



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate B : Immigration and Asylum
Unit B1 : Immigration and Integration

MIGRAPOL
European Migration Network
Doc 287

EUROPEAN MIGRATION NETWORK

Third Focussed Study 2013

*- Identification of victims of trafficking in human
beings in international protection and forced return
procedures -*

National Contribution from Slovenia

EMN Focussed Study 2013:
Identification of victims of trafficking in human beings in international protection and forced return procedures

The study was prepared by Legal-informational centre for nongovernmental organisations – PIC in cooperation with the National contact point of the European Migration Network in the Republic of Slovenia and the Ministry of the Interior of the Republic of Slovenia.

European Migration Network was established due to the need for exchange of information on all aspects of migrations and for the establishment of common asylum and migration policy. Council Decision 2008/381/EC which provides a legal basis for the establishment of the European Migration Network was adopted on 14 May, 2008.

More information on the European Migration Network is available at: www.emm.si.

Top-line “Factsheet”
(National Contribution)
Executive Summary
(Synthesis Report)

National contribution

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

For the purpose of this study the authors have examined Slovenian legislation and practice concerning detection, identification and referral of potential victims of trafficking in human beings in international protection and forced returns procedures. In order to clarify how the procedures are conducted in practice interviews have been carried out with representatives of the Ministry of the Interior (hereafter: MOI), the Centre for Foreigners and NGOs involved in the discussed procedures. Additional data was acquired with the help of General Police Directorate.

The study focuses on actual application of the systems in question, which are mostly established as a combination of regulations, bilateral agreements, soft law and established practice. The features of the system of detection, identification and referral are at times also presented in a wider context of international protection and forced return procedures to facilitate easier understanding of a particular part of the process.

Important findings of the study are summarized in Section 7 (Conclusions).

Synthesis Report (up three pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

Section 1
Residence permits, protection statuses and national programmes available to victims of trafficking in Member States

This section briefly outlines the residence permits and protection statuses available to victims of trafficking in human beings in Member States. The aim of this section is to contextualise the section on referral. Information on rights should not be provided in detail, as it falls outside of the scope of this Study.

Q.1 What residence permit(s) specifically for victims of trafficking in human beings are available in your Member State? (list them here)

Q1a. Are they conditional on cooperation with the authorities?

Q1b. In which year was it/were they introduced?

In the Republic of Slovenia there are two residency statuses specifically designed for victims of trafficking in human beings: permission to stay and temporary residence permit, both set out in Article 50 of the Aliens Act¹.

Permission to stay is granted upon the request of the victim or *ex officio* for the period of three months (with the possibility of further extension of three months) to allow the victim time to decide whether to participate as a witness in a criminal procedure regarding trafficking in human beings.

Temporary residence permit is granted to the victim, if he/she is prepared to participate as a witness in a criminal procedure and his/her testimony is deemed important, which is confirmed by a competent authority of criminal prosecution. The permit is issued for the expected time of criminal procedure, however not for less than six months and not for more than one year (with the possibility of extension).

This is an implementation of the provisions of the Council Directive 2004/81/EC. The statuses have first been enacted in August 2006, however similar statuses have already been granted earlier on the basis of more general provisions of the law and agreements between the government and NGO Ključ, which are described under Q3 below.

Q2. Are international protection status(es) granted to third-country nationals for the reason of being a victim of trafficking in human beings in your Member State? Yes / No

Q2a. If yes, please name which statuses are granted here

Separate international protection statuses set out specifically for victims of trafficking in human beings do not exist in the Republic of Slovenia. A victim of trafficking in human beings can potentially be granted an international protection status, however to achieve that, it does not suffice for him/her to be recognized as a victim of trafficking in human beings, he/she must instead meet the general criteria for granting either a refugee or subsidiary protection status, as provided in the International Protection Act².

Q3. Does your Member State have a national referral mechanism? Yes / No

A formal national referral mechanism is partially established in the Republic of Slovenia. In 2003 and 2004 three agreements were made between NGO Ključ³ and different state authorities that encounter victims of trafficking in human beings (MOI, Office of the State Prosecutor-General of the Republic of Slovenia and the Police). The agreements set out an

¹ Official Gazette of the Republic of Slovenia No. 50/2011, 57/2011 – hereafter: AA.

² Official Gazette of the Republic of Slovenia No. 111/2007 and subsequent amendments – hereafter: IPA.

³ A Slovenian non-governmental organization working in the field of trafficking in human beings (www.drustvo-kljuc.si).

obligation of state authorities to notify NGO Kluč in all cases when a victim of trafficking is detected, upon which Kluč then provides help and protection to the victim, including safe shelter⁴. The described agreements do not contain criteria for identification of victims of trafficking in human beings.⁵

Currently, the Interministerial Working Group on the Fight against Trafficking in Human Beings⁶ is preparing a guidebook for the identification of victims of trafficking in human beings, which represents an additional step towards the establishment of a national referral mechanism. The guidebook will be intended for the Police, labour inspection, NGOs and all other actors that come into contact with potential victims of trafficking. Indicators for detection and identification of victims will be included in the guidebook. According to unofficial information from representatives of the MOI the guidebook is expected to be released by the end of 2013.

Section 2

Detection, identification and referral of victims in International Protection Procedures

This section first examines the mechanisms that are used to detect and identify victims in the procedure for international protection. It then explores how identified victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.

Where relevant, please distinguish between first instance and appeal procedures, where applicable.

2.1 Legislative framework

Q4. Are there established mechanisms for detecting and identifying victims of trafficking in human beings in the procedure for international protection?⁷ Yes/No

Q4a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

- a. Process for detection and identification of victims in the procedure for international protection is outlined in legislation (if yes, provide reference to the legislation)***
- b. Process for detection and identification in the procedure for international protection is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference)***
- c. Process is not outlined in official documents, but there is a working***

⁴ Currently, shelter is mostly provided by the organization Karitas (www.karitas.si) on the basis of an agreement with the government, while other types of assistance and protection are still carried out by Kluč.

