



EVALUATION REPORT

SLOVENIA

Third evaluation round

Access to justice
and effective remedies
for victims of trafficking
in human beings

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

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Table of contents

Executive summary	5
Preamble	8
I. Introduction	9
II. Overview of the current situation and trends in the area of trafficking in human beings in Slovenia	11
III. Developments in the legislative, institutional and policy framework for action against human trafficking	11
IV. Access to justice and effective remedies for victims of human trafficking	14
1. Introduction	14
2. Right to information (Articles 12 and 15)	15
3. Legal assistance and free legal aid (Article 15)	17
4. Psychological assistance (Article 12)	19
5. Access to work, vocational training and education (Article 12)	19
6. Compensation (Article 15)	20
7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)	22
8. Non-punishment provision (Article 26)	27
9. Protection of victims and witnesses (Articles 28 and 30)	28
10. Specialised authorities and co-ordinating bodies (Article 29)	29
11. International co-operation (Article 32)	30
12. Cross-cutting issues	31
a. gender-sensitive criminal, civil, labour and administrative proceedings	31
b. child-sensitive procedures for obtaining access to justice and remedies	32
c. role of businesses	33
d. measures to prevent and detect corruption	33
V. Follow-up topics specific to Slovenia	35
1. Data collection	35
2. Measures to prevent and combat trafficking for the purpose of labour exploitation ..	35
3. Identification of victims of trafficking	37
4. Identification of, and assistance to, child victims of trafficking	38
5. Assistance to victims of trafficking	40
6. Recovery and reflection period and residence permits	41
Appendix 1 - List of GRETA's conclusions and proposals for action	42
Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations	48
Government's comments	50

Executive summary

Since the second evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Slovenia has continued to develop the legislative and policy framework relevant to action against trafficking in human beings. In November 2018, the Anti-Trafficking Service was established within the Ministry of the Interior to support the National Anti-Trafficking Co-ordinator and ensure inter-ministerial cooperation. In January 2023, begging and practices similar to slavery were added as forms of exploitation to the definition of trafficking in human beings in Article 113 of the Criminal Code. Further, biannual national anti-trafficking action plans were regularly adopted.

Slovenia continues to be primarily a country of destination of victims of human trafficking. The total number of victims identified in the period 2017-2021 was 241, of whom 85% were women. The prevailing form of exploitation was sexual exploitation, followed by forced criminality. No victims of labour exploitation were identified, and no child victims. Almost all identified victims were foreign nationals and more than half of them came from four countries (Ukraine, Taiwan, Hungary and Romania). In addition, eight Slovenian victims were trafficked internally for the purpose of sexual exploitation.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

As regards the right of victims of trafficking to information, the authorities have developed an information brochure – available in six languages – listing the rights of victims of crimes in general. In addition, flyers explaining what human trafficking is and how and where to get assistance are distributed to victims of human trafficking. Nevertheless, GRETA considers that the Slovenian authorities should continue to make efforts to ensure that all presumed and formally identified victims of trafficking are proactively informed of their rights and the available support services and how to receive them.

In criminal proceedings, only Slovenian citizens and foreign citizens with a permanent or temporary residence permit, who are present in Slovenia, are entitled to free legal aid. In practice, victims of trafficking rely on specialised anti-trafficking NGOs for legal assistance and representation. GRETA urges the authorities to ensure that access to legal aid and the appointment of a lawyer are guaranteed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, and is not subject to means-related, nationality or residence requirements.

No trafficking victim has received compensation from the perpetrators through criminal or civil proceedings or from the State under the Crime Victims Compensation Act. This Act makes state compensation conditional on the outcome of criminal and civil proceedings and delays the possibility to claim and obtain state compensation until the end of these proceedings. GRETA urges the authorities to enable victims of trafficking to effectively exercise their right to compensation, by ensuring their access to information, legal assistance and legal aid throughout the duration of the criminal proceedings, and building the capacity of legal practitioners to support victims in claiming compensation. GRETA also urges the Slovenian authorities to review the eligibility criteria for state compensation with a view to making it available in practice to victims of trafficking.

In the period 2017-2021, 221 criminal offences of human trafficking involving 241 victims and 93 perpetrators were registered by the police, but only 41 perpetrators were sent to trial and just 26 of them were convicted for human trafficking. GRETA urges the Slovenian authorities to ensure that trafficking offences are classified as such every time the circumstances of a case allow this, including cases characterised by the absence of physical violence, and to strengthen efforts to investigate, prosecute and convict traffickers of labour exploitation. GRETA welcomes the inclusion of criminal liability of legal persons for trafficking in human beings, but notes with concern that none of the seven legal entities investigated for human trafficking were convicted of this offence.

There is still no specific legal provision in Slovenian law concerning the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so. GRETA urges the authorities to ensure compliance with Article 26 of the Convention through the adoption of a provision on the non-punishment of victims of trafficking and the development of guidance for police officers and prosecutors on this provision.

Slovenian law provides for a range of victim and witness protection measures in the context of criminal proceedings, but they appear to be rarely applied to victims of human trafficking in practice. GRETA considers that the authorities should make full use of the available protection measures, and in particular urges the authorities to ensure that there is an effective separation in court buildings for victims and defendants which prevent defendants from intimidating or influencing victims and witnesses in human trafficking cases. Furthermore, GRETA urges the 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 human trafficking up to the age of 18, taking into account the best interests of the child.

GRETA welcomes the existence of police investigators and prosecutors specialised in dealing with human trafficking cases and considers that the Slovenian authorities should also promote specialisation of judges to deal with such cases. The training provided on human trafficking should be systematic and periodically updated, and should further promote capacity-building and specialisation, with a view to enabling the proactive investigation and successful prosecution of human trafficking cases.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics.

GRETA welcomes the publication by the Ministry of the Interior of a manual for employers on prevention of forced labour and of detailed guidelines for labour inspectors on identifying victims of human trafficking. However, GRETA notes with concern that no victims of labour exploitation were identified during the reporting period. The Labour Inspectorate lacks resources to effectively monitor Slovenian companies employing posted workers in other EU countries. GRETA urges the authorities to ensure that labour inspectors, law enforcement officers and other relevant actors increase their outreach work to identify victims of trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as construction, transport and hospitality, and including situations where workers are posted by Slovenian companies to other EU countries.

Although the number of irregular migrants and asylum seekers in Slovenia has considerably increased since 2017, no victims of human trafficking have been identified from among asylum seekers. GRETA therefore urges the Slovenian authorities to pay increased attention to detecting victims of trafficking amongst migrants and asylum seekers, including by providing systematic training and issuing clear instructions to all relevant staff of reception centres and immigration detention centres on identifying and responding to cases of human trafficking.

There has been a significant rise in the number of asylum-seeking unaccompanied children in Slovenia, most of whom quickly disappear after being placed in the care of the state. GRETA calls on the authorities to ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, and to address the problem of unaccompanied foreign children going missing by providing suitable safe accommodation and trained supervisors or foster parents.

Whilst welcoming the increased state funding for assistance programmes for victims of human trafficking, GRETA once again urges the Slovenian authorities to ensure that access to assistance is not made conditional on the victims' co-operation in the investigation and criminal proceedings, and is based on their individual needs.

Finally, GRETA urges the Slovenian authorities to ensure that all foreigners 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 and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established 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.

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 of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' access to justice and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim's stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA's findings and analysis of these topics are presented in a separate chapter.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Slovenia on 1 January 2010. GRETA’s first evaluation report on Slovenia was published on 17 January 2014,¹ and the second evaluation report on 15 February 2018.²
2. On the basis of GRETA’s second report, on 9 February 2018, the Committee of the Parties to the Convention adopted a recommendation to the Slovenian authorities,³ requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Slovenian authorities was considered at the 24th meeting of the Committee of the Parties (5 April 2019), and was made public.⁴ Subsequently, on 25 October 2019, the Slovenian authorities submitted additional information as a follow-up to their report sent in reply to the Committee of the Parties’ recommendation.
3. On 2 June 2021, GRETA launched the third 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 2 October 2021, and the authorities’ reply was received on 11 November 2021.
4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Slovenian authorities,⁵ their above-mentioned report to the Committee of the Parties, and additional information submitted by them in reply to the Committee of the Parties’ recommendation. An evaluation visit to Slovenia took place from 6 to 9 June 2022 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:
 - Mr Kevin Hyland, member of GRETA;
 - Ms Svala Ísfeld Ólafsdóttir, member of GRETA;
 - Mr Roemer Lemaître, Administrator in the Secretariat of the Convention.
5. During the visit, the GRETA delegation met Dr Branko Lobnikar, State Secretary of the Ministry of the Interior, Ms Tina Princes Damjanovič, National Anti-Trafficking Co-ordinator, as well as other officials from the Ministry of the Interior, Ministry of Finance, Ministry of Justice, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Foreign Affairs, Government Communication Office, Office for National Minorities, and Government Office for the Care and Integration of Migrants. Furthermore, GRETA’s delegation held meetings with representatives of the Police, the National Investigative Office, the Supreme State Prosecutor’s Office, the Specialised State Prosecutor’s Office, as well as judges of the Supreme Court and the Higher Court. The GRETA delegation also met Mr Miha Horvat, Deputy Ombudsman, and members of the National Assembly.
6. Separate meetings were held with representatives of non-governmental organisations (NGOs) and a victim of human trafficking. The GRETA delegation also met representatives of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).
7. In the course of the visit, the GRETA delegation visited the Children’s House and the Asylum Centre in Ljubljana, as well as a student dormitory accommodating unaccompanied children in Postojna.

1 <https://rm.coe.int/greta-2013-20-fgr-svn-with-comments-en/168078e393>

2 <https://rm.coe.int/greta-2017-38-fgr-svn-en/168078919e>

3 <https://rm.coe.int/cp-2018-7-svn-en/1680789581>

4 <https://rm.coe.int/cp-2019-13-svn-en/16809987f4>

5 <https://rm.coe.int/reply-from-slovenia-to-the-questionnaire-for-the-evaluation-of-the-imp/1680a53b90>

8. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.

9. GRETA wishes to place on record the excellent co-operation provided by the Slovenian authorities in the preparation and carrying out of the evaluation visit, and in particular by Ms Tjaša Škreblin, Secretary at the Anti-Trafficking Service of the Ministry of the Interior, and Mr Damijan Janežič, Undersecretary at the Anti-Trafficking Service of the Ministry of the Interior, fulfilling the role of contact person for GRETA.

10. The draft version of the present report was approved by GRETA at its 45th meeting (26-28 September 2022) and was submitted to the Slovenian authorities for comments. The authorities' comments were received on 9 January 2023 and were taken into account by GRETA when adopting the final report at its 47th meeting (27-31 March 2023). The report covers the situation up to 31 March 2023; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Slovenia

11. Slovenia continues to be primarily a country of destination of victims of trafficking in human beings (THB) and to a lesser extent a country of origin. In the period 2017-2021, a total of 241 victims of THB were formally identified (66 in 2017, 101 in 2018, 7 in 2019, 27 in 2020 and 40 in 2021).⁶ These figures show a significant fluctuation in the number of victims identified per year. According to the Slovenian authorities, the important drop in the number of victims of THB identified in 2019 was due to the redeployment of police resources to deal with the increased number of proceedings for irregular border crossing (see the recommendation in paragraph 161). The overwhelming majority of victims during the reporting period (207, i.e. 85%) were women. No children were identified as victims of THB. The prevailing form of exploitation was sexual exploitation (205 victims), followed by forced criminality (32 victims), forced begging (two victims) and servitude (two victims). No victims of labour exploitation were identified. The vast majority of the victims (233) were foreign nationals and more than half of them came from four countries: Ukraine, Taiwan, Hungary and Romania. There were eight Slovenian victims (three men and five women) who were all trafficked internally for the purpose of sexual exploitation.

12. Slovenia is a transit country for refugees and migrants traveling along the "Balkan route" and aiming to reach countries in Western Europe. In the period 2017-2021, the Slovenian authorities intercepted 52,000 irregular migrants, including 14,700 who subsequently applied for asylum in Slovenia. No victims of THB have been identified among asylum seekers, but according to UNHCR and NGOs, the authorities do not pay adequate attention nor allocate sufficient resources to detecting trafficking victims among vulnerable asylum seekers. This is consistent with GRETA's own observations while visiting the Asylum Centre in Ljubljana (see paragraph 159). Slovenia is also a transit country for migrant workers who are hired by Slovenian companies to be employed as posted workers in other EU countries (see paragraph 148).

