



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

**Recommendation CP(2014)7
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Slovenia**

*adopted at the 13th meeting of the Committee of the Parties
on 7 February 2014*

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;

Having examined the Report concerning the implementation of the Convention by Slovenia, adopted by GRETA at its 18th meeting (4-8 November 2013) in the framework of the first evaluation round;

Having examined the comments of the Slovenian Government on GRETA’s report, submitted on 10 January 2014;

Welcoming the measures to combat trafficking in human beings taken by the Slovenian authorities, and in particular:

- the setting up of the Inter-ministerial Working Group for Combating Trafficking in Human Beings, as well as specialised units within the police and the Supreme State Prosecutor’s Office;
- the adoption of national action plans to combat trafficking in human beings and the efforts to ensure that action against trafficking is comprehensive and involves all relevant stakeholders, including NGOs, in a co-ordinated manner;
- the measures taken to prevent human trafficking through awareness-raising among the general public, education in schools and training of professionals involved in action against trafficking;

- the provision of public funding for assistance to victims of trafficking through specialised NGOs;
- the provision in law of the recovery and reflection period for potential victims of trafficking lasting up to 90 days;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Slovenia, in particular:

- further improving the identification of victims of trafficking, in particular by introducing a clear national referral mechanism and adopting a more proactive approach to the identification of victims, including among unaccompanied minors;
- ensuring that access to assistance for victims of trafficking is not made conditional on their co-operation in the criminal investigation and proceedings, and that safe and suitable accommodation is provided to victims of trafficking at all times depending on their needs;
- ensuring that all possible victims of trafficking are offered and effectively granted a recovery and reflection period;
- adopt further measures to facilitate and guarantee access to compensation for victims of trafficking;
- ensuring that victims of trafficking can take full advantage of the right to be granted a residence permit;
- making full use of the available measures to protect victims of trafficking during the investigation and during and after the court proceedings.

1. Recommends that the Government of Slovenia implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Slovenia (see addendum);

2. Requests the Government of Slovenia to inform the Committee of the Parties of the measures taken to comply with this recommendation by 7 February 2016;

3. Invites the Government of Slovenia to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Slovenia

Comprehensive approach and co-ordination

1. GRETA invites the Slovenian authorities to invest in the human and financial resources of the secretariat of the Working Group and the National Co-ordinator so that they can effectively carry out the full range of tasks within their mandate.
2. GRETA considers that the Slovenian authorities should pay increased attention to human trafficking for the purpose of labour exploitation, trafficking in children, trafficking in persons from vulnerable groups, including Roma, as well as trafficking within Slovenia.
3. Further, GRETA invites the Slovenian authorities to introduce a periodic independent evaluation of the Action Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB, and to consider the establishment of an independent National Rapporteur or other mechanism for monitoring the anti-trafficking activities of State institutions (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).

Training of relevant professionals

4. GRETA considers that the Slovenian authorities should take further steps to provide periodic training on THB and the rights of victims to all relevant professionals (such as judges, prosecutors, lawyers, staff of administrative units responsible for issuing residence permits, labour inspectors, child protection authorities and social workers). Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking for all forms of exploitation and assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers.

Data collection and research

5. GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Slovenian authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors, including NGOs involved in victim identification, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.).
6. Further, GRETA considers that the Slovenian authorities should conduct and support research on trafficking-related issues as an important source of information for future policy measures. Areas where research is particularly needed at present to shed more light on the extent and nature of the problem include trafficking for labour exploitation, trafficking in children and trafficking within Slovenia.

International co-operation

7. GRETA invites the Slovenian authorities to continue exploring further possibilities for strengthening international co-operation in the investigation and prosecution of human trafficking cases, as well as developing international co-operation for the purpose of preventing THB and providing assistance to victims.

Measures to raise awareness

8. GRETA considers that future actions in the area of awareness raising should be designed in the light of the assessment of previous measures and be focused on the needs identified. Awareness raising should continue targeting vulnerable groups and inform the public of forms of THB which are on the rise, such as labour exploitation, forced begging and forced criminality.

9. Further, GRETA considers that the Slovenian authorities should strengthen their efforts to discourage demand for services from trafficked persons, in partnerships with the private sector and civil society.