⁵ See Section 2.1. of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016.

⁶ The Interministerial Working Group on the Fight against Trafficking in Human Beings was founded by resolution of the Government of the Republic of Slovenia in 2001. It is composed by representatives of state authorities and NGOs in the field of trafficking in human beings. The tasks of the Working Group include preparation of action plans and reports, preparation of draft policies and measures and organization and coordination of specific activities in the field of trafficking in human beings in the Republic of Slovenia.

⁷ (Member) States should here **only** refer to mechanisms for detection/identification used in international protection procedures – i.e. they should not refer to those used specifically by law enforcement, NGOs or other persons coming into contact with victims in situations outside of international protection procedures.

system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description)

c. In the Republic of Slovenia detection and identification of victims of trafficking in human beings in international protection procedures are not outlined in legislation or soft law, but there is a working system in place, which is understood by the actors concerned. Detection and identification is conducted in cooperation between MOI officials that carry out the first phase of international protection procedure (submission of application) and an NGO⁸, which, on the basis of a public tender and an agreement with the MOI, carries out a program of informing asylum applicants on the dangers of trafficking in human beings. The title of the program, which is co-financed by the European Refugee Fund, is "Identification, assistance and protection of victims of trafficking in human beings and sexual and gender-based violence during the reception of asylum applicants in the Republic of Slovenia".

Q5. Are there different protocols and/or practices for children and adults? Yes / No

Q5a. If yes, please briefly describe how these differ and why.

Yes. All unaccompanied minors that apply for international protection are automatically referred to an information session in the framework of the above described program (see Q4a). Furthermore, in accordance with the law, all unaccompanied minors in procedure are appointed a guardian, who in cooperation with the minor sees to the protection of his/her interests⁹. The guardian does not have a formal role in detection of potential victims of trafficking in human beings, however he/she can contribute to the uncovering of such cases.

Q6. Are there different protocols and/or practices for men and women? Yes / No

Q6a. If yes, please briefly describe how these differ and why.

Yes. In accordance with the program of informing asylum applicants on the dangers of trafficking in human beings (see Q4a) all single women (and according to the MOI official in practice also non-single women) are automatically referred to an information session.

Other asylum applicants (that are not unaccompanied minors or women) are referred to the information session if MOI official during the submission of asylum application detects, that they could be victims of trafficking in human beings.

2.2 Detection and identification of victims

Q7. How are (potential) victims of trafficking in human beings detected in procedures for international protection?

Q7a. Please state whether one of the scenarios below or a combination thereof is

⁸ From 2004 to 2008 the program was carried out by NGO Ključ (drustvo-kljuc.si), from December 2010 to June 2013 by the Jesuit Refugee Service Slovenia (www.jrs.rkc.si) and from June 2013 on it is carried out by the Institute for African Studies (www.africanstudy.org). In the period from 2008 to 2010, when the program was not carried out by an NGO, information sessions were conducted by representatives of the MOI.

⁹ IPA Articles 16 and 16a.

applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:

- a. The competent authority¹⁰ proactively screens all applicants for indications of trafficking in human beings;*
- b. The competent authority proactively screens applicants with a particular profile¹¹ for indications of trafficking in human beings (please provide information on the type of profile);*
- c. Victims self-report;*
- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*
- e. Other (please specify).*

c., d., e. An official responsible for the submission of asylum application pays attention to indications of trafficking in human beings during the procedure. Any other person in contact with the victim, as well as the victim him/herself, can also draw attention to such indications. If suspicion is raised that the person is a potential victim (and in all cases of unaccompanied minors and women) the asylum applicant is referred to an information session conducted by an NGO. The NGO then, with the help of an interpreter, carries out an information session on trafficking in human beings. The main focus of the information session is providing information on the dangers of trafficking in human beings with the aim of prevention, since many asylum applicants abscond from Slovenia after submitting their asylum application and continue their travel to their destination country¹². A discussion in the course of the information session may also reveal that the asylum applicant already exhibits indications of a victim of trafficking in human beings.

Q7b. Is there a stage the applicant for international protection can no longer be screened (e.g. after the first negative decision)? Yes / No. If yes, please describe the circumstances.

No, since there is no formalized procedure for determining whether a person is a victim of trafficking in human beings in the framework of international protection procedure. If it is detected during the international protection procedure that a person is a potential victim, further screening can be conducted at any time. If an information session with the NGO has not been carried out immediately following the application, it can be carried out later, when suspicion of trafficking in human beings arises. An information session may also be repeated, despite already being carried out earlier.

Q8. If the competent authority detects that an applicant may be a victim of trafficking in

¹⁰ Here, "competent authority" refers to the authority competent for examining the merit of the third-country national's case for international protection. In many (Member) States, this is a 'case worker'.

¹¹ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

¹² In 2012 304 asylum applications were lodged in the Republic of Slovenia. Altogether 110 international protection procedures were stopped, mostly due to absconding (Source: official MOI statistics).

human beings, what are the next steps in terms of assessment?

As described above, the person is referred to an information session with an NGO, in the course of which additional circumstance may be clarified.

Q8a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? Yes / No

No. The assessment is not conducted in a formalized way with a prescribed standard set of indicators.

a. If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?

—

Q8b. Are other mechanisms¹³ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? Yes/No

Yes.

a. If yes, what are these?