13. Further, since the outbreak of the war in Ukraine on 24 February 2022, Slovenia has registered more than 26,000⁷ arrivals from Ukraine (overwhelmingly women and children). Some 70% of them continued their journey to other countries. According to NGOs and international organisations, Ukrainian refugees are at heightened risk of THB, especially because in the past Ukraine was the main country of origin of foreign women subjected to sexual exploitation in Slovenia.

14. Considering that the Slovenian authorities have identified no victims of THB for the purpose of labour exploitation, no child victims of THB and no victims of THB among asylum seekers, GRETA notes that the real scope of human trafficking in Slovenia is probably higher than the above-mentioned figures of formally identified victims of THB suggest.

III. Developments in the legislative, institutional and policy framework for action against human trafficking

15. Since the second evaluation of Slovenia by GRETA, the legislative and institutional framework related to action against THB has undergone several changes. Article 50 of the Aliens Act, which regulates the recovery and reflection period and the granting of temporary residence permits to victims of THB, was repeatedly amended. In October 2017, paragraph 4 of Article 50 was amended, deleting the condition that a trafficking victim's testimony is considered important by the authority conducting the criminal case in order to obtain a temporary residence permit and adding making false statements as a ground for refusal of a temporary residence permit.⁸ In March 2021, Article 50 was amended, adding the possibility

⁶ During the period covered by GRETA's second report, the number of identified victims was 40 in 2013, five in 2014, 47 in 2015 and 27 in 2016.

⁷ As of 1 June 2022.

⁸ See GRETA 2nd report on Slovenia, paragraph 128.

for victims of THB to be issued a temporary residence permit owing to their personal situation, in addition to the existing grounds for a residence permit for the purpose of participation in the criminal proceedings (see paragraph 179 and following). Further, in March 2021, a new paragraph 5 was added to Article 19 of the Residence Registration Act creating the option to register the address of a victim of THB holding a temporary residence permit with the local social work centre.

16. In March 2019 amendments to the Criminal Procedure Code (CPC) were adopted to implement Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (EU Victims' Rights Directive). These amendments are discussed in detail in paragraphs 38 and 105.

17. In March 2021 Slovenia passed the Act on the Protection of Children in Criminal Procedure and their Comprehensive Treatment in the Children's House (Children's House Act). It regulates the Children's House (*hiša za otroke*) as a public service for children under the age of 18 involved in criminal proceedings who can be treated in a child-friendly and safe environment (Article 1(1)). The general provisions of the Children's House Act entered into force on 24 April 2021 and the provisions on the comprehensive treatment of children in the Children's House (Articles 14 to 37) entered into force on 1 May 2022 for child victims and witnesses of crimes against sexual integrity. The provisions will be expanded to child victims and witnesses of certain other crimes, including THB, on 1 May 2024 (Article 43; see also paragraph 133).

18. On 27 January 2023 the National Assembly amended the text of Article 113 of the Criminal Code (CC), which criminalises THB, including begging and practices similar to slavery amongst the forms of exploitation, and adding a sixth paragraph specifically on THB committed by officials or civil servants in the performance of their official duties, which is punished with imprisonment of three to 15 years and a fine.

19. In November 2018 the Anti-Trafficking Service was established within the Ministry of the Interior to support the National Anti-Trafficking Co-ordinator and ensure inter-ministerial cooperation and coordination of activities in the field of preventing and combatting THB. As of June 2022, it has a staff of four (up from one in 2019). GRETA welcomes the increase in the staff dedicated to national coordination of action against THB, which was one of the key recommendations made in GRETA's second report.⁹

20. On the institutional level, the Inter-ministerial Working Group for Combating Trafficking in Human Beings (IWG) 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.¹⁰ Its composition has been enlarged several times since 2019. According to the most recent decision on the composition of the IWG, taken by the Government on 21 July 2022, it is composed of members representing the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Finance, the Ministry of Education, Science and Sports, the Government Office for the Support and Integration of Migrants, the Government Office for National Minorities, the Government Communication Office, and the General Police Directorate. In addition, seven independent external members participate in the IWG (from the Specialised State Prosecutor's Office, the National Assembly, the NGOs Ključ Society, Slovenian Caritas, Slovenian Philanthropy and Legal Centre for the Protection of Human Rights, and the Association of Free Trade Unions of Slovenia).¹¹ In 2021 the Specialised State Prosecutor's Office proposed to add a representative of the judiciary to the IWG, in view of the low number of convictions for THB. In their comments on the draft report, the Slovenian authorities stated that the Ministry of Justice strove to reach an agreement with the Ljubljana District Court on the inclusion of a judge in the IWG in 2023. In 2020 and 2021, the IWG met three times per year and a select group of its members additionally met twice per year to discuss prevention activities in the area of forced labour and to examine GRETA's recommendations.

⁹ See paragraph 22 of GRETA's second report on Slovenia.

¹⁰ The NAPs and the annual reports are available on the [website](#) of the Inter-ministerial Working Group.

¹¹ [The National Working Group for Combating Trafficking in Human Beings | GOV.SI](#)

21. During the reporting period the Slovenian authorities have implemented three National Action Plans for Combating Trafficking in Human Beings (NAP): for 2017-2018, 2019-2020 and 2021-2022.¹² These NAPs included activities in the areas of prevention, investigation and prosecution, assistance to victims, international co-operation and support (improvement of systemic solutions and legislative amendments). 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. In their comments on the draft report, the Slovenian authorities referred to the adoption of a new NAP for 2023-2024.¹³

22. GRETA welcomes the inclusion of nearly all recommendations made in GRETA's second evaluation report on Slovenia into the NAP for 2019-2020, but notes with concern that many of them were either not implemented or partially implemented, for example updating the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings (see paragraph 163) and expanding state compensation to non-EU nationals (see paragraph 69). The unfulfilled objectives were included in the NAP for 2021-2022. The Slovenian authorities have stressed that some of the objectives, for example updating the Manual, require more lengthy and complex inter-ministerial coordination.

23. The budget of the 2021-2022 NAP amounted to 376,857 Euros for two years. Some 125,000 Euros was earmarked for awareness raising activities. The Slovenian Caritas received 90,000 Euros from the Ministry of Labour, Family and Social Affairs to implement the crisis accommodation programme and the Ministry of the Interior gave 80,000 Euros to the Ključ Society to run the safe accommodation programme (see paragraph 171). Smaller amounts were budgeted for the "PATS" project (see paragraph 160), to support victim reintegration (see paragraph 58) and for printing materials.

24. As already noted in GRETA's second report, annual reports on the implementation of the NAP are being prepared by the IWG, but there is no external, independent evaluation of their implementation. **GRETA considers that the Slovenian authorities should commission an independent evaluation of the National Action Plan for Combating Trafficking in Human Beings as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB.**

25. There is no designated national rapporteur on THB in Slovenia. One of the objectives of the NAP for 2021-2022 is to study the possibility of setting up an independent national rapporteur within the Office of the Human Rights Ombudsman by the end of 2022. According to the NAP, the main task of the national rapporteur will be to prepare independent reports about the authorities' action to combat THB and formulate recommendations for improvements. During the evaluation visit, GRETA was informed that the Ministry of the Interior and the Ministry of Justice were in principle in favour of this idea, but there had been no discussion yet about amending the relevant legislation, including the Act on the Human Rights Ombudsman, and allocating additional resources, including human resources, to the Office of the Ombudsman to fulfil the role of national rapporteur on THB. In December 2022, the Ministry of Justice requested the Office of the Ombudsman to provide its comments on a draft amendment of the Act.

26. **While welcoming the intention to designate the Office of the Human Rights Ombudsman as National Rapporteur on trafficking in human beings GRETA considers that the Slovenian authorities should allocate sufficient resources, including human resources, to the Ombudsman's Office, with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).**

¹² The Government adopted the NAP for 2017-2018 on 26 April 2017, the NAP for 2019-2020 on 10 January 2019 and the NAP for 2021-2022 on 10 March 2022.

¹³ Available at: [The National Working Group for Combating Trafficking in Human Beings | GOV.SI](https://www.gov.si/en/newsroom/press-releases/2023/04/the-national-working-group-for-combating-trafficking-in-human-beings/)

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

27. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

28. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of THB, and effectively investigate trafficking offences.¹⁴

29. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,¹⁵ the right to an effective remedy is considered to include restitution,¹⁶ compensation,¹⁷ rehabilitation,¹⁸ satisfaction¹⁹ and guarantees of non-repetition.²⁰ All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.²¹

¹⁴ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

¹⁵ UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

¹⁶ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

¹⁷ Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

¹⁸ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

¹⁹ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims of their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

²⁰ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

²¹ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

30. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

31. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children.²² The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.²³

32. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.²⁴ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons and Justice at Last - European Action for Compensation of Victims of Crime,²⁵ which aim to enhance access to compensation for trafficked persons.

33. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.²⁶ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate victims' access to remedies for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁷ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

34. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

35. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

²² Article 3(1) of the UN Convention on the Rights of the Child.

²³ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pages 7 & 8, available at: http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf

²⁴ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pages 48 to 53.

²⁵ <http://lastradainternational.org/about-lsi/projects/justice-at-last>

²⁶ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²⁷ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pages 8 & 9.

36. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²⁸

37. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.²⁹

38. In Slovenia, the right to information of all victims of crime, including victims of THB, is set out in the CPC. The CPC was amended in 2019 to implement the EU Victims' Rights Directive. Pursuant to Article 65a(1) of the CPC, the authorities must, upon the first contact, inform victims of crime³⁰ of their rights, including to free health care, psychological assistance, protective measures, to appoint a (legal) representative, free legal aid, interpretation and translation, compensation from the perpetrator and/or the State, as well as reimbursement of certain costs. The scope and type of the information provided depends on the personal characteristics and vulnerability of the victims, their special needs for protection, the nature, gravity and circumstances of the crime, and the phase of the criminal proceedings (Article 65a(2) of the CPC).³¹ Victims must be informed of the state of the criminal proceedings and of a defendant's release or escape (Article 65a(3)-(4) of the CPC). Victims must also be provided with the contact details of an official with whom they can communicate about their case (Article 65a(8) of the CPC).

39. Following the adoption of the amendments to the CPC in 2019, the Ministry of Justice created a working group tasked to develop harmonised procedures for actors in criminal proceedings for informing victims of their rights and updating them about the state of the criminal proceedings. Among other things, the working group developed a leaflet listing the rights of victims of crimes, available in six languages.³²

40. As regards more specifically the right of victims of THB to information, the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings³³ states that state officials and NGO representatives are obliged to inform victims about the types of assistance they can receive, how to report a crime and participate in the criminal proceedings, under what conditions they have access to legal advice and representation, how and under what conditions they can obtain protection and compensation, and the special arrangements for foreign victims. Further information materials, prepared by specialised NGOs with financial assistance from the authorities, are distributed to victims of THB. For example, the Ključ Society prepared a flyer, available in 19 languages, explaining what human trafficking is and how and where to get assistance.³⁴

²⁸ See Explanatory Report on the Convention, paragraphs 160-162.

²⁹ See 8th General Report on GRETA's activities, paragraphs 168-169.

³⁰ Article 144 of the CPC defines a victim of crime ("injured party") as someone "whose personal or property right is violated or endangered by a criminal act. When the direct result of a criminal act is the death of a person, the injured party under this law is also considered to be the injured party or the person with whom she lived in an extramarital union, her blood relatives in the same line, her adopted child or adoptive parent, her brothers and sisters, and persons who she supported or was obliged to support."

³¹ Article 143č of the CPC states that the upon first contact with a victim the competent authorities must assess the victim's level of exposure to secondary and repeated victimisation, intimidation and revenge. See paragraph 105 below.

³² The English version is available [here](#). The rights listed in the leaflet are explained in more detail on the government's [web portal](#) (only available in Slovenian).

³³ The manual was approved by the Slovenian Government in 2016, see GRETA 2nd report on Slovenia, paragraphs 19 and 90-91.

