal offences of trafficking in human beings, also pay attention to instances of trafficking in human beings inside the country. The mechanism and procedures for the identification of the victim of trafficking in human beings are defined in the Manual.

3. Assistance to victims

a) 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.

In Chapter IV (Accommodation of victims of trafficking in human beings), the Manual lays down that a victim has the right to immediate assistance and support as soon as it is reasonably presumed that they might be a victim of trafficking in human beings. Furthermore, the Manual lays down that the assistance and support are not conditional on a victim's readiness to cooperate in pre-trial and criminal proceedings.

At the same time, on the basis of the public tender for the programme Care of victims of trafficking in human beings – safe accommodation¹ and the contract concluded on this basis between the ministry responsible for the public tender and the programme provider, the victim of trafficking in human beings is granted a 30-day period of reflection and recovery to recover from the ordeal, cut off the ties with the traffickers and acquire information on follow-up support and care programmes accessible on voluntary basis and possible ways of cooperation with the authorities. The conditions laid down in the tender documentation and the concluded contract are based on the above Manual and are binding in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings.

- b) 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.

¹ Crisis accommodation is usually the first type of accommodation for victims of trafficking. It normally lasts up to 30 days, whereupon the victim may either express their wish to return home or take the reflection period provided for by the law (three months), during which they may decide to cooperate with the law enforcement authorities. The purpose of crisis accommodation is immediate assistance.

The action of all authorities and organisations in procedures with child victims of trafficking in human beings is defined in a special chapter of the Manual, which also includes the indicators for identifying child victims of trafficking. The Manual lays down that all actions must be in compliance with the principle of the child's best interest in accordance with Article 3 of the Convention on the Rights of the Child, which must override immigration considerations and crime prevention. Views and wishes of child victims of trafficking must be established and considered when taking decisions that concern them, also as guidance in their rehabilitation and training. Child victims have the right to assistance and support with regard to the special circumstances of such victims. The primary consideration, i.e. the child's best interest, is examined on a case by case basis while the approach adapted to the child must prevail, adequately taking account of the age, level of maturity, and the child's views, needs and concerns. The child and the holder of parental responsibility or another legal representative, if the child has one, are informed of all measures or rights specifically focused on the child. If the holders of parental responsibility are not enabled to exercise the principle of the child's best interest and/or to represent the child, the child victim is allocated a guardian or representative. Further procedures following the identification of child victims of THB are conducted by personnel adequately qualified to conduct procedures with children.

In accordance with the adopted Action Plans for Combating Trafficking in Human Beings, regular training of all stakeholders who in the course of their work might encounter cases of trafficking in human beings with minors as victims takes place. In 2018, the Social Chamber of Slovenia organised a training course under the programme of the exercise of public authority for the period 1. 1. 2018 - 31. 12. 2018 for the professionals from social work centres entitled Work with migrants and victims of trafficking in human beings. The seminar was carried out on 25. 10. 2018 and was attended by 37 professionals from social work centres. The seminar consisted of three lectures: To whom, how and why a person with experience in trafficking in human beings should be referred; Trafficking in human beings - police procedures, and Experience in working with victims under the programme Care for Victims of Trafficking in Human Beings - Crisis Accommodation.

In addition, the crisis accommodation provider, under the contract concluded with the competent ministry, carries out preventive workshop in the Slovenian primary and secondary schools and handles the distribution of information materials. Both are intended to inform and raise the awareness of children, adolescents and staff working with them, as well as other target populations, on the dangers and pitfalls of trafficking in human beings.

At the moment, assistance to minor victims of trafficking in human beings in the Republic of Slovenia is provided under the programmes of care for victims of trafficking in human beings in crisis accommodation and in a safe location. Although the programmes define the obligation of providing assistance to and protecting child victims of trafficking in human beings, they do not determine a clear content and form of assistance that would take into account a child's best interests. Given the current situation, improvements should be sought in terms of comprehensive and long-term assistance and support to children who experienced trafficking, including the setting up of special accommodation for children who experienced trafficking.

The Republic of Slovenia is aware of the shortcomings in the area of providing adequate accommodation and assistance to children who experienced trafficking, which is why this area is included among the priorities of the Action Plan (Chapter V, point 1.2 - Provision of comprehensive and long-term assistance to children who experienced trafficking).

4. Recovery and reflection period

- a) 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

In identification procedure the police inform the victim, in a language they can understand, of the right to assistance and support, the right to safe accommodation during the recovery and reflection, and the right to participate in criminal proceedings. This procedure is also defined in the Manual.

At the same time, the Manual specifies that in accordance with the applicable regulations and the contract with the provider of the programme Care for Victims of Trafficking in Human Beings - Crisis Accommodation, a victim of trafficking in human beings is granted a 30-day period of reflection and recovery to recover from the ordeal, cut off the ties with the traffickers and acquire information on follow-up support and care programmes accessible on voluntary basis and possible ways of cooperation with the authorities.

The Republic of Slovenia nevertheless took note of GRETA's recommendation and will examine it within the framework of activities envisaged in Chapter V of the Action Plan (point 2.3 - Examination of the legislation and preparation of proposals for the implementation of some key GRETA's recommendations).

5. Compensation and legal redress

a) 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;
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid;
- include all victims of trafficking in the scope of the Crime Victim Compensation Act (ZOZKD), irrespective of their nationality and of whether force or violation of the sexual integrity has been used

In accordance with the provisions of the Manual, authorities, organisations, NGOs and humanitarian organisations who in the course of their work identify a victim of trafficking in human beings or are in any other way involved in procedures of identification of victims of trafficking, must inform those persons on the following:

- to what extent and under what conditions they have access to legal assistance, legal aid or any other counselling;
- which requirements they must meet in order to be eligible for compensation;
- any special arrangements available to them to protect their interests if they are permanently staying in another Member State;
- how they can obtain reimbursement of expenses incurred by their cooperation in criminal proceedings.

On 17 October and 23 November 2018, regular annual training of judges on trafficking in human beings took place. Within the topic "Trafficking in human beings - recognisability of the phenomenon in the society", the National Anti-Trafficking Coordinator presented to the participants the measures to ensure access of victims of trafficking in human beings to compensation and informed them on GRETA's recommendations in this context.

The Republic of Slovenia is aware of the need to amend the Compensation to Crime Victims Act and has therefore included the above among the measures envisaged in Chapter V of the Action Plan (point 2.2 - Amendment to Article 5 of the Compensation to Crime Victims Act).

Substantive criminal law

6. Non-punishment of victims of trafficking in human beings

- a) 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.**

In the Republic of Slovenia, the principle of non-punishment of victims of trafficking in human beings is complied with on the basis of Article 23 of the Criminal Code, which stipulates that “any offence committed under influence of coercion, which the perpetrator was not able to withstand, shall not constitute a criminal offence.”

The Republic of Slovenia nevertheless took note of GRETA’s recommendation and will examine it within the framework of activities envisaged in Chapter V of the Action Plan (point 2.3 - Examination of the legislation and preparation of proposals for the implementation of some key GRETA’s recommendations).

Investigation, prosecution and procedural law

7. **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.

The Republic of Slovenia took note of GRETA’s recommendation and will examine it within the framework of activities envisaged in Chapter V of the Action Plan (point 2.3 - Examination of the legislation and preparation of proposals for the implementation of some key GRETA’s recommendations).