An official may order additional measures for determining the circumstances of the case. These are mechanisms that are not established specifically for the victims of trafficking in human beings, however they are available to MOI officials with the help of other state authorities. For example, in practice a DNA analysis was used in one case to determine if a man and a child without personal documents really were a father and his child.

b. If no, why not?¹⁴

—

a. Q8c. If, following detection, the third-country national concerned is not assessed as a (potential) victim, what happens? Can the third-country national seek an alternative assessment elsewhere?

No, since there are no formalized procedures prescribed in the framework of international protection procedure for assessing whether a person is a potential victim of trafficking in human beings or not.

¹³ E.g. interviews.

¹⁴ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

Q9. Have methods for the detection and/or identification of victims in international protection procedures been evaluated in your Member State? Yes/No

No, a specialized evaluation has not been conducted so far. The Council of Europe (GRETA) is currently preparing a report on the implementation of the Convention on Action against Trafficking in Human Beings, which will also include the question of detection and identification of victims. According to unofficial information by MOI representatives the report will be released in November 2013.

Q9a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.

—

Q9b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in international protection procedures.

Considering the nature of the issue other evidence of effectiveness cannot be provided.

2.3 Referral

Q10. If an applicant is identified as a (potential) victim, can s/he access tailored statutory assistance and support whilst remaining in the international protection procedure (i.e. without referral to other procedures)? Yes/No

Yes. An asylum applicant that is a potential victim of trafficking in human beings can access assistance while remaining in the international protection procedure. However, this is not assistance enacted specifically for victims of trafficking in human beings, but assistance provided under the International Protection Act provisions on treatment of vulnerable persons with special needs.

Q10a. If yes, please briefly describe how the assistance is provided (e.g. state programme, access to general state welfare services, government-funded assistance provided by NGOs, etc.).

The International Protection Act provides that vulnerable persons with special needs are entitled to special care, attention and consideration. Specific circumstances of the person are taken into consideration and the material conditions of reception, medical and psychological counselling and care are adjusted accordingly.¹⁵

In addition, vulnerable persons with special needs (including victims of trafficking in human beings) can be, depending on their situation, entitled to some exceptional rights set out in the International Protection Act. If this is necessary and the legal criteria are met, a person may be accommodated outside of the Asylum Home in another appropriate institution (e.g. a safe house for victims of trafficking in human beings) or in private accommodation¹⁶.

¹⁵ IPA Article 15.

¹⁶ IPA Article 83.

Furthermore, a person can be granted a wider scope of paid medical treatment than just emergency medical treatment otherwise guaranteed to asylum applicants¹⁷.

In accordance with the agreement described under Q3, MOI is also obliged to notify NGO Ključ, which, where necessary, helps with accommodation and other questions regarding assistance and protection of the victim.

Q10b. If yes, describe under what conditions the assistance can be provided (without referral to other procedures) – specifically, does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to access the assistance? (Yes / No) – if yes, state which authorities are competent.

No, a formal procedure for identification of victims of trafficking in human beings is not conducted in the international protection procedure. If it is detected that a person is a potential victim of trafficking in human beings and is in need of special consideration, MOI must in 24 hours call a meeting of MOI representatives and NGOs¹⁸. At the meeting the case in question is discussed and appropriate measures are agreed upon. If it is found that in the particular case one of the exceptional rights from the IPA should be granted – accommodation outside of the Asylum Home or medical treatment that exceeds emergency treatment, a meeting of a special Commission¹⁹ is also called. This Commission is the legally competent body for considering whether the criteria for granting these rights are met and is composed of representatives of the government, an expert of general medical practice and a representative of an NGO.

Q10c. What mechanisms are in place to facilitate this type of referral (to assistance, whilst remaining in international protection procedures)? Are there any agreements in place? Does it form part of a National Referral Mechanism?

As described under Q10b and footnotes 18 and 19, this referral is carried out pursuant to the International Protection Act, Rules on the Rights of Applicants for International Protection and Standard Operating Procedures for Prevention and Action in Cases of Sexual and Gender-based Violence. The mechanisms described under Q10b are a mixture of legal provisions and established practice.

Q10d. Are there any obstacles to this type of referral?

There are no particular obstacles, however an evaluation of the detection phase should be carried out, since it is so far not designed as proactive screening of the asylum applicants, but rather (in the case of officials responsible for submission of the application) as passive detection of potential indications of trafficking and (in case of the NGO carrying out information sessions) as providing of information on the dangers of trafficking with the aim

¹⁷ IPA Article 84, Paragraph 2.

¹⁸ The basis for this practice is the agreement "Standard Operating Procedures for Prevention and Action in Cases of Sexual and Gender-based Violence", which was established between the government and NGOs in 2007. The practice was first intended for cases of sexual and gender-based violence, however the meeting is in fact called in all cases when consideration of vulnerable persons with special needs is required, including cases of victims of trafficking in human beings.

¹⁹ The Commission is set out in Chapter III of the Rules on the Rights of Applicants for International Protection (Official Gazette of the Republic of Slovenia No. 68/2011, 42/2012).

of prevention.

Another potential obstacle to referral is lack of legal remedies for asylum applicants in case MOI rejects their special consideration including access to medical treatment exceeding emergency treatment. The only exception is a rejection of accommodation outside of the Asylum Home – in this case the asylum applicant is issued a written decision with the possibility of appeal.

Q11. If an applicant is identified as a (potential) victim and there is the possibility to change to (or participate in parallel in) procedures as foreseen under Directive 2004/81/EC or national equivalent measures how does this work in practice?

The possibility to change to procedures as foreseen under Directive 2004/81/EC does exist, however this does not occur in practice.

Q11a. Does the applicant have to withdraw from the procedure for international protection in order to do so? Yes/No

Yes, in order to access residency statuses under Directive 2004/81/EC (permission to stay or temporary residence permit for victims of trafficking in human beings) the asylum applicant would first have to withdraw from the international protection procedure. However, these two statuses provide a smaller scope of rights than the status of an asylum applicant, therefore asylum applicants in practice do not have a reason for such change and such cases do not occur.

a. If yes, can s/he re-open the procedure for international protection if s/he is not granted a residence permit under Directive 2004/81/EC? Yes/No, please elaborate the process.