³⁴ <https://drustvo-kljuc.si/napotki/kako-se-resiti-iz-pasti-tzl/>

41. Pursuant to Article 8 of the CPC, victims of crime have the right to use their own language in the criminal proceedings. Translation and interpretation for foreign victims of THB who do not speak Slovenian is organised by the police in pre-trial proceedings and by the court during trial. A list of interpreters with whom the police have concluded a contract is available to all police officers and criminal investigators via the police intranet. A Code of Conduct for interpreters and translators performing work for the police was adopted in November 2019. It sets professional and ethical standards for interpreters and translators. Article 62 of the Act on General Administrative Procedure, which governs the actions of administrative and other state bodies, contains provisions on the right to an interpreter and translator in non-criminal proceedings. Interpretation and translation services are also provided under the state funded crisis and safe accommodation programmes implemented by the Slovenian Caritas and the Ključ Society (see paragraph 171).

42. **GRETA welcomes the availability of information materials in different languages for victims of trafficking and considers that the Slovenian authorities should continue to make efforts to ensure that all presumed and formally identified victims of trafficking are proactively informed of their rights, including the right to a recovery and reflection period, the available support services and how to receive them, and the consequences of their being recognised as victims of trafficking.**

3. Legal assistance and free legal aid (Article 15)

43. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law³⁵ also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

44. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³⁶

45. In Slovenia, legal assistance to victims of THB is primarily provided under the state funded crisis and safe accommodation programmes implemented by the NGOs Slovenian Caritas and Ključ Society (see paragraph 171).³⁷ From 2017 to September 2022 staff members of the Ključ Society helped 42 victims of THB with filing official documents and accompanying them to official meetings, including with police and prosecutors. The authorities stated that trafficking victims could theoretically also contact other NGOs or the Ljubljana District Court's Victim Support Service, which was created in October 2019, for legal assistance, but this has never happened.

46. Furthermore, victims of THB, like all victims of crime, are entitled to legal assistance in the context of criminal proceedings pursuant to Article 65(1) of the CPC. They can receive free legal aid under the conditions laid out in the Free Legal Aid Act, namely the victim's monthly income should not exceed the minimum wage (1,074 Euro/month), his or her assets should not exceed a certain amount (currently

³⁵ *Airey v. Ireland* judgment, 9 October 1979.

³⁶ See 8th General report on GRETA's activities, paragraph 167.

³⁷ Article 4 of the 2009 Act Ratifying the Council of Europe Convention on Action against Trafficking in Human Beings.

around 19,300 Euro), and the court has to consider the chances of success of the proceedings. Only Slovenian citizens and foreign citizens with a permanent or temporary residence permit in Slovenia who are present in the country can apply for legal aid (Article 10(1) and (2) of the Free Legal Aid Act).³⁸ According to the authorities, only three victims of THB received free legal aid during the reporting period. A Ministry of Justice official noted that foreign victims of THB usually leave Slovenia soon after being detected, which disqualifies them from receiving free legal aid. GRETA is concerned that trafficking victims who have left Slovenia, but continue to participate in legal proceedings in Slovenia, cannot apply for legal aid.

47. Child victims of THB must have a representative who takes care of their rights at all times from the initiation of criminal proceedings, especially in relation to the protection of their integrity during the proceedings and the enforcement of property claims. If a child victim has no representative the court appoints a lawyer as representative (Article 65(3) of the CPC).

48. A Ministry of Justice official noted that experienced lawyers are not interested to represent victims under the Free Legal Aid Act because the remuneration is low. Victims of THB therefore rely on anti-trafficking NGOs for legal advice and legal representation. From 2017 to September 2022 the Ključ Society arranged *pro bono* lawyers for three victims of THB because the costs of legal representation cannot be covered by the state-funded safe accommodation programme. In the course of the evaluation, judges confirmed that victims of THB rarely had legal representatives at trial. GRETA met one foreign victim of THB who stated that she had not had a legal representative during the criminal proceedings, and that a social worker had explained the procedure to her.

49. There are no lawyers specialised in representing trafficking victims in Slovenia. According to the Slovenian authorities, lawyers with experience in representing victims of sexual offences would also represent victims of THB. GRETA is unaware of any training for lawyers on THB issues, and lawyers are not included as a target group for training or other activities in the bi-annual National Action Plans for Combating Trafficking in Human Beings.

50. GRETA notes that access to legal assistance is important during the investigation because a lawyer can assist the victim in preparing a detailed written complaint or submission about the crime, which may limit the number of times a victim is questioned by the police. The lawyer can accompany the victims during police interviews and ensure that their procedural rights are respected, helping to prevent any degrading treatment of the victim. Furthermore, the lawyer can assist the victim to participate in the criminal proceedings as an injured party and can ask that the defendant's assets be frozen with a view to guaranteeing compensation.

51. **GRETA urges the Slovenian authorities to make additional efforts to guarantee access to justice for victims of trafficking, in particular by ensuring that:**

- **legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she wants to co-operate with the authorities and/or make an official statement;**
- **access to free legal aid for victims of trafficking is not subject to means-related, nationality or residence requirements, and is available throughout the criminal proceedings.**

52. **In addition, GRETA considers that the Slovenian authorities should:**

³⁸ Foreign victims of THB who stayed in Slovenia irregularly apparently do not fall under Article 10(5) of the Free Legal Aid Act ("other persons for whom the law or international treaty binding for Slovenia stipulates that they are entitled to free legal aid").

- **alert the Bar Association to the need to encourage training and specialisation of lawyers, with a view to providing legal assistance to victims of trafficking, including child victims;**
- **review the system of remuneration of lawyers.**

4. Psychological assistance (Article 12)

53. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.³⁹ In the case of trafficked children, specialist child psychologists should be employed.

54. In Slovenia, psychological assistance to victims of THB is provided as part of the state-funded assistance programmes implemented by the Slovenian Caritas and the Ključ Society (see also paragraph 171). As part of a reintegration project for trafficking victims implemented by the Ključ Society since 2019 (see paragraph 58), psychotherapy sessions are being provided to victims of trafficking. However only a small number of identified victims of THB apparently participate in these programmes (see paragraph 171). In their comments on the draft report, the Slovenian authorities stated that a seven-year project on the reintegration of victims of THB will be launched in 2023, with an annual budget of 50,000 Euro provided from EU funding.

55. GRETA considers that the Slovenian authorities should take further steps to ensure that all victims of THB are provided with adequate and long-term psychological assistance to help them overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion.

5. Access to work, vocational training and education (Article 12)

56. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, micro-businesses and social enterprises.⁴⁰ GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.⁴¹

57. In its second evaluation report, GRETA considered that the Slovenian authorities should facilitate the integration into society of victims of THB legally present in the country, by providing them with vocational training, education and access to the labour market.

58. In 2019, the Slovenian authorities initiated a two-year project "Reintegration of victims of trafficking in human beings." The project's general goal is to prevent the re-victimisation of victims of THB through the integration of victims into the educational system or the labour market, acquisition and improvement of their professional skills and qualifications, as well as, in the case of child victims of trafficking, adequate care and reception into a family. Slovenian citizens who have been trafficked abroad as well as EU and third-country nationals who have been identified as victims of THB in Slovenia, and legally reside in Slovenia, are eligible to participate.

³⁹ OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, page 115.

⁴⁰ Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

⁴¹ See 8th General report on GRETA's activities, paragraph 183.

59. The initial reintegration project was co-funded by the Government under the EU Internal Security Fund, the Ljubljana municipal authorities and two non-state donors. The National Action Plan for Combating Trafficking in Human Beings for 2021-2022 extended the project for another two years.

60. Since 2019, the Ključ Society has run a state-funded reintegration project, in addition to the safe accommodation programme (see paragraph 171). In the period 2019-2021, nine adult victims of trafficking participated in the reintegration project and were provided with education, driving lessons, Slovenian language classes, support to find a job and leisure activities. Five of those victims subsequently found full-time employment.

61. Considering that the economic fallout of the COVID-19 pandemic has worsened the reintegration perspectives of trafficking victims, GRETA is concerned by the low number of trafficking victims enrolled in the reintegration project.

62. GRETA considers that the Slovenian authorities should strengthen the effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.

6. Compensation (Article 15)

63. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which, when compensation is not fully available from other sources, the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

64. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

65. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

66. The legal framework for compensation of victims of THB in Slovenia remains as described in GRETA's second evaluation report. Namely, victims may seek compensation for material and non-material damages from the perpetrator during the criminal proceedings until the end of the main hearing before the first instance court (Article 103(1) of the CPC). The criminal court must decide on the compensation claim (Article 105(1) of the CPC). If the court finds the defendant guilty, it may grant compensation in full or in part (Article 105(2) of the CPC). Upon the victim's request a court can order the temporary seizure of certain assets to secure payment of the compensation claim (Article 109 of the CPC). If a ruling on the compensation claim would unduly prolong the trial or the data in the case file does not suffice to calculate the amount of compensation, the court may refer the victim to seek compensation through civil proceedings (Articles 100(1) and 105(2) of the CPC). Victims of THB can also seek compensation from the perpetrator(s) in civil court in accordance with the general provisions of the Obligations Code (Articles 131 and 132).

67. As already mentioned in paragraph 40, victims must be informed of their right to compensation and the requirements for claiming compensation during the initial identification interview.

68. Not a single victim of THB has received compensation through criminal proceedings in Slovenia during the reporting period. Neither have there been any civil claims for compensation from the perpetrators. During the evaluation visit, prosecutors stated that it is the responsibility of the victims or their representatives to provide evidence in support of any claims for compensation. However, as noted in paragraph 48, trafficking victims are rarely assisted by a lawyer during the criminal proceedings. Further, according to NGOs, judges prefer not to take a decision on compensation during criminal proceedings and refer victims to claim compensation through civil proceedings in order to avoid unnecessary prolongation of the criminal proceedings. The Slovenian authorities confirmed that this is not unique to THB cases.

69. Victims of THB may apply for state compensation pursuant to the Crime Victims Compensation Act. Pursuant to it, victims of violent intentional crimes committed on Slovenian territory may seek compensation for physical pain, mental suffering, lost earnings, costs of treatment, funeral and other expenses (Article 8). Compensation is awarded by a commission composed of a senior judge, a senior prosecutor, an expert in trauma medicine, an expert on health care and insurance, and an expert in the field of pension and disability insurance. The scope of application of the Act remains limited to victims of violent intentional crimes who are EU nationals.⁴² In addition, GRETA notes with concern that state compensation can only be claimed if it was impossible to obtain compensation from the perpetrator (Articles 6(1), 7 and 7a of the Crime Victims Compensation Act). This makes state compensation conditional on the outcome of criminal and civil proceedings and delays the possibility to claim and obtain state compensation until the end of these proceedings.

70. According to the authorities, no victims of THB have applied for state compensation pursuant to the Crime Victims Compensation Act.

71. The Slovenian authorities have repeatedly stated that they would give due consideration to GRETA's recommendation to amend the legislation concerning state compensation. The Ministry of Justice informed GRETA that they planned to draft an amendment by the second half of 2023. **GRETA would like to be kept informed of changes in the Crime Victims Compensation Act.**

72. According to the Slovenian authorities, the legislation regarding compensation of victims of THB is explained in the training for prosecutors and judges provided at the Judicial Training Centre (see paragraph 119).

73. There are several measures to deprive perpetrators of the proceeds of crime or property of an equivalent value to those proceeds. Pursuant to Article 503 of the CPC, proceeds of crime can be confiscated following the conviction of the perpetrator. Article 502sq of the CPC allows the prosecutor to request the (temporary) freezing of the property of the perpetrator during the pre-trial and court proceedings. Independently of the criminal proceedings, prosecutors can seize assets belonging to the

⁴² See GRETA 1st report on Slovenia, paragraph 140; GRETA 2nd report on Slovenia, paragraph 135.

perpetrator on the basis of the Act on the Confiscation of Assets of Illicit Origin, if the perpetrator cannot prove their lawful origin and provided the assets exceed the value of 50,000 Euro.