Identification of victims of trafficking in human beings

10. GRETA urges the Slovenian authorities to:

- strengthen multi-agency involvement in victim identification by introducing a clear national referral mechanism, defining the roles of all frontline staff who may come into contact with victims of trafficking;
- provide frontline staff with operational indicators, guidance and toolkits to be used in the identification process; these indicators should be regularly updated in order to reflect the changing nature of human trafficking and types of exploitation;
- ensure that law enforcement officials, social workers, labour inspectors and other relevant actors adopt a more proactive approach and increase their outreach work to identify potential victims of trafficking, in particular as regards forms of exploitation other than sexual (labour exploitation, forced begging, etc.);
- pay increased attention to detecting victims of THB among unaccompanied minors and set up a specific identification mechanism which takes into account the special circumstances and needs of child victims of trafficking, involves child specialists and ensures that the best interests of the child are the primary consideration.

Assistance to victims

11. GRETA 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. GRETA also urges the authorities to ensure that safe and suitable accommodation is provided to victims of trafficking depending on their needs, which may require the provision of accommodation and assistance beyond the five-day period of emergency assistance.

12. Further, GRETA considers that the Slovenian authorities should step up their efforts to provide assistance to victims of trafficking and in particular to facilitate the reintegration into society of victims of trafficking and help them to avoid re-trafficking by providing them with access to education, vocational training and the labour market.

13. GRETA also invites the Slovenian authorities to invest in the human and financial resources of centres for social work so that they can effectively provide support and assistance to child victims of trafficking.

Recovery and reflection period

14. GRETA urges the Slovenian authorities to ensure that all possible victims of trafficking are offered a recovery and reflection period, in compliance with the obligations under Article 13 of the Convention. Further, GRETA considers that the Slovenian authorities should systematically inform victims of trafficking of the possibility of a recovery and reflection period and effectively grant such a period.

Residence permits

15. GRETA urges the Slovenian authorities to remove the condition of the victim's testimony being "important in the opinion of the authority in charge of the criminal case" from the Aliens Act.

16. GRETA urges the Slovenian authorities to ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, particularly when they are unable to cooperate with the authorities.

Compensation and legal redress

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

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

Repatriation and return of victims

18. GRETA considers that the Slovenian authorities should enhance the protection of victims of THB returning to Slovenia and ensure their access to assistance, protection and reintegration measures regardless of whether criminal proceedings have been initiated in the country where the victims were identified.

Substantive criminal law

19. GRETA considers that the Slovenian authorities should ensure that the commission of THB by a public official in the performance of his/her duties and deliberately or by gross negligence endangering the victim's life as aggravating circumstances are effectively taken into account as aggravating circumstances of THB offence, in order to meet the requirements of Article 24 of the Convention.

20. GRETA considers that the Slovenian authorities should introduce a specific criminal offence regarding the concealment, damaging or destruction of travel or identity documents in relation to THB.

21. GRETA invites the Slovenian authorities to consider establishing as a criminal offence the use of services which are the object of exploitation as defined in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking in human beings.

Non-punishment of victims of trafficking in human beings

22. GRETA urges the Slovenian authorities to ensure compliance with Article 26 of the Convention through the adoption of a provision on non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, or by developing relevant guidance for public prosecutors on this issue. While the identification procedure is on-going, potential victims of trafficking should not be punished for immigration-related offences.

Investigation, prosecution and procedural law

23. GRETA considers that the Slovenian authorities should step up the training provided to judges, prosecutors and other relevant professionals on the issue of THB with a view to improving their knowledge and sensitivity about THB and the rights of victims of trafficking and ensuring practical application of existing anti-trafficking provisions so that traffickers are prosecuted effectively and receive sentences commensurate with the seriousness of this offence.

24. GRETA also considers that the Slovenian authorities should encourage the law enforcement and prosecution services to develop their specialisation in THB with a view to improving the collection of sufficient evidence to successfully prosecute more traffickers.

Protection of victims and witnesses

25. GRETA urges the Slovenian authorities to make full use of the available measures to protect victims during the investigation and during and after the court proceedings. In this context, the Slovenian authorities should take additional measures to ensure that victims of trafficking are adequately informed of their rights and existing remedies and assisted during the pre-trial and court proceedings.

26. Further, GRETA considers that the Slovenian authorities should extend the special protection procedures to cover all child victims of THB up to the age of 18, taking into account the best interest of the child.¹

¹ Reference is also made to the [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.