In case an asylum applicant withdraws his/her asylum application, he/she can later re-enter the international protection procedure only in exceptional cases (if he/she can prove, that the statement of withdrawal was given under coercion or duress)²⁰. However, as explained above, in practice there are no cases when victims of trafficking in human beings would withdraw their asylum applications in order to access residency statuses under Directive 2004/81/EC.

b. If no, please elaborate – how does this work in practice? Does the victim have to be formally identified by a different competent authority? (Yes / No) – if yes, state which authority

–

Q11b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised? Please highlight which one option, or a combination thereof, is applicable in your Member State:

²⁰ IPA Article 56, Paragraph 3.

- a. *The victim is given information on his/her rights and possibilities, but has to initiate the procedure on his/her own (where applicable with the help of his/her legal representative).*
- b. *The competent authority contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)*
- c. *There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

a., c. Since residency statuses under Directive 2004/81/EC do not confer any additional rights on the victim when compared to the rights he/she has as an asylum applicant, in practice a referral to these procedures is only relevant after the international protection in some way or other concludes negatively and the victim chooses to continue his/her residence in the Republic of Slovenia. The competent authorities for international protection do not have a formal role in initiating procedures for acquiring statuses under Directive 2004/81/EC. The victim initiates the procedure on his/her own or is helped with this by NGO Ključ on the grounds of the agreement described under Q3, or the Police initiate the procedure *ex officio*. The victim can receive information on these procedures during the international protection procedure, particularly from the NGO conducting information sessions at the Asylum Home on trafficking in human beings (as described under Q7a). This information is also written in the leaflet that asylum applicants receive in the course of these information sessions.

Q11d. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? Yes / No / in some cases (please elaborate)

In such case the documentation from the international protection procedure would not be automatically transferred to the other procedure, however officials responsible for granting reflection period or residence permit would be able to acquire it on request.

Q12. If an applicant is identified as a victim and there is the possibility to change to obtain a residence permit (other than that described in Q11) or international protection status on grounds of being a victim of trafficking in human beings, how does this work in practice?

Such other residency status on grounds of being a victim of trafficking in human beings does not exist in the Republic of Slovenia.

Q12a. Can the applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to apply for the residence permit / international protection on these grounds? Yes/No

Q12b. If yes, please name the title of the residence permit / protection status and the conditions under which (potential) victims of trafficking in human beings can apply for it.

—

Q12c Does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to apply for the residence permit / protection status? (Yes / No) – if yes, state which authorities are competent. Can the authorities responsible for processing applications for international protection formally identify in these circumstances?

Q12d. When can the application procedure be started?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. When a first instance decision has been made as to whether the applicant can be granted asylum;*
- b. When a first instance decision has been made both in regard of whether the applicant can be granted asylum and, if not, whether s/he can be granted subsidiary protection;*
- c. When the third-country national has received a (final) negative decision on his/her application for asylum;*
- d. When the third-country national has received a (final) negative decision on his/her applications for (other types of) international protection;*
- e. Other, please specify.*

Q12e. How is referral to the procedure for the residence permit / international protection on grounds of being a victim of trafficking in human beings organised?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The victim is given information on his/her rights and possibilities, but has to initiate the procedures on his/her own (where applicable with the help of his/her legal representative).*
- b. The competent authority starts up the procedure for the other form of protection. (If yes, please elaborate)*
- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

Q12f. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure? Yes / No / in some cases (please elaborate)

Q13. Have systems of referral of (potential) victims of trafficking in human beings from international protection procedures to other procedures been evaluated in your Member State?²¹ Yes /No

No, a specialized evaluation has not been conducted so far. The Council of Europe (GRETA) is currently preparing a report on the implementation of the Convention on Action against Trafficking in Human Beings, which will also include the question of referral. According to unofficial information by MOI representatives the report will be released in November 2013.

Q13a. If yes, how well are they considered to be working? Provide evidence.

—

Q13b. If no, please provide any other evidence of the effectiveness (or otherwise) of referral here.

Considering the nature of the issue other evidence of effectiveness cannot be provided.

2.4 Detection and identification and referral in relation to Dublin procedures

Q14. If, in accordance with Council Regulation 343/2003, the competent authority decides that another Member State is responsible for examining the application for international protection (i.e. Dublin procedures apply) and the applicant is detected as a (potential) victim of trafficking in human beings, does this trigger Article 3(2)²² and/or Article 15²³ of the Regulation – i.e. can the Dublin transfer be suspended? Yes/No/other response

No, the fact that an asylum applicant is detected as a (potential) victim of trafficking in human beings does not lead to an automatic suspension of the Dublin transfer under Article 3(2) or Article 15 of the Regulation. A suspension under the cited articles is triggered, if it is concluded upon considering all the circumstances that the applicant would be in some way or other in danger if returned to the receiving country (eventually also due to circumstances related to trafficking in human beings). Additionally, the Dublin transfer could potentially be suspended if cooperation of the victim in a criminal procedure in the Republic of Slovenia would be required. In cases where a decision of transfer under the Council Regulation 343/2003 is issued, the process of detection and identification of potential victims of

²¹ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

²² Article 3(2) states that “each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation.”

²³ Article 15(1) states that, “Any Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must consent.” Article 15(3) refers specifically to Unaccompanied Minors and states, “If the asylum seeker is an unaccompanied minor who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor”.

trafficking in human beings, as described under Sections 2.1 to 2.3, is nevertheless carried out beforehand.