74. According to the authorities, prosecutors pay particular attention to the identification and freezing of the proceeds of crime obtained by traffickers. In the period 2017-2020 around 350,000 Euro were confiscated by the courts from persons convicted of THB. Roughly eight times as much was confiscated in cases concerning exploitation of prostitution (Article 175 of the CC) during the same period.

75. GRETA is concerned that, in practice, access of victims of trafficking to compensation from the perpetrators and/or from the State remains totally illusive in Slovenia. Effective access to information on how to seek compensation is not guaranteed by the mere existence of information on a website and in brochures. Victims may not be able to complete the forms correctly, and may not be able to provide additional documentation without expert legal advice and assistance. Moreover, the requirements to be met for a victim of trafficking to be eligible for state compensation are prohibitively high.

76. **GRETA urges the Slovenian authorities to examine the reasons for the absence of compensation claims and awards to victims of trafficking, and to make efforts to guarantee effective access to compensation for victims of THB, in line with Article 15 (4) of the Convention, including by:**

- **ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigations with a view to supporting compensation claims in court;**
- **enabling victims of trafficking to effectively exercise their right to compensation, by ensuring their access to information, legal assistance and legal aid throughout the duration of the criminal proceedings, and building the capacity of legal practitioners to support victims in claiming compensation;**
- **making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;**
- **reviewing the eligibility criteria for state compensation with a view to making it available in practice to victims of trafficking, and including all victims of trafficking in the scope of the Crime Victim Compensation Act, irrespective of their nationality and of whether or not they claimed and obtained compensation during criminal or civil proceedings.**

77. **Furthermore, GRETA considers that the Slovenian authorities should take further steps to enable access to compensation for victims of trafficking by making compensation awarded in criminal proceedings payable by the State if the perpetrator has not paid the victim within a set period of time, and the State taking the responsibility to try to recover the amount from the perpetrator.**

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

78. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall

ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

79. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so-called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

80. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

81. As noted in paragraph 18, Article 113 of the Slovenian CC, which criminalises THB, was amended on 27 January 2023 to explicitly include begging and practices similar to slavery as forms of exploitation. The penalty envisaged for the basic offence of trafficking in human beings is imprisonment of one to 10 years and a fine. The penalty is increased from three to 15 years' imprisonment and a fine when the crime is committed against a child, by an organised criminal group, by officials or civil servants in the performance of their official duties, or under other aggravating circumstances (see paragraph 82).

82. As noted in GRETA's previous reports on Slovenia, the use of means is not a constituent element of the basic offence of THB, but is considered as an aggravating circumstance (Article 113(2) of the CC).⁴³ In January 2021 the Slovenian Supreme Court reiterated that the constituent elements of the offence of THB in Article 113(1) of the CC are fulfilled even if the perpetrators did not use force, threats, deception, abduction or similar means and even if the victims consented.⁴⁴ GRETA remains concerned that this generates difficulties in distinguishing between THB and other offences, such as abuse of prostitution (Article 175 of the CC) or violation of the fundamental rights of workers (Article 196 of the CC), which carry lighter sentences.⁴⁵

⁴³ GRETA 1st report on Slovenia, paragraph 39; GRETA 2nd report on Slovenia, paragraph 148.

⁴⁴ Judgment No. I IPS 22460/2015 of 28 January 2021, *cited in* IWG, Annual Report 2021, page 17.

⁴⁵ GRETA 2nd report on Slovenia, paragraph 148.

83. In its second evaluation report, GRETA considered that the Slovenian authorities should conduct a comprehensive assessment of the effectiveness of the criminal law provisions concerning THB and related offences. The NAP for 2021-2022 envisaged carrying out such an assessment in the second half of 2022. However, during the evaluation visit, Ministry of Justice officials expressed the opinion that such an assessment would be unnecessary because national case-law had become "more uniform". This view was not shared by the National Anti-Trafficking Co-ordinator and other officials, referring to certain negative trends in recent court cases (see paragraph 89). The Slovenian authorities confirmed that the assessment had been included as an objective in the new NAP for 2023-2024. **GRETA would like to be kept informed of the results of this assessment.**

84. Plea bargaining can be used in cases of trafficking in human beings. The conditions and procedure for concluding a plea agreement are provided in Articles 450a-450č of the CPC. A plea agreement is negotiated between the prosecutor and the defendant, who must have a lawyer, and is approved by the judge, who checks if the agreement is in accordance with the provisions of the CPC (Articles 450a and 450č). In particular, the agreed sentence must be within the limits set in the CC (Article 450c(1)). If the legal conditions are met, the sentence can be replaced with a warning (Article 450c(2)). As part of the plea agreement, and provided the injured party agrees, charges for other criminal offences punishable with less than five years may be dropped (Article 450c(3)). Considering that the maximum penalty for the basic offence of trafficking in human beings is 10 years' imprisonment, criminal proceedings for THB cannot be dropped as part of a plea agreement. Finally, Article 450c(5) stipulates that the defendant may agree to compensate the victim(s) before the plea agreement is submitted to the judge. Pursuant to Articles 367 and 370 of the CPC the prosecutor, the defendant and the victim have the right to appeal, but not against the sentence, confiscation or compensation. GRETA notes that that the CPC appears to provide adequate guarantees for the protection of victims' rights in plea bargaining proceedings. During the reporting period one case of THB involved plea bargaining. On 8 January 2019 the Maribor District Court approved the plea-bargaining agreement of a man and a woman involved in trafficking a child to Italy in 2014. Both were sentenced to 1,440 hours of community service or if they do not perform the community service, two years' imprisonment.

85. Slovenian legislation establishes the criminal liability of legal entities by virtue of the 1991 Act on the Liability of Legal Persons for Criminal Offences Act. THB is included among the offences covered by this Act. In the period 2017-2021, criminal investigations were initiated against seven legal entities, but no legal entity was charged with or convicted of THB. Prosecutors met by GRETA stated that criminal proceedings against legal entities are usually discontinued because the company has no assets or has already been liquidated.

86. According to data provided by the Slovenian authorities, in the period 2017-2021, the police recorded 221 criminal offences of THB (67 in 2017, 71 in 2018, 12 in 2019, 29 in 2020 and 42 in 2021) involving 241 victims (i.e. all formally identified victims, see paragraph 11) and 93 perpetrators (66 men, 21 women and six legal entities).⁴⁶ During the same period, the Specialised State Prosecutor's Office and district state prosecutor's offices launched 15 criminal investigations under Article 113 of the CC (five in 2017, three in 2018, three in 2019, two in 2020 and two in 2021) involving 75 perpetrators (68 natural persons and 7 legal entities). Prosecutors filed 12 indictments (seven in 2017, one in 2018, two in 2019, two in 2020 and none in 2021) charging 41 persons (19 in 2017, seven in 2018, nine in 2019, six in 2020 and none in 2021) with trafficking in human beings. During the same period, 26 persons were convicted of human trafficking (10 in 2017, seven in 2018, four in 2019, five in 2020 and none in 2021). The highest penalty was imprisonment of eight years, and the average penalty was around three years. At least three perpetrators received a suspended sentence.

⁴⁶ In the same period the police received an additional 43 reports of THB that turned out to be unsubstantiated.

87. Reference is made to a case which illustrates both good practices and shortcomings in the handling of trafficking cases in Slovenia:

"X" case

- **Trial court:** District Court of Ljubljana
- **Date and number of judgment number:** 23 October 2018, K 2774744/2017
- **Date of indictment:** no information available
- **Time and duration of the trial:** close to nine months from the preliminary hearing on 1 February 2018 to the first instance judgment. No information available about appeal proceedings.
- **Victim:** one mentally disabled adult male
- **Defendant:** one adult male

Type of exploitation: Aggravated THB for the purpose of sexual exploitation. Between late 2010 and early 2017 the defendant forced the victim, who is bipolar, suffering from schizophrenia and drug addiction, into prostitution in exchange for access to drugs. The defendant brought the victim to various persons in Ljubljana and Zagreb (Croatia), who paid to sexually abuse the victim. The defendant also physically abused the victim, humiliated him, threatened to kill him, locked him up in an apartment and blackmailed him by threatening to publish videos and photos of the sexual acts in which he had been forced to engage.

Sentences: The defendant was convicted of aggravated THB (Article 113(2) of the CC) to three years' imprisonment and a fine of 3,000 Euro. He was also convicted of other crimes and given a total sentence of eight years' imprisonment. It is not clear if and when the verdict became final.

Compensation: The victim was referred to civil court to claim compensation.

Good practices:

- The victim was represented by a lawyer in the court proceedings.

Shortcomings:

- Although the case involved only one victim and one defendant, the proceedings before the first instance court lasted almost nine months.
- Considering the length of the exploitation and the personal circumstances of the victim, the sentence could be seen as rather lenient.
- The victim was referred to civil court to claim compensation.
- There is no information about possible criminal proceedings against those who sexually abused the victim.

88. Practically all criminal investigations and prosecutions during the reporting period concerned cases of THB for the purpose of sexual exploitation, with one notable exception. In early 2018 the police identified 32 victims who had been recruited in Taiwan and arrived in Slovenia on tourist visas. They were locked up in a house, their travel documents and cell phones were taken away, and they were compelled to make fraudulent calls to people in China, pretending to be police officers, requesting their bank data and withdrawing money. In 2020 the perpetrators, who came from Slovenia and Taiwan, were convicted for the offence of THB for the purpose of forced criminality (Article 113(1) of the CC). The highest penalty was four years' imprisonment and a fine of 10,000 Euro.

89. Several factors contribute to the low number of convictions for THB in Slovenia. According to the 2021 annual report of the IWG, case-law, especially at the level of district courts, has tilted in favour of the accused and has moved significantly away from the victims, resulting in more acquittals.⁴⁷ Prosecutors met by GRETA during the evaluation visit noted that judges demand evidence of physical violence or restriction of victims' personal freedom, whereas traffickers increasingly rely on emotional blackmail and the financial dependence of victims to control them.⁴⁸ The fact that judges have limited experience of THB cases results in them taking a rather narrow view of what constitutes trafficking in human beings, and it is not uncommon for sentences to be reduced on appeal.

⁴⁷ IWG, Annual Report 2021, page 16.

⁴⁸ IWG, Annual Report 2020, pages 11 and 18.

90. In this context, GRETA notes that the latest report of the UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about the fact that Slovenian courts require the use of physical violence, restrictions of movement, confiscation of personal documents and limitation of the use of electronic communications in order to qualify an offence as THB.⁴⁹

91. Judges met by GRETA during the visit stated that the prosecution does not provide sufficient evidence of the victims' extreme vulnerability or dependency, which according to them is required for a conviction under Article 113 of the CC. However, GRETA notes that these concepts are not part of the basic offence of THB in Article 113 of the CC, but constitute rather aggravating circumstances under Article 113(2) of the CC. Furthermore, in its second evaluation report, GRETA noted that the Slovenian Supreme Court's interpretation of vulnerability is more restrictive than that of the Convention.⁵⁰

92. In addition, judges stated that it is difficult to secure the presence of victims and witnesses at the trial because in most cases they are foreigners and have left Slovenia. When they do appear in court, it can be equally challenging to receive credible witness testimony because they often refuse to see themselves as victims of THB. Judges also noted that victims are usually not assisted by a lawyer and are unaware of the possibility to request the application of protection measures (see paragraph 68).

93. Although law enforcement authorities stressed that they frequently use special investigative techniques to gather evidence of THB, GRETA is concerned that too much emphasis appears to be put on the victim's testimony during criminal proceedings, as evident from the above-mentioned exchanges with judges.

94. According to the Slovenian authorities, human trafficking cases are usually lengthy due to their size and complexity, the unavailability of witnesses and defendants, as well as the international aspect of the case. In addition, the authorities stated that restrictive measures adopted in 2020 and 2021 to address the COVID-19 pandemic increased the length of the proceedings.

95. GRETA is concerned by the low number of convictions for THB and the absence of convictions for THB for the purpose of labour exploitation. GRETA stresses that failure to convict traffickers and the absence of effective, proportionate and dissuasive sanctions, undermines efforts to support and empower victims to testify and to combat THB. Human trafficking cases require significant investment to ensure that there is no overreliance on vulnerable victims and that those benefitting from the exploitation are identified and sanctioned, including through the use of special investigative techniques, following the money flows and online activity, and engaging in international co-operation (see paragraphs 122 and 123).

