COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

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

Recommendation CP/Rec(2023)07 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Slovenia

adopted at the 32nd meeting of the Committee of the Parties
on 16 June 2023

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

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

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

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

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

Recalling Committee of the Parties' Recommendation CP(2018)7 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Slovenia and the report of the Slovenian authorities on measures taken to comply with this recommendation, submitted on 1 March 2019;

Having examined the third report concerning the implementation of the Convention by Slovenia, adopted by GRETA at its 47th meeting (27-31 March 2023), as well as the comments of the Slovenian Government received on 5 May 2023;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Slovenia;

Welcoming the measures taken and progress achieved by the Slovenian authorities in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to combating human trafficking, including by amending the Criminal Code and by adding to the Aliens Act the possibility for victims of human trafficking to receive a temporary residence permit based on to their personal situation;

- the establishment of the Anti-Trafficking Service within the Ministry of the Interior to support the National Anti-Trafficking Co-ordinator and ensure inter-ministerial cooperation;

- the adoption of biannual national action plans for combating trafficking in human beings, supported by a dedicated budget;

- the steps taken to combat trafficking for the purpose of labour exploitation, including the publication of a manual for employers on prevention of forced labour and guidelines for labour inspectors to enable them to detect victims of trafficking for the purpose of labour exploitation;

- the opening of the first Children's House in Ljubljana, establishing a child-friendly environment for interviewing children, including child victims of human trafficking;

- the engagement in international co-operation in the fight against trafficking in human beings.

A. Recommends that the Government of Slovenia take measures to address the following issues for immediate action[1] identified in GRETA's report:

1. 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);

2. 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 human trafficking, 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 human trafficking, 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);

[1] The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

3. Take additional measures to strengthen the criminal justice response to human trafficking, 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 human trafficking and the importance of preventing secondary victimisation, and encouraging the development of specialisation amongst judges to deal with human trafficking 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 human trafficking 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);

4. Take additional measures to ensure compliance with the principle of non-punishment of victims of human trafficking 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);

5. 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 human trafficking cases (paragraph 111);

6. 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 and in order to bring such measures in full conformity with the Convention (paragraph 134);

7. Take addition 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 human trafficking 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 human trafficking 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 human trafficking for the purpose of labour exploitation (paragraph 154);

8. Step up 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 human trafficking, he or she is moved to a shelter for victims of human trafficking (paragraph 161);

9. 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 human trafficking, 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 human trafficking 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);

10. Ensure that access to assistance for victims of human trafficking is not made conditional on their co-operation in the investigation and criminal proceedings, but is based on their individual needs (paragraph 175);

11. 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).

B. Recommends that the Slovenian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Slovenia to report to the Committee of the Parties on the measures taken to comply with this recommendation by **16 June 2025.**

D. Invites the Government of Slovenia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.