If yes, please answer the following questions:

Q14a If yes, how are (potential) victims subject to Dublin transfers detected? Please specify which applies:

- a. The competent authority²⁴ proactively screens all applicants subject to Dublin transfer for indications of trafficking in human beings;*
- b. The competent authority proactively screens applicants subject to Dublin transfer with a particular profile²⁵ (please provide information on the type of profile);*
- c. There is no systematic screening, but victims can self-report / other actors can draw attention to the potential victimisation (cf. section 3.4 if (optionally) completed);*
- d. Other (please specify).*

—

Q14b. If a (potential) victim is detected, what are the next steps in terms of assessment and identification? Is there a specific level of evidence needed to suspend a Dublin II transfer?

—

Q15. If being a victim of trafficking in human beings does not trigger Article 3(2) or Article 15 in your Member State can Dublin II transfers be suspended anyway? Yes / No / in some cases. Please elaborate on your answer.

As explained under Q14, the fact that a person is a victim of trafficking in human beings does not lead to an automatic triggering of procedures under 3(2) or Article 15, however they can be triggered if it is determined that the person would be in danger (e.g. due to trafficking in human beings) in the member state otherwise responsible under Council Regulation 343/2003. Additionally, it is possible that based on such grounds the responsible authority would not even initiate a procedure of transfer under Council Regulation 343/2003 (and later procedures under Article 3(2) or Article 15) and Republic of Slovenia would assume responsibility in this way.

Q16. Are third-country nationals subject to Dublin procedures informed of possibilities offered under Directive 2004/81/EC or national equivalent measures, or other residence possibilities?

²⁴ Here, “competent authority” refers to the authority competent for examining the merit of the third-country national’s case for international protection. In many (Member) States, this is a ‘case worker’.

²⁵ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

They are not informed in the framework of the Dublin procedure, however these are the same asylum applicants, who can up to that point already be informed as described under Sections 2.1 to 2.3.

2.5 Future measures

Q17. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for international protection? Yes/No

Q17a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

Yes. As described under Q3, the Interministerial Working Group on the Fight against Trafficking in Human Beings is preparing a guidebook for the identification of victims of trafficking in human beings intended for the Police, labour inspection, NGOs and all other actors that come into contact with potential victims of trafficking. Indicators for detection and identification of victims will be included in the guidebook. According to unofficial information from representatives of the MOI the guidebook is expected to be released by the end of 2013.

Q17b. If no, are there any obstacles to the introduction of measures?

—

Section 3

Detection, identification and referral of victims in Forced Return Procedures

This section first examines the mechanisms that are used to detect and identify victims who have received a (final) negative decision on their application(s) in international protection, or who have abandoned the procedure, i.e. “rejected applicants”, who are subject to a forced return procedure. It then explores how (potential) victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.

*Please note that wherever reference is made to forced return in this section, it relates to the **forced return of rejected applicants for international protection** only rather than other persons subject to forced return measures (e.g. irregular migrants).*

3.1 Legislative framework

Q18. Are there established mechanisms for detecting and identifying victims of trafficking in human beings in forced return procedures²⁶? Yes/No

Q18a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

a. Process for detection and identification in forced return procedures is

²⁶ (Member) States should here **only** refer to mechanisms for detection/identification used in forced return procedures – i.e. they should not refer to those used to detect/identify in situations outside of forced return procedures.

outlined in legislation (if yes, provide the reference)

b. Process for detection and identification in forced return procedures is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference)

c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description)

c. In the Republic of Slovenia detection and identification of victims of trafficking in human beings in forced return procedures is not outlined in legislation or soft law, but there is a working system in place, which is understood by the actors concerned.

The responsible authority for forced return procedures and detention of third-country nationals in these procedures is the Centre for Foreigners, which operates within the organizational structure of the Police. According to the interviewed official of the Centre there are in fact no cases in practice, where a rejected asylum applicant would be detected to be a potential victim of trafficking in human beings, since such indications are normally already detected in the preceding international protection procedure.

Q19. Are there different protocols and/or practices for children and adults? Yes / No

Q19a. If yes, please briefly describe how these differ and why.

In accordance with the law all unaccompanied minors in forced return procedures are appointed a guardian, who in cooperation with the minor sees to the protection of his/her interests²⁷. The guardian is appointed by the territorially competent Social Work Centre from among its social workers. The guardian does not have a formal role in detection of potential victims of trafficking in human beings, however he/she can contribute to the uncovering of such cases.

Q20. Are there different protocols and/or practices for men and women? Yes / No

Q20a. If yes, please briefly describe how these differ and why²⁸

In practice the procedure with women is normally conducted by a female official of the Centre.

3.2 Detection of victims

Q21. How are (potential) victims of trafficking in human beings detected, amongst rejected applicants, in forced return procedures?

Q21a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:

a. The competent authority²⁹ proactively screens all rejected applicants for indications of trafficking in human beings;

²⁷ AA Article 82.

²⁸ E.g. only female officers can screen / assess women.

- b. The competent authority proactively screens all rejected applicants with a particular profile³⁰ for indications of trafficking in human beings (please provide information on the type of profile);*
- c. Victims self-report;*
- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*
- e. Other (please specify).*

e. The official that is conducting the forced return procedure pays attention to the indications of trafficking in human beings. Vulnerable categories of people are in practice informed by officials about the dangers of trafficking in human beings with the aim of prevention.

Q22. If the competent authority detects that a rejected applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?

Q22a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? Yes / No

No. In the forced return procedure itself assessment is not conducted in a formalized way with a standard set of indicators. Later, in the eventual procedure for permission to stay or temporary residence permit for victims of trafficking in human beings (under AA Article 50 and Directive 2004/81/EC) a standard set of indicators is also not prescribed. According to the official of the Centre, in practice the indicators established by Frontex and other international institutions are used.