96. **GRETA urges the Slovenian authorities to take additional measures to strengthen the criminal justice response to THB, including by:**

- **ensuring that human trafficking offences are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not, by making use of special investigation techniques in order to gather material, documental, financial and digital evidence, and not having to rely exclusively on testimony by victims or witnesses;**
- **sensitising investigators, prosecutors and judges on the rights of victims of THB and the importance of preventing secondary victimisation, and encouraging the development of specialisation amongst judges to deal with THB cases;**

⁴⁹ CEDAW, [Concluding observations on the seventh periodic report of Slovenia](#), CEDAW/C/SVN/CO/7, paragraph 27.
⁵⁰ See GRETA 2nd report on Slovenia, paragraph 150.

- **ensuring that trafficking offences are classified as such every time the circumstances of a case allow this, including cases characterised by the absence of physical violence, and lead to effective, proportionate and dissuasive sanctions for those convicted;**
- **strengthening efforts to investigate, prosecute and convict traffickers of labour exploitation;**
- **conducting 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.**

97. **Furthermore, GRETA considers that the Slovenian authorities should take further steps to ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ).⁵¹**

8. Non-punishment provision (Article 26)

98. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.⁵² Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

99. There have been no legal developments in Slovenia with regard to the non-punishment provision of the Convention, despite previous recommendations by GRETA. 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". Further, no guidance has been issued to law enforcement agencies on the application of the non-punishment provision.

100. In the 2019-2020 National Action Plan for Combating Trafficking in Human Beings the Slovenian authorities committed themselves to review the legislation in the light of GRETA's recommendations. In September 2020 the IWG reached the conclusion that the Slovenian criminal justice system was capable of applying the non-punishment principle without the need for a specific provision. By way of example, the Slovenian authorities referred to the application of the non-punishment provision in the case of the 32 Taiwanese nationals who had been trafficked for the purpose of forced criminality (see paragraph 88). As the victims were coerced to commit fraud, no criminal charges were brought against them.

101. GRETA recalls that the fear of reprisals for activities carried out under compulsion can be a persisting factor which deters victims of THB from contacting the authorities and/or support organisations, and cooperating during the investigation. The non-punishment principle is an essential cornerstone in the fight against human trafficking, preventing re-victimisation and ensuring that victims can access services.

⁵¹ <https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b>

⁵² See 2nd General Report on GRETA's activities, paragraph 58.

102. **Recalling the recommendations made in its second report, GRETA once again 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 non-punishment provision.⁵³**

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

103. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

104. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

105. In Slovenia, Article 143č(1) of the CPC stipulates that upon first contact with the victim the competent authority shall, if possible, assess the degree of the victim's exposure to secondary and repeated victimisation, intimidation and retaliation, in order to establish the existence of special needs for protection. The police fill out the "individual assessment of victims of crime" form, which was introduced by the EU Victims' Rights Directive. The assessment can be updated if the circumstances change significantly (Article 143č(5) of the CPC). Trafficking victims are provided with accommodation in the framework of the crisis and safe accommodation programmes run by the Slovenian Caritas and the Ključ Society, whose staff closely co-operate with law enforcement bodies, including concerning the safe transfer to and from the shelter.

106. The CPC contains a range of protection measures in the context of criminal proceedings, including interviewing victims and witnesses with the assistance of a relevant expert and in specially adapted premises (Article 240(5)and(6)), interviewing with the help of protective wall, voice distortion device, transmission of sound from a special room and similar technical protective means (Article 240a), hearing by videoconference (Article 244a), and holding court sessions *in camera* (Article 295). GRETA was not provided with information on the use of these specially adapted premises in human trafficking cases.

107. In addition, protection measures can be taken under the Witness Protection Act, but according to the Slovenian authorities this has never happened because no victim of THB has met the conditions laid out in this Act.

⁵³ See OSCE, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, 2013, available at: <https://www.osce.org/secretariat/101002?download=true>

108. For details concerning the protection of children in criminal proceedings, see the separate section below (paragraphs 131-135).

109. During the evaluation visit, GRETA met one foreign victim of THB who stated that testifying in court had been a traumatic experience because she had attended at least four hearings without a legal representative at her side.

110. Furthermore, staff of the Office of the Human Rights Ombudsman raised concern about the absence of separate premises in court buildings for victims and defendants. Prosecutors and judges met by GRETA stated that they could not order protection measures without the victim's consent.

111. GRETA urges the Slovenian authorities to ensure that there is an effective separation in court buildings of victims and defendants which prevent defendants from intimidating or influencing victims and witnesses in THB cases.

112. Furthermore, GRETA considers that the Slovenian authorities should:

- **make full use of the available measures to protect vulnerable victims and witnesses of THB and to prevent intimidation during the investigation, as well as during and after the court proceedings;**
- **build the awareness of all actors in the criminal justice system on how to avoid re-victimisation and stigmatisation of victims of THB through training and awareness-raising, as well as prioritising the rights, needs and interests of victims;**
- **ensure that the cross-examination (direct confrontation) of victims and defendants in THB cases is avoided, to the extent possible, making use of audio-visual equipment and other appropriate methods.**

10. Specialised authorities and co-ordinating bodies (Article 29)

113. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

114. The investigation of THB offences is assigned to 35 specially qualified investigators within the Slovenian Police. They belong to the regional police directorates (at least one officer in each of the eight regional directorates), the Organised Crime Division of the Criminal Police Directorate within the General Police Directorate and the National Bureau of Investigation. Ten of them are qualified to carry out forensic interviewing of children. According to the Slovenian authorities, financial investigations are systematically carried out when investigating an offence of THB, in accordance with the provisions of the CPC. Officials met by GRETA stated that the number of THB-related investigations has decreased since the start of the COVID-19 pandemic and several experienced police investigators had been transferred, while others had retired.

115. The Specialised State Prosecutor's Office, formed in 2012, is responsible for prosecuting serious criminal offences, including THB.⁵⁴ THB cases are dealt with by six prosecutors in the General Criminal Division of the Specialised State Prosecutor's Office. The Specialised State Prosecutor's Office also has exclusive competence for filing claims about the forfeiture of assets under the Act on the Confiscation of Assets of Illicit Origin (see paragraph 73).

⁵⁴ GRETA 2nd report on Slovenia, paragraphs 166 and 167.

116. There are two entities in the Ministry of Finance relevant for anti-human-trafficking action: the Office for Money Laundering and the Financial Administration. The former is tasked with the prevention and detection of money laundering and the financing of terrorism but has not uncovered assets connected to THB. The latter, which controls undeclared work and illegal advertising, is discussed alongside the Labour Inspectorate in paragraph 148.

117. There is no specialisation amongst judges to deal with THB cases in Slovenia.

118. During the reporting period the Criminal Police Directorate within the General Police Directorate has continued to conduct training sessions on THB for police investigators who work on THB cases, with the involvement of other public institutions and specialised NGOs. On 2-4 December 2019, 95 participants (72 police investigators, 19 representatives from the Specialised State Prosecutor's Office, the Ljubljana District Court and NGOs, and four law enforcement officers from Bosnia and Herzegovina) attended an advanced training on THB. The Criminal Police Directorate, in co-operation with the Police Academy, also conducted basic training for police officers and border police officers. In 2020 and for most of 2021, no training sessions were held due to the COVID-19 pandemic, except for online training for the border police. In September 2021, four one-day sessions were held for police officers, in collaboration with the Specialised State Prosecutor's Office and the Ključ Society.

119. According to the Slovenian authorities, THB continues to be part of training for prosecutors and judges, organised by the Judicial Training Centre under the Ministry of Justice. During the evaluation visit, an official of the Judicial Training Centre stated that as of 31 March 2022, 181 prosecutors and 338 judges had attended training at the Centre, but it was not obvious whether any had attended specifically training on THB.⁵⁵ GRETA notes that the annual reports of the IWG contain very limited information about training on THB for prosecutors and judges. According to the IWG's 2020 report, the Judicial Training Centre sent invitations to Slovenian judges and prosecutors to two seminars on THB, organised by the European Network of Judicial Education Institutions, but there was no interest in applying.⁵⁶

120. GRETA positively notes the existence of police investigators and prosecutors specialised in dealing with THB and considers that the Slovenian authorities should promote specialisation of judges to deal with THB, and that the training on THB should be systematic and periodically updated, and should further promote capacity-building and specialisation, with a view to enabling the proactive investigation and successful prosecution of human trafficking cases.

11. International co-operation (Article 32)

121. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁵⁷ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

⁵⁵ In 2020-2021 most training activities were suspended due to the COVID-19 pandemic.

⁵⁶ IWG, Annual Report 2020, page 9.

⁵⁷ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

122. When investigating cases of THB, the Slovenian police exchanges information with other states via Europol, Interpol and the Southeast European Law Enforcement Centre (SELEC). The Slovenian Police, Labour Inspectorate, Financial Administration and trade unions regularly take part in EMPACT Joint Days of Action and Week of Action (JAD). In 2021 they participated in JADs in the field of prevention of forced labour (31 May to 6 June), identification of child victims of THB (1 to 5 July) and prevention of forced criminality and forced begging (8 to 12 November).

123. According to information provided by the Slovenian authorities, in the period 2017-2020, the Specialised State Prosecutor's Office issued or received 32 mutual legal assistance requests concerning THB cases. Slovenia has not participated in any Joint Investigative Teams (JIT) in cases of human trafficking.

124. Slovenia signed cooperation agreements on combating THB and child abuse with Montenegro in December 2021 and with North Macedonia in March 2022, and plans to sign such agreements with Serbia and Bosnia and Herzegovina in 2023. The aim of the agreements is to improve the prevention of THB, the identification, protection and referral of victims, cooperation in criminal and other proceedings, and the voluntary return of victims of THB.

125. Furthermore, Slovenia has continued to participate actively in the network of National Anti-Trafficking Co-ordinators for South-East Europe.⁵⁸

126. GRETA welcomes the participation of the Slovenian authorities in international cooperation in the area of combating THB and their efforts to conclude cooperation agreements with neighbouring states, and invites them to continue their efforts, particularly with regard to a greater use of Joint Investigation Teams in the investigation of cases of THB.

12. Cross-cutting issues

a. gender-sensitive criminal, civil, labour and administrative proceedings

127. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁵⁹ The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁶⁰ GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.⁶¹ Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in

⁵⁸ [Network of Anti-Trafficking Coordinators of South-East Europe \(NATC SEE\) - ICMPD](#)

⁵⁹ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en

⁶⁰ Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁶¹ Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13, available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

the publication "Women's Access to Justice: Guide for Legal Professionals".⁶²

128. Article 148b of the Slovenian CPC stipulates that victims of crimes against sexual integrity are interviewed by a person of the same sex, unless the interview cannot be delayed or is organisationally impossible to arrange the presence of an interviewer of the same sex.

129. According to the Slovenian authorities, there are at least three female officers in each of the eight regional police directorates who may be involved in the investigation of cases of THB, and every year around 24 female officers receive training on THB. In addition, one of the six prosecutors in the Specialised State Prosecutor's Office dealing with THB cases is female. Nevertheless, GRETA notes the concerns expressed by GREVIO that female victims of domestic and gender-based violence have difficulties finding a female police officer to whom to report a rape, and that police stations do not provide suitable facilities for interviewing victims in which they can feel safe and not overly exposed.⁶³

b. child-sensitive procedures for obtaining access to justice and remedies

130. In its second evaluation report, GRETA urged the Slovenian authorities to extend the application of all procedural protection measures currently reserved to children under the age of 15 to cover all child victims and witnesses of THB up to the age of 18. GRETA's recommendation was included in the National Action Plan for Combating Trafficking in Human Beings for 2019-2020, but were subsequently omitted from the NAP for 2021-2022 without having been implemented.

131. The CPC provides a number of procedural safeguards for children. Children must have a legal representative from the outset of the criminal proceedings and may also be accompanied by a trusted person (Article 65(3)&(4) of the CPC). For children under the age of 15, interviews must be recorded (Article 84 of the CPC) and take place without the presence of the perpetrator (Article 178 of the CPC). During the trial children under the age of 15 can only be questioned in exceptional circumstances and, as a rule, their testimony should be read out instead (Article 331 of the CPC).