- b. If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?*

—

Q22b. Are other mechanisms³¹ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? Yes/No

- b. If yes, what are these?*

Yes, eventually additional measures could be ordered for determining if trafficking may have occurred. These are mechanisms that are not established specifically for the victims of trafficking in human beings, however they are available to the Centre officials with the help of other Police bodies and other state authorities (determining the circumstances of the case, e.g. a DNA analysis for verifying family relationship).

²⁹ Here, “competent authority” refers to the law enforcement official or other authority competent to supervise and enforce forced return process of applicants for international protection who are subject to a return order.

³⁰ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

³¹ E.g. interviews.

*c. If no, why not?*³²

Q22c. What happens if, following the assessment, the competent authority decides that the third-country national concerned is not a (potential) victim? Can the third-country national seek an alternative assessment elsewhere?

No, since there is no formalized procedure for determining whether a person is a victim of trafficking in human beings in the framework of forced return procedure. If a third-country national files a request for permission to stay or temporary residence permit (under AA Article 50 and Directive 2004/81/EC), the authorities decide on the matter with an administrative decision. In case of a negative decision, the third-country national can challenge it with legal remedies available by law, which means that the legality of the decision is considered again by MOI and the Administrative Court of the Republic of Slovenia.

Q23. Have methods for the detection and/or identification of victims in forced return procedures been evaluated in your Member State? Yes/No

No, a specialized evaluation has not been conducted so far. The Council of Europe (GRETA) is currently preparing a report on the implementation of the Convention on Action against Trafficking in Human Beings, which will also include the question of detection and identification of victims. According to unofficial information by MOI representatives the report will be released in November 2013.

Q23a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.

Q23b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in forced return procedures here.

Considering the nature of the issue other evidence of effectiveness cannot be provided.

3.3 Referral

Q24. If a rejected applicant is identified as a (potential) victim and there is the possibility to open up a procedure as foreseen under Directive 2004/81/EC, how does this work in practice?

A rejected applicant in the forced return procedure can acquire a residency status foreseen under Directive 2004/81/EC. The responsible authority for granting permission to stay

³² E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

(reflection period under Directive 2004/81/EC) for persons in forced return procedures is the Centre for Foreigners, which is also responsible for the forced return procedure itself. However, according to the Centre official, so far in practice there have not been any cases, where the conditions for permission to stay on this ground would be met.

In accordance with the agreement described under Q3, Centre for Foreigners is (as part of the Slovenian Police) also obliged to notify NGO Ključ, which, where necessary, helps with accommodation and other questions regarding assistance and protection of the victim.

Q24a Can the rejected applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to access the provisions of Directive 2004/81/EC or national equivalent measures? Yes/No

Yes. Permission to stay under AA Article 50 (reflection period under Directive 2004/81/EC) can be granted upon the request of the victim or *ex officio*. Temporary residence permit (residence permit under Directive 2004/81/EC) can also be issued upon the request of the victim, usually after he/she has already been granted permission to stay.

Q24b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The (potential) victim is given information on his/her rights and possibilities, but has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).***
- b. The authorities competent for implementing the forced return procedure contact the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)***
- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).***

a., c. The request for permission to stay under AA Article 50 (reflection period under Directive 2004/81/EC) is considered by the same authority that also conducts the forced return procedure (i.e. Centre for Foreigners), therefore no referral is needed. In case the victim decides to cooperate as a witness in the criminal procedure, he/she must file the request for a temporary residence permit (residence permit under Directive 2004/81/EC) on his/her own or with the help of NGO Ključ pursuant to the agreement described under Q3. The request must be filed with the territorially competent Administrative Unit. In the procedure for temporary residence permit a victim of trafficking in human beings without any means of survival is exempt from payment of administrative tax and costs of proceedings.

Q24c. Can the applicant's dossier /evidence gathered to date by the law enforcement authorities be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? Yes / No / in some cases (please elaborate)

Since forced return procedure and procedure for permission to stay for third-country nationals

in question is carried out by the same authority, a transfer of the dossier is not required. In case of a procedure for temporary residence permit, which is carried out by an Administrative Unit, information from the dossier can be acquired on request.

Q25. Have systems of referral of (potential) victims from forced return procedures to other procedures been evaluated in your Member State? Yes/No

No, a specialized evaluation has not been conducted so far. The Council of Europe (GRETA) is currently preparing a report on the implementation of the Convention on Action against Trafficking in Human Beings, which will also include the question of detection and identification of victims. According to unofficial information by MOI representatives the report will be released in November 2013.

Q25a. If yes, how well are they considered to be working? Provide evidence.

—

Q25b. If no, please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms.

Considering the nature of the issue other evidence of effectiveness cannot be provided.

3.4 Future measures

Q26. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for forced return? Yes/No

Q26a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

Yes. As already described under Q3, the Interministerial Working Group on the Fight against Trafficking in Human Beings is preparing a guidebook for the identification of victims of trafficking in human beings, intended for the Police, labour inspection, NGOs and all other actors that come into contact with potential victims of trafficking. Indicators for detection and identification of victims will be included in the guidebook. According to unofficial information from representatives of the MOI the guidebook is expected to be released by the end of 2013.

Q26b. If no, are there any obstacles to the introduction of measures?

—

Section 4

Detection, identification and referral of victims by other related actors

This section looks at detection, identification and referral of (potential) victims who are residing in (i) reception centres; and (ii) detention facilities awaiting forced return. It optionally looks at detection and referral by other actors.

4.1 Detection and identification of victims in reception centres / detention facilities

Q27. How are (potential) victims of trafficking in human beings detected in the following situations:

- a. *Whilst residing in reception centres for applicants of international protection (where these exist in Member States)?*
- b. *Whilst detained in detention facilities for irregular migrants awaiting return (where these exist in Member States)?*

Q27a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State:

- a. *All residents / detainees are screened for indications of trafficking in human beings;*
- b. *All residents /detainees with a particular profile³³ for indications of trafficking in human beings;*
- c. *Victims self-report;*
- d. *Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*
- e. *Other (please specify).*

e. Everything described under Section 2 (international protection procedures) and 3 (forced return procedures) also applies to the continuation of the procedure, when a person is accommodated in the reception centre for applicants of international protection (Asylum Home) or in the detention facilities for irregular migrants (Centre for Foreigners). If at any point during the accommodation of a person an official or another actor detects that he/she is a potential victim of trafficking or the victim self-reports, the described procedures can be triggered. For answers to questions Q28 to Q33 see Sections 2 and 3.

Q28. Is the practice described above based on established guidelines / protocol (if yes, please provide a reference / information)

Q29. Are there different protocols and/or practices for children and adults? Yes / No

Q29a. If yes, please briefly describe how these differ.

Q30. Are there different protocols and/or practices for men and women? Yes / No

Q30a. If yes, please briefly describe how these differ³⁴

Q31. What are the next steps in terms of assessment and identification?

Q31a. Is there a standard set of indicators used to assess whether the suspected victim should be identified as a victim? Yes / No

- a. *If yes, please give further details, provided the information is not*

³³ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

³⁴ E.g. only female officers can screen / assess women.

considered of a sensitive nature.

Q31b. Are other mechanisms³⁵ used to assess whether a suspected victim should be identified as such? Yes/No

- a. *If yes, what are these?*
- b. *If no, why not?*³⁶

4.2 Referral of (potential) victims in reception centres / detention facilities

Q32. What are the next steps in terms of referral?

- a. *The (potential) victim is provided information on his/her rights and possibilities, but s/he has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).*
- b. *The reception centre / detention facility manager or other contact point in these institutions contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)*
- c. *There is a centralised national referral / coordination mechanism/contact point that helps him/her. (If yes, please elaborate).*

Q33. Have systems of detection and referral by actors in reception centres or detention facilities to procedures for victims of trafficking in human beings been evaluated in your Member State?³⁷ Yes / No

Q33a. If yes, how well are they considered to be working? Provide evidence.

Q33b. Please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms here.

4.3 Role of other actors (optional)

Q34. Do other actors coming into contact with applicants and rejected applicants – e.g. legal representatives, civil society organisations, medical staff – formally detect (potential) victims amongst third-country nationals in international protection and/or forced return procedures and refer them onto other authorities competent to identify and assist³⁸? Yes / No

No. Other actors do not carry out formal detection of (potential) victims. If indications of trafficking in human beings are detected by other actors and they notify the officials, the procedures described under Sections 2 and 3 are triggered.

Q34a. If yes, describe the mechanisms for detection.

³⁵ E.g. interviews.

³⁶ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

³⁷ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

³⁸ **Only** describe detection amongst third-country nationals in international protection / forced return procedures; not for detection in general.

—
Q34b. If yes, describe what happens in terms of referral.
—

Section 5
Training

Q35. What guidance and training do competent authorities (and optionally other actors) receive regarding the detection and identification of victims? Please specify the following for each type of training described:

- a. Content of training, specifically:**
 - i. Indicators for detecting / identifying victims**
 - ii. Profiling techniques**
 - iii. Gender-sensitive approaches for engaging with victims**
 - iv. Building trust and engaging with (potential) victim**
 - v. Others (please briefly describe)**
- b. Type of stakeholder trained**
- c. Type of training / guidance (e.g. Training module, Training workshop, Examination, Guidelines, Brochure, Other (please describe))**
- d. Authority / organisation providing the training**
- e. Frequency of the training (e.g. annually, one-off, induction training, etc.)**
- f. Whether the training is obligatory. Yes / No.**

International protection procedures:

In 2012 Criminal Police Administration organized training in the Asylum Home for officials that carry out international protection procedures. The purpose of the training was renewing the knowledge on trafficking in human beings, acquainting the participants with the findings of the Police in regard to the current situation in the field of trafficking in human beings in Slovenia (trends and expectations) and renewing the knowledge on detection and identification of victims of trafficking in human beings. In the course of the training indicators for identifying cases of sexual exploitation and exploitation related to forced labour were presented together with examples. Detection of indicators of trafficking in human beings among asylum applicants in the Asylum Home was also specifically addressed. The participants were acquainted with procedures of cooperation with and informing of the Police and instructed on how to react when they detect that a person was or still is a victim of trafficking in human beings. The training was obligatory and was attended by all employees of the Asylum Home.

Forced return procedures:

In 2009, 2010, 2011 and 2012 Frontex carried out several trainings on the topic of trafficking in human beings, which were attended by representatives of the Slovenian Police, who now operate in Slovenia as multipliers. At the Frontex trainings various profiles of victims and perpetrators were created for the purpose of facilitating identification by the Police. General indicators for creating profiles of victims of trafficking in human beings are age, sex, origin, documents, last location before crossing the border and method of perpetrating an eventual misdemeanour or criminal offense. Different indicators are used for different groups of victims, depending on their nationality, form of exploitation etc. Frontex has also issued a guidebook with risk profiles of potential victims and perpetrators of trafficking in human beings, which the Police use in their member states in the course of their work. The guidebook is supplemented and updated with new material every year. This is a classified internal Frontex document and the distribution is therefore strictly limited to Police use. Apart from detection of victims the trainings also covered informing, assistance and protection provided to victims and methods of communicating with them.

Based on the above described trainings, multipliers in Slovenia then carried out trainings for Border Police officers from 2011 to 2013. Training was also carried out in the Centre for Foreigners (which is the responsible authority for forced return procedures) in two parts in 2013. The training was attended by all employees of the Centre, both Police as well as expert support staff (social workers, medical staff and others), and was obligatory for all participants.