132. GRETA welcomes the adoption of the Children's House Act in March 2021 and the launch of the first Children's House in Ljubljana in May 2022, with the support of the EU and the Council of Europe.⁶⁴ The main purpose of the Children's House is to co-ordinate concurrent criminal investigations and child protection procedures and to support children who are victims or witnesses of violence, in a child-friendly and safe environment.

133. During the evaluation visit, GRETA visited the building of the Children's House in Ljubljana. The facility was not yet operational because, except for the director, no staff had been hired. Four specialists and four administrative staff were expected to be recruited by the end of 2022. A number of training sessions for police officers, prosecutors and judges on the Children's House mechanism had already taken place and more were planned. During the visit, GRETA noticed that the building housing the Children's House in Ljubljana had no separate entrances for children and their representatives and for defendants and their lawyers. In their comments on the draft report, the Slovenian authorities dismissed the risk of physical contact between victims and defendants in the Children's House. There are no plans to set up more children's houses across the country, meaning that children from other parts of the country will have to travel to Ljubljana. Moreover, as noted in paragraph 17, the Children's House Act will only enter into force for child victims of trafficking on 1 May 2024. Child-friendly interview rooms are reportedly available in some police stations and in most district courts.

134. GRETA once again urges the Slovenian authorities to extend the application of the procedural protection measures currently reserved to children under the age of 15 years to

⁶² Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

⁶³ GREVIO Baseline Evaluation Report on Slovenia, paragraph 310.

⁶⁴ [First Barnahus for child victims of sexual abuse launched in Slovenia - Newsroom on Children's Rights \(coe.int\)](https://www.coe.int/en/web/newsroom/first-barnahus-for-child-victims-of-sexual-abuse-launched-in-slovenia); see also <https://eeagrants.org/news/new-slovenian-barnahus-supporting-victims-child-abuse>

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.

135. Furthermore, GRETA considers that the Slovenian authorities should ensure that child victims of trafficking are in practice afforded special protection measures, including in the context of interviews, both as regards the competencies of the professionals present and the environment in which the interviews are conducted. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice. ⁶⁵

c. role of businesses

136. In November 2018 the Slovenian authorities adopted the National Action Plan on Business and Human Rights,⁶⁶ which aims to ensure the implementation of the UN Guiding Principles on Business and Human Rights, contribute to ensuring respect for human rights throughout businesses' supply chains, and increase cooperation between public bodies, companies, business associations, trade unions, NGOs and other stakeholders. Out of the six priorities identified in the Plan, one is also dedicated to the prevention of THB. According to the authorities, 20 companies have signed the Plan's pledge to respect human rights.⁶⁷

137. In October 2020 the Ministry of the Interior issued a manual entitled "Prevent Forced Labour", which provides relevant information to employers in sectors known for having a higher risk of THB (construction, hospitality, logistics and agriculture) and which often rely on foreign workers. The NAPs for 2021-2022 and 2023-2024 includes various activities to promote the manual and raise employers' awareness. The NAP for 2023-2024 further includes funding for an NGO project to raise awareness among consumers of products and users of services provided by victims of THB.

138. Pursuant to Article 75 of the Public Procurement Act, the contracting authority excludes a company from the procurement procedure if the company or one of its executives or owners was previously convicted for THB.

139. While welcoming the adoption of the National Action Plan on Business and Human Rights and the manual on the prevention of forced labour, GRETA considers that the Slovenian authorities should further strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights⁶⁸ and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business⁶⁹ and Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation⁷⁰ with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies.

140. Further, GRETA considers that the Slovenian authorities should adopt legislation promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation.

d. measures to prevent and detect corruption

⁶⁵ [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).

⁶⁶ See pages 15, 18 and 19, available at <https://www.gov.si/assets/ministrstva/MZZ/Dokumenti/multilateralal/clovekove-pravice/NAN-za-spostovanje-cp-v-gospodarstvu.docx> (in Slovenian)

⁶⁷ [Business and human rights | GOV.SI](#)

⁶⁸ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁶⁹ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

⁷⁰ <https://rm.coe.int/0900001680a83df4>

141. Trafficking in human beings can occur in various contexts. Human traffickers may form part of organised criminal groups, which frequently use corruption to circumvent the law, and money laundering to conceal their profits. Other Council of Europe legal instruments, in particular those designed to combat corruption, money laundering and cybercrime, are also relevant to combating human trafficking. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

142. In its fifth round report on Slovenia (2017) GRECO noted the high degree of trust the police enjoys in Slovenian society and the multifaceted steps taken by the police to prevent corruption within its ranks, including by setting up an articulated anti-corruption institutional infrastructure. Notwithstanding these positive features, GRECO noted that there were a few areas where further improvements should be made, in particular concerning potential conflicts of interest of police personnel and improper moves to the private sector, as well as better protection guarantees for whistle-blowers.⁷¹

143. The Slovenian authorities reported having no knowledge of cases of corruption or related misconduct of public officials in THB cases.

71

<https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/16807912a8>

V. Follow-up topics specific to Slovenia

1. Data collection

144. In its second evaluation report, GRETA considered that the Slovenian authorities should finalise the development of a comprehensive and coherent statistical system on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of THB cases.

145. GRETA welcomes the inclusion of this recommendation in the NAPs for 2019-2020 and 2021-2022, and the progress made in this respect. Statistical data on victims and perpetrators, disaggregated by gender, nationality and form of exploitation, as well as information on the number of convictions and the type and duration of the penalties, are included in the annual reports of the IWG.⁷²

146. The Office of the Human Rights Ombudsman informed GRETA that there is not enough statistical data available about ethnic minorities, in particular the Roma, which makes it difficult to monitor the risk of THB and forced marriage among these groups and develop appropriate prevention activities. The Slovenian authorities recalled that data protection legislation prohibits the collection of data on the basis of national or ethnic origin. **GRETA considers that the Slovenian authorities should continue conducting and supporting research into trafficking in Roma communities.**

2. Measures to prevent and combat trafficking for the purpose of labour exploitation

147. In its second evaluation report, GRETA considered that the Slovenian authorities should intensify their efforts to prevent trafficking for the purpose of labour exploitation, in particular by providing regular practice-oriented training to relevant officials on THB for the purpose of labour exploitation, strengthening the monitoring of employment agencies, and working closely with the private sector.

148. In Slovenia, the Labour Inspectorate is responsible for the enforcement of labour law and health and safety standards at work and the Financial Administration controls undeclared work and illegal advertising of jobs.⁷³ Each of them carries out more than 10,000 inspections per year and participates in joint activities with the police and other public bodies. The Labour Inspectorate employs 91 inspectors: 32 working in the field of health and safety, six working on social protection, and 53 checking compliance with approximately 75 different legal acts in the field of employment relations. In 2020, 30% of the labour inspections, and in 2021, 50% of inspections, concerned checks of regulations related to COVID-19. Labour inspections do not cover domestic workers because inspectors have no mandate to enter private homes without a court decision. In October 2020 the Ministry of the Interior published a manual for employers on prevention of forced labour (see paragraph 137) and in April 2022 the Ministry of the Interior issued detailed guidelines for labour inspectors on identifying victims of human trafficking. Labour inspectors stated that since 2018 they encountered 105 potential cases of labour exploitation, but found evidence of THB in only two cases. These two cases were later requalified by prosecutors under Article 196 of the CC (violation of fundamental workers' rights).

149. During the reporting period, no victims of THB for the purpose of labour exploitation were identified. According to labour inspectors and NGOs, the risk of THB for the purpose of labour exploitation has increased because there is a shortage of workers, in particular in the construction, transport and hospitality sectors, leading to an influx of migrant workers. The majority of the migrant workers come from other countries of the former Yugoslavia and, increasingly, from Eastern European countries. In addition, thousands of migrant workers are hired by Slovenian companies to be employed as posted workers in other EU countries (with the so-called "A1 certificate"). The Labour Inspectorate acknowledged that they lack the resources to effectively monitor such companies and rely on labour inspectorates in the

⁷² The annual reports are available in on the [website](#) of the Inter-ministerial Working Group.

⁷³ For more details, see GRETA 2nd report on Slovenia, paragraphs 52 and 53.

destination countries to control them.

150. In 2021 the Slovenian government appointed a coordinator for cross-border inspections, seconded a national liaison officer to the European Labour Authority (ELA), and sent two labour inspectors to attend training of trainers conducted by the ELA on cross-border inspections. The Slovenian authorities also plan to introduce in 2023 an amendment to give the Financial Administration the power to supervise posted workers. In June 2022, the Criminal Police Directorate within the General Police Directorate issued a new directive concerning cases of labour exploitation and social security offences in relation to non-EU nationals, and in September 2022 THB was included as a priority in the annual police work plan for 2023.

151. In September 2019 the Agreement on the Employment of Citizens of the Republic of Serbia in the Republic of Slovenia entered into force. It regulates the employment of migrant workers from Serbia and is modelled after a similar agreement from 2013 between Slovenia and Bosnia and Herzegovina.

152. From 2017 to 2019 the Slovenian authorities co-financed several NGO projects to raise awareness about THB for labour exploitation. To mark the EU Anti-Trafficking Day in 2017, 2018 and 2019, the Slovenian Association for the Reduction of Harmful Consequences of Drugs ("DrogArt") organised an Escape Room on Labour Exploitation to raise awareness among the general public. The Association Counselling Office for Workers ("Delavska Svetovalnica") organised press conferences and individual counselling sessions for hundreds of workers to highlight the risk of labour exploitation. However, no awareness raising projects on THB for the purpose of labour exploitation have taken place since 2019.

153. Pursuant to the National Action Plans for Combating Trafficking in Human Beings, the Labour Inspectorate and the Financial Administration organise annual professional training sessions for their staff, which include the topic of THB. Due to the COVID-19 pandemic, there were no training sessions in 2020 and 2021, except for one online session.

154. While commending the steps taken since the second evaluation **GRETA urges the Slovenian authorities to take additional steps to prevent and combat trafficking for the purpose of labour exploitation, taking into account the Council of Europe Committee of Ministers Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, and in particular to:**

- **ensure that sufficient staff and resources are made available to the Labour Inspectorate to enable it to play a frontline role in the prevention and identification of THB for the purpose of labour exploitation, including in situations where workers are posted to other EU countries;**
- **ensure that labour inspectors, law enforcement officers and other relevant actors increase their outreach work to identify victims of THB for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as construction, transport and hospitality;**
- **train labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;**
- **strengthen co-operation between labour inspectors, law enforcement officers, tax authorities, trade unions and other civil society actors, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation.**

3. Identification of victims of trafficking

155. In its second evaluation report, GRETA urged the Slovenian authorities to ensure that the Manual on the Identification, Assistance and Protection of Victims of THB is effectively implemented in practice, including by periodically training all relevant professionals, increase efforts to proactively identify victims of THB, in particular as regards forms of exploitation other than sexual, and pay increased attention to detecting victims of THB amongst foreign workers and asylum seekers.

156. The procedure for the identification of victims of THB, described in GRETA's second report on Slovenia, has remained unchanged. Pursuant to the Manual on the Identification, Assistance and Protection of Victims of THB, the identification procedure can be initiated by the police or an NGO. A representative of the NGOs Slovenian Caritas and Ključ Society meets the presumed victim at the outset to inform them of their rights (see paragraph 40). Subsequently, irrespective of whether the victim has decided to co-operate with the authorities or not, the police interviews the presumed victim, decides to formally identify him or her as a victim of THB, refers the victim for assistance to a specialised NGO and informs the Specialised State Prosecutor's Office, the National Anti-Trafficking Co-ordinator and the IWG about the case.

157. As noted in paragraph 11, the overwhelming majority of the identified victims of THB in Slovenia have been foreign women trafficked for the purpose of sexual exploitation. According to the Slovenian authorities, victims of THB are usually detected through proactive police activities aimed at discovering cases of exploitation of prostitution. Self-identification by victims or reports of trafficking by members of the public are very rare. Officials met during the visit noted a trend of offenders using less physical violence to control their victims but capitalising on their financial dependence (see paragraph 89).

158. As noted in paragraph 12, the number of irregular migrants and asylum seekers in Slovenia has considerably increased since 2017: from 1,148 irregular migrants and 277 asylum applications in 2017, to 10,067 irregular migrants and 5,218 asylum applications in 2021. Representatives of UNHCR and NGOs met by GRETA expected the figures for 2022 to be even higher, in particular the number of asylum applications.

159. GRETA visited the Asylum Centre situated on the outskirts of Ljubljana. With an official capacity of 230, it was accommodating some 530 persons at the time of the visit (including men, women, families with children and unaccompanied children).⁷⁴ Persons seeking international protection in Slovenia are not allowed to leave the centre until after their first interview in the asylum procedure, which could take up to three weeks after arrival. In their comments on the draft report, the Slovenian authorities confirmed that if a person decides to leave the Asylum Centre his/her application is deemed withdrawn. According to the Slovenian authorities, all staff are trained to recognise signs of THB and specialised NGOs visit the centre regularly.⁷⁵ GRETA noticed publicly displayed information on human trafficking and the contact details of specialised NGOs. However, several stakeholders informed GRETA that vulnerable migrants, including children, often left the centre before NGOs could meet them and moved on to countries in Western Europe. GRETA also notes with concern the overcrowding and the reported cases of gender-based violence, including the rape of a child, at the Asylum Centre in Ljubljana.⁷⁶

⁷⁴ At the end of 2022 430 single men were accommodated in the Asylum Centre whilst families, single women and unaccompanied children had been transferred to another facility located in Logatec.

⁷⁵ Furthermore, various state authorities, NGOs and the UNHCR have signed an agreement on standard operating procedures for prevention of and response to sexual and gender-based violence perpetrated against persons dealt with under the provisions of the International Protection Act.

⁷⁶ See also CEDAW, [Concluding observations on the seventh periodic report of Slovenia](#), CEDAW/C/SVN/CO/7, paragraph 45.

160. As noted in paragraph 12, no victims of THB have been identified among asylum seekers. GRETA is concerned that the procedures for identifying victims of THB among asylum seekers are inadequate. The Project PATS (“Introducing a mechanism for identifying, assisting and protecting victims of human trafficking, and/or sexual abuse in the procedures for granting international protection in Slovenia”), referred to in GRETA’s second report, was used until 2021 to conduct interviews with asylum seekers and detect possible victims of THB.⁷⁷ Each year approximately 250 asylum seekers were interviewed.⁷⁸ However, no NGO was selected to implement the Project PATS in 2022, and plans to transfer the task to the social work centre were aborted due to a lack of staff. Several officials and civil society representatives met by GRETA during the visit were highly critical of the Project PATS and its failure to detect trafficking victims (only one potential victim in five years). In their comments on the draft GRETA report, the Slovenian authorities restated their intention to select an NGO to implement the Project PATS in 2023, but stated that it is very difficult to identify victims of THB amongst asylum seekers because most of them leave the Asylum Centre within two days of their arrival and do not self-identify as victims of trafficking.

161. GRETA urges the Slovenian authorities to step up their efforts to identify victims of trafficking, paying increased attention to detecting victims of trafficking amongst migrants and asylum seekers, including by:

- **providing systematic training and issuing clear operational instructions to all relevant staff of reception centres and immigration detention centres on identifying and responding to cases of human trafficking and on conducting gender- and culturally-sensitive interviews with migrants and asylum seekers;**
- **recruiting or otherwise engaging a sufficient number of trained interpreters and cultural mediators to more effectively interact with migrants and asylum seekers;**
- **securing adequate funding for specialised NGOs to enable them to effectively take part in the identification of victims of trafficking, including through having regular access to facilities for asylum seekers and detained migrants;**
- **systematically informing all asylum seekers, in a language they can understand, about their rights in the framework of the asylum procedure, and the legal rights and the services available to victims of trafficking;**
- **ensuring that pre-removal risk assessments prior to all forced removals from Slovenia fully assess risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. In this respect, reference is made to GRETA’s Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection⁷⁹;**
- **providing adequate and safe living conditions at the Asylum Centre in Ljubljana with a view to preventing possible recruitment of asylum seekers by traffickers;**
- **ensuring that as soon as there are reasonable grounds to believe that a foreign national placed at the Asylum Centre is a victim of THB, he or she is moved to a shelter for victims of THB.**

4. Identification of, and assistance to, child victims of trafficking

162. In its second evaluation report, GRETA urged the Slovenian authorities to improve the identification of, and the assistance to, child victims of THB by ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims, provide further training to stakeholders and guidance on the identification of child victims, and take steps to address the problem of unaccompanied children disappearing.

⁷⁷ GRETA 2nd report on Slovenia, paragraph 94.

⁷⁸ For example, in 2020 262 asylum seekers or 7% of the total number of asylum seekers (3,548) were interviewed.

⁷⁹ <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>

163. The procedure for identifying child victims of THB is similar to the procedure for adults. The Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings emphasises that all authorities and organisations must follow the principle of the best interests of the child. The NAP for 2019-2020 referred to the possible revision of the Manual by adding a specific section on child trafficking. However, this action has been postponed.

164. As noted in paragraph 11, no child victims of THB have been identified during the reporting period. Assistance to child victims of THB is provided under the crisis accommodation programme for 30 days. Subsequently, social work centres become responsible for finding longer-term solutions.⁸⁰ There are no specialised shelters for child victims of THB.

165. The Social Chamber of Slovenia organises annual training for staff of the social work centres. On 22 October 2020, 9 December 2021 and 27 November 2022, 48, 42 and 55 participants respectively attended a seminar entitled "Working with Victims of THB."

166. In its second report, GRETA considered that the Slovenian authorities should step up their efforts to prevent child trafficking in the Roma community and among unaccompanied migrant children. During the evaluation visit, GRETA was told there had been no cases of THB or forced marriage involving Roma children in recent years. In 2021 the Office for National Minorities published the "Manual on Identifying Early and Forced Marriages in the Roma Community and on Taking Action in these Cases." In 2022 several lectures and training sessions were held in different Roma communities across Slovenia to promote the Manual and further raise awareness about child trafficking and forced marriage. The National Action Plan for 2023-2024 foresees training for officials in charge of the registration of marriages.

167. There has been a significant rise in the number of asylum-seeking unaccompanied children in Slovenia. In the period 2017-2021, there were 2,945 such children (390 in 2017, 555 in 2018, 670 in 2019, 550 in 2020 and 780 in 2021).⁸¹ GRETA refers to its observations on the visit to the Asylum Centre in Ljubljana (see paragraph 159). During the evaluation GRETA also visited the student dormitory accommodating unaccompanied children in the city of Postojna. The facility has 22 places and offers good material conditions. According to the Government Office for the Care and Integration of Migrants, unaccompanied children are transferred from the Asylum Centre to the dormitory in Postojna, but sometimes there might be delays. Staff in Postojna informed GRETA that close to 90% of children leave within three days after their placement and do not return. GRETA is deeply concerned by the apparent failure of the Slovenian authorities to address the problem of unaccompanied children disappearing from the care of the state.

168. On 21 November 2022 the authorities organised a training for 75 practitioners dealing with vulnerable groups, mainly unaccompanied children, on detection of, and assistance to victims of THB

169. **GRETA once again 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, including by continuing to pay attention to Roma children and unaccompanied foreign children;**
- **providing further training to stakeholders (police, asylum and migration authorities, service providers, NGOs, centres for social work) as well as guidance on 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;**

⁸⁰ See GRETA 2nd report on Slovenia, paragraphs 112 and 113.

⁸¹ [Statistics | Eurostat \(europa.eu\)](https://ec.europa.eu/eurostat/)

- **addressing the problem of unaccompanied foreign children going missing while in the care of the state by providing suitable safe accommodation and trained supervisors or foster parents, and ensuring that there are clear procedures for tracing missing children and notifying relevant authorities.**

5. Assistance to victims of trafficking

170. In its second evaluation report, GRETA urged the Slovenian authorities to ensure that access to the safe accommodation programme for victims of THB is not made conditional on their cooperation in the criminal proceedings. GRETA also considered that the authorities should ensure adequate funding and staff to facilitate the integration into society of victims of THB, and guarantee access to public health care to all victims of THB.

171. Assistance to victims of trafficking is provided in the framework of two programmes (for crisis accommodation and safe accommodation) co-financed by the Government and implemented by NGOs selected through a public tender.⁸² The NGOs Slovenian Caritas and Ključ Society have been operating these programmes for over 10 years, including the running of two shelters. Victims can stay in the crisis shelter for a maximum of 30 days. At the end of the stay in crisis accommodation, victims may continue their stay in the safe accommodation programme for as long as the court proceedings continue. The NGOs running the shelters aim to empower and support victims to start living independently. In the period 2017-2021, 46 victims of THB benefited from crisis accommodation (five in 2017, 35⁸³ in 2018, four in 2019, none in 2020 and 2 in 2021) and 11 victims from safe accommodation (two in 2017, three in 2018, two in 2019, two in 2020 and two in 2021). In addition, since 2019 the Ključ Society has been implementing the project "Re-integration of Victims of THB", which is also partially funded from the state budget.

172. GRETA notes with concern that the Slovenian authorities have taken no steps to extend the safe accommodation programme to all victims of THB, based on their individual needs and regardless of their willingness to co-operate in the criminal proceedings. According to the National Anti-Trafficking Co-ordinator and NGOs, in practice no victim was excluded from the safe accommodation programme because all the officially identified victims of THB agreed to co-operate in the criminal investigation.

173. The Slovenian authorities stated that state funding for assistance programmes for victims of THB increased during the reporting period. Representatives of NGOs acknowledged that state funding was sufficient. However, GRETA notes that only a small percentage of victims were accommodated in the specialised shelters (see paragraph 171). GRETA was also informed that the NGOs Slovenian Caritas and Ključ Society do not allow trafficking victims who suffer from alcohol or drug addiction to stay at the shelters.

174. Concerning access to public health care for victims of THB without health insurance, in July 2021 the IWG adopted a decision according to which the Ministry of Health, on the proposal of the National Anti-Trafficking Co-ordinator, can issue victims of THB with a certificate stating that they are entitled to non-urgent medical care (medication) at the discretion of a doctor. Since July 2021 four certificates have been issued to victims of THB (two from Venezuela, one from Colombia and one from Bosnia and Herzegovina).

⁸² See GRETA 2nd report on Slovenia, paragraphs 100 and 101.

⁸³ Including 32 victims from Taiwan.

175. **While welcoming the increased funding for assistance programmes and the extended provision of non-urgent health care, 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, but is based on their individual needs.**

6. Recovery and reflection period and residence permits

176. In its second evaluation report, GRETA urged the Slovenian authorities to review the legislation in order to ensure that all foreigners for whom there are reasonable grounds to believe that they are victims of THB, 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. GRETA also invited the Slovenian authorities to grant temporary residence permits to victims of THB on the basis of their personal situation.

177. As noted in paragraph 15, Article 50 of the Aliens Act, which regulates the recovery and reflection period and the granting of temporary residence permits, was amended twice during the reporting period. In October 2017, paragraph 4 of Article 50 was amended, deleting the condition that a trafficking victim's testimony is considered important by the authority conducting the criminal case in order to obtain a temporary residence permit and adding "making a false statement" as a ground for refusal of a temporary residence permit. In their comments on the draft report, the Slovenian authorities clarified that this provision requires that there be a reasonable suspicion that the victim's statement is false or there are grounds for concluding that the victim's cooperation is false, without clarifying how these conditions are assessed in practice.

178. Further, in March 2021, Article 50 of the Aliens Act was amended, adding the possibility for victims of THB to be issued a temporary residence permit owing to their personal situation, in addition to the existing grounds for a residence permit for the purpose of participation in the criminal proceedings. This new ground for a residence permit has reportedly not yet been used in practice.

179. According to official statistics all victims of THB who received crisis accommodation (see paragraph 171) were granted a recovery and reflection period. During the reporting period, two female trafficking victims from Bosnia and Herzegovina were granted a temporary residence permit. GRETA notes that the number of recovery and reflection periods and the number of temporary residence permits granted are low, compared to the number of identified foreign victims of trafficking.

180. While welcoming the amendments to the Aliens Act, including the possibility for victims of THB to apply for a temporary residence permit based on their personal situation, GRETA is concerned that the regulation of the recovery and reflection period in Article 50 of the Aliens Act continues to apply only to non-EU nationals, and that the period is rarely granted to victims of trafficking. According to the Slovenian authorities the right to a recovery and reflection period will be explicitly included in the revised Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings (see paragraph 22).

181. **GRETA urges the Slovenian authorities to ensure that all foreigners 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 and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.**

182. **GRETA also considers that the Slovenian authorities should keep under review the practical application of the provision on granting temporary residence permits to victims of THB, in particular in the light of the newly added ground for refusal of a temporary residence permit when making false statements, and ensure that the possibility to grant residence permits owing to the personal situation of the victim is effectively applied in practice.**

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA welcomes the availability of information materials in different languages for victims of trafficking and considers that the Slovenian authorities should continue to make efforts to ensure that all presumed and formally identified victims of trafficking are proactively informed of their rights, including the right to a recovery and reflection period, the available support services and how to receive them, and the consequences of their being recognised as victims of trafficking (paragraph 42).

Legal assistance and free legal aid

- GRETA urges the Slovenian authorities to make additional efforts to guarantee access to justice for victims of trafficking, in particular by ensuring that:
 - legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she wants to co-operate with the authorities and/or make an official statement;
 - access to free legal aid for victims of trafficking is not subject to means-related, nationality or residence requirements, and is available throughout the criminal proceedings (paragraph 51);
- GRETA considers that the Slovenian authorities should:
 - alert the Bar Association to the need to encourage training and specialisation of lawyers, with a view to providing legal assistance to victims of trafficking, including child victims;
 - review the system of remuneration of lawyers (paragraph 52).

Psychological assistance

- GRETA considers that the Slovenian authorities should take further steps to ensure that all victims of THB are provided with adequate and long-term psychological assistance to help them overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion (paragraph 55).

Access to work, vocational training and education

- GRETA considers that the Slovenian authorities should strengthen the effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 62).

Compensation

- GRETA urges the Slovenian authorities to examine the reasons for the absence of compensation claims and awards to victims of trafficking, and to make efforts to guarantee effective access to compensation for victims of THB, in line with Article 15 (4) of the Convention, including by:
 - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
 - enabling victims of trafficking to effectively exercise their right to compensation, by ensuring their access to information, legal assistance and legal aid throughout the duration of the criminal proceedings, and building the capacity of legal practitioners to support victims in claiming compensation;
 - making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;
 - reviewing the eligibility criteria for state compensation with a view to making it available in practice to victims of trafficking, and including all victims of trafficking in the scope of the Crime Victim Compensation Act, irrespective of their nationality and of whether or not they claimed and obtained compensation during criminal or civil proceedings (paragraph 76);
- GRETA considers that the Slovenian authorities should take further steps to enable access to compensation for victims of trafficking by making compensation awarded in criminal proceedings payable by the State if the perpetrator has not paid the victim within a set period of time, and the State taking the responsibility to try to recover the amount from the perpetrator (paragraph 77).

Investigations, prosecutions, sanctions and measures

- GRETA urges the Slovenian authorities to take additional measures to strengthen the criminal justice response to THB, including by:
 - ensuring that human trafficking offences are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not, by making use of special investigation techniques in order to gather material, documental, financial and digital evidence, and not having to rely exclusively on testimony by victims or witnesses;
 - sensitising investigators, prosecutors and judges on the rights of victims of THB and the importance of preventing secondary victimisation, and encouraging the development of specialisation amongst judges to deal with THB cases;
 - ensuring that trafficking offences are classified as such every time the circumstances of a case allow this, including cases characterised by the absence of physical violence, and lead to effective, proportionate and dissuasive sanctions for those convicted;
 - strengthening efforts to investigate, prosecute and convict traffickers of labour exploitation;

- conducting 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 96);
- GRETA considers that the Slovenian authorities should take further steps to ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 97).

Non-punishment provision

- GRETA once again 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 non-punishment provision (paragraph 102).

Protection of victims and witnesses

- GRETA urges the Slovenian authorities to ensure that there is an effective separation in court buildings of victims and defendants which prevent defendants from intimidating or influencing victims and witnesses in THB cases (paragraph 111);
- GRETA considers that the Slovenian authorities should:
 - make full use of the available measures to protect vulnerable victims and witnesses of THB and to prevent intimidation during the investigation, as well as during and after the court proceedings;
 - build the awareness of all actors in the criminal justice system on how to avoid re-victimisation and stigmatisation of victims of THB through training and awareness-raising, as well as prioritising the rights, needs and interests of victims;
 - ensure that the cross-examination (direct confrontation) of victims and defendants in THB cases is avoided, to the extent possible, making use of audio-visual equipment and other appropriate methods (paragraph 112).

Specialised authorities and co-ordinating bodies

- GRETA positively notes the existence of police investigators and prosecutors specialised in dealing with THB and considers that the Slovenian authorities should promote specialisation of judges to deal with THB, and that the training on THB should be systematic and periodically updated, and should further promote capacity-building and specialisation, with a view to enabling the proactive investigation and successful prosecution of human trafficking cases (paragraph 120).

International co-operation

- GRETA welcomes the participation of the Slovenian authorities in international co-operation in the area of combating THB and their efforts to conclude cooperation agreements with neighbouring states, and invites them to continue their efforts, particularly with regard to a greater use of Joint Investigation Teams in the investigation of cases of THB (paragraph 126).

Child-sensitive procedures for obtaining access to justice and remedies

- GRETA once again 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 134);
- GRETA considers that the Slovenian authorities should ensure that child victims of trafficking are in practice afforded special protection measures, including in the context of interviews, both as regards the competencies of the professionals present and the environment in which the interviews are conducted. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (paragraph 135).

Role of businesses

- GRETA considers that the Slovenian authorities should further strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business and Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies (paragraph 139);
- GRETA considers that the Slovenian authorities should adopt legislation promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation (paragraph 140).

Follow-up topics specific to Slovenia

Developments in the legislative, institutional and policy framework for action against human trafficking

- GRETA considers that the Slovenian authorities should commission an independent evaluation of the National Action Plan for Combating Trafficking in Human Beings as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB (paragraph 24);
- GRETA considers that the Slovenian authorities should allocate sufficient resources, including human resources, to the Office of the Human Rights Ombudsman, with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) (paragraph 26).

Data collection

- GRETA considers that the Slovenian authorities should continue conducting and supporting research into trafficking in Roma communities (paragraph 146).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA urges the Slovenian authorities to take additional steps to prevent and combat trafficking for the purpose of labour exploitation, taking into account the Council of Europe Committee of Ministers Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, and in particular to:
 - ensure that sufficient staff and resources are made available to the Labour Inspectorate to enable it to play a frontline role in the prevention and identification of THB for the purpose of labour exploitation, including in situations where workers are posted to other EU countries;
 - ensure that labour inspectors, law enforcement officers and other relevant actors increase their outreach work to identify victims of THB for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as construction, transport and hospitality;
 - train labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;
 - strengthen co-operation between labour inspectors, law enforcement officers, tax authorities, trade unions and other civil society actors, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation (paragraph 154).

Identification of victims of trafficking

- GRETA urges the Slovenian authorities to step up their efforts to identify victims of trafficking, paying increased attention to detecting victims of trafficking amongst migrants and asylum seekers, including by:
 - providing systematic training and issuing clear operational instructions to all relevant staff of reception centres and immigration detention centres on identifying and responding to cases of human trafficking and on conducting gender- and culturally-sensitive interviews with migrants and asylum seekers;
 - recruiting or otherwise engaging a sufficient number of trained interpreters and cultural mediators to more effectively interact with migrants and asylum seekers;
 - securing adequate funding for specialised NGOs to enable them to effectively take part in the identification of victims of trafficking, including through having regular access to facilities for asylum seekers and detained migrants;
 - systematically informing all asylum seekers, in a language they can understand, about their rights in the framework of the asylum procedure, and the legal rights and the services available to victims of trafficking;
 - ensuring that pre-removal risk assessments prior to all forced removals from Slovenia fully assess risks of trafficking or re-trafficking on return, in compliance with the obligation of non-refoulement. In this respect, reference is made to GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection;
 - providing adequate and safe living conditions at the Asylum Centre in Ljubljana with a view to preventing possible recruitment of asylum seekers by traffickers;

- ensuring that as soon as there are reasonable grounds to believe that a foreign national placed at the Asylum Centre is a victim of THB, he or she is moved to a shelter for victims of THB (paragraph 161).

Identification of, and assistance to, child victims of trafficking

- GRETA once again 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, including by continuing to pay attention to Roma children and unaccompanied foreign children;
 - providing further training to stakeholders (police, asylum and migration authorities, service providers, NGOs, centres for social work) as well as guidance on 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;
 - addressing the problem of unaccompanied foreign children going missing while in the care of the state by providing suitable safe accommodation and trained supervisors or foster parents, and ensuring that there are clear procedures for tracing missing children and notifying relevant authorities (paragraph 169).

Assistance to victims of trafficking

- 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, but is based on their individual needs (paragraph 175).

Recovery and reflection period and residence permits

- GRETA urges the Slovenian authorities to ensure that all foreigners 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 and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 181);
- GRETA considers that the Slovenian authorities should keep under review the practical application of the provision on granting temporary residence permits to victims of THB, in particular in the light of the newly added ground for refusal of a temporary residence permit when making false statements, and ensure that the possibility to grant residence permits owing to the personal situation of the victim is effectively applied in practice (paragraph 182).

Appendix 2 - List of public bodies, intergovernmental organisations and 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 Directorate
 - National Investigative Office
- Ministry of Justice
 - Criminal Law and Human Rights Directorate
 - Office for International Legal Co-operation and Mutual Legal Assistance
 - Judicial Training Centre
 - Commission for the Compensation of Victims
- Ministry of Labour, Family, Social Affairs and Equal Opportunities
 - Family Directorate
 - Labour Market and Employment Directorate
 - Labour Relations and Labour Rights Directorate
 - Labour Inspectorate
 - Equal Opportunities Division
- Ministry of Finance
 - Financial Administration
- Ministry of Foreign Affairs
- Office for National Minorities
- Government Communication Office
- Government Office for the Care and Integration of Migrants
- Supreme Court
- Higher Court of Ljubljana
- Supreme State Prosecutor's Office
- 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)

NGOs and other civil society organisations

- Ključ Society - Centre for Fight against Trafficking in Human Beings
- Caritas Slovenia
- Legal Centre for the Protection of Human Rights and the Environment
- Slovenian Philanthropy

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Slovenia

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 5 April 2023 and invited them to submit any final comments. The comments of the authorities, submitted on 5 May 2023, are reproduced hereafter.



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Izdajatelj: Republika Slovenija Ref. št. dokumenta: 500-323/2021/23
Številka certifikata: ad 64 10 od 00Čas podpisa: 07:46, 05.05.2023
Potek veljavnosti: 00.06.2027 Podpisnik: Tina Heferte

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

Number: 500-323/2021/23
Date: 4. 5. 2023

Dear Ms Petya Nestorova,

Thank you for your letter of 5 April 2023 and the draft final report on the third round of the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

We note that the document takes due account of our comments on the draft, which we sent to you on 6 January 2023, and I therefore inform you that we agree with the final report and its conclusions. At this point, I would like to let you know that the process of appointing a new National Anti-Trafficking Coordinator is currently underway and that the new coordinator is expected to be approved by the Government of the Republic of Slovenia by the end of May 2023. We will inform the Secretariat of the Convention without delay of the completion of the appointment process.

The Ministry of the Interior would like to thank the GRETA delegation and the Secretariat of the Convention for their excellent cooperation throughout the third round of the evaluation of the Republic of Slovenia. We are grateful both for the positive observations on progress in individual areas and for the shortcomings highlighted, which we will endeavour to address as far as possible in the coming period. The fight against trafficking in human beings remains one of the priorities of the Government of the Republic of Slovenia, and I can assure you that, in the light of the implementation of GRETA'S recommendations, we will continue to strengthen the targeted measures, especially in the area of early identification, protection and support of victims of trafficking in human beings.

Yours sincerely,

Tina Heferte
State Secretary