Q36a. Specifically please describe whether your Member State has organised joint training sessions of trainees from different backgrounds – e.g. personnel involved in procedures for international protection, forced return and those for victims of trafficking in human beings.

In recent years several events that allowed actors from different backgrounds to come together have been organized on the topic of trafficking in human beings, also partially focusing on training. The last such event, which was attended by representatives of different state authorities and representatives of NGOs, was organized on 15 October, 2013. During the event different representatives of state authorities and NGOs presented the situation in the Republic of Slovenia in the field of trafficking in human beings and the expected trends and plans for future activities. The participation at the event was not obligatory. Before this, a similar event for actors from different backgrounds was last organized by the Police in October 2011.

Q36b. Specifically please describe whether your Member State has organised multi-disciplinary training – i.e. as provided by a range of experts.

The described trainings under Q35 were carried out by Police experts and multipliers, not by a wider multi-disciplinary range of experts. The trainings described under Q36 were carried out by both representatives of the government as well as representatives of NGOs working in the field of trafficking in human beings.

Section 6 Statistics

This section provides statistics that indicate the scale and scope of (potential) victims detected and identified in procedures for international protection and forced return.

Q37. Has your Member State conducted any research into the scale of victims of trafficking in human beings in international protection procedures and/or procedures for forced return? Yes / No

No.

Q37a. If yes, briefly describe it here, providing the reference to the Study, its aims, and any key findings relevant to this present study.

–

Q38. Please complete the table in Annex 1 as far as possible, based on statistics available in your (Member) State.

Section 7 Conclusions

In the Republic of Slovenia two residency statuses set out by Council Directive 2004/81/EC are available to victims of trafficking in human beings – permission to stay, with the duration of three months, and temporary residence permit, with the duration of six months to one year. Furthermore, victims are provided with assistance and protection of NGOs, in particular Ključ and Karitas, which have signed agreements with the government on cooperation in this field.

In the study it has been established that asylum applicants in the Republic of Slovenia, while this possibility exists in theory, in practice do not withdraw from international protection procedures with the purpose of accessing residency statuses under Council Directive 2004/81/EC. This is because temporary residence in the Republic of Slovenia is already permitted to them as asylum applicants and they can already access assistance and protection as victims of trafficking in human beings in the framework of the international protection procedure, in particular on the grounds of International Protection Act provisions on treatment of vulnerable persons with special needs.

There are also no cases in practice where officials would detect victims of trafficking in human beings among rejected asylum applicants and procedures for acquiring a residency status under Directive 2004/81/EC would be started. The most likely reason for this is that potential victims are already detected as such during the international protection procedure and will only exceptionally be detected only after entering the forced return procedure. In case this would nevertheless occur, a request for permission to stay is considered by the Centre for Foreigners, the same authority which also carries out the forced return procedure, which is beneficial in the sense of simplicity of procedure and avoiding of potential delays that could occur if the person would have to be referred to a different authority.

In all cases where victims of trafficking in human beings are detected, state authorities are pursuant to concluded agreements obliged to notify NGO Ključ, which provides assistance and protection to victims, which can be pointed out as good practice in the sense of national referral mechanism. At the same time it should be pointed out that the wording of these agreements (which were made in 2003 and 2004) is partially not adequate anymore, since

several changes to legislation and practice have been made since, in particular amendments to the Aliens Act that in 2006 introduced implementation of provisions of Council Directive 2004/81/EC.

Furthermore, it has been concluded in the course of the study that in the Republic of Slovenia procedures for detection and identification of victims of trafficking in human beings are not formally established (in legislation or soft-law) in international protection and forced return procedures. In discussed procedures detection is therefore normally not conducted as proactive screening for indications of trafficking in human beings. There are also no established indicators for assessment whether the person is a potential victim. Nevertheless, in regard to forced return procedures it has been found that the officials in practice use indicators that were designed by Frontex and transmitted to them through obligatory trainings. Furthermore, the Interministerial Working Group on the Fight against Trafficking in Human Beings is currently preparing a guidebook for the identification of victims of trafficking in human beings, which will also include indicators for detection and identification of victims and will be intended for all officials and other actors that come into contact with victims.

Considering the described features of Slovenian procedures, only general statistics on the number of cases could be provided in the framework of this study. A more detailed statistical analysis is also not possible due to a small number of granted residency statuses under Council Directive 2004/81/EC so far. Furthermore, an evaluation of the systems of detection and referral that are the subject of this focussed study has not been made yet, however this question will be at least partially considered in the final report of Council of Europe (GRETA) on the implementation of the Convention on Action against Trafficking in Human Beings, which is expected to be released in November 2013.

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

ANNEX 1**Table 1 – Statistics on third-country national victims of trafficking in human beings identified in procedures for international protection and forced return**

	2008	2009	2010	2011	2012	Source / further information
<i>Third-country nationals identified as (potential) victims and who have withdrawn from or stopped procedures for international protection</i>						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures (or – where relevant – have stayed in international protection procedures) ³⁹ and who have (later) been granted a reflection period as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC, Directive 2011/36/EU or other national provisions).	–	–	–	–	–	Statistics not available. As described under Q11a, such cases do not occur in the Republic of Slovenia.
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) applied for a (temporary or permanent) residence permit as a victim of trafficking in human beings cooperating with the authorities (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	–	–	–	–	–	Statistics not available. As described under Q11a, such cases do not occur in the Republic of Slovenia.
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>withdrawn</u> from or	–	–	–	–	–	Statistics not

³⁹ The measure provided here depends on the (Member) State's response to Q11a – i.e. whether the applicant has to withdraw from the procedure for international protection in order to be granted a reflection period and/or residence permit under Directive 2004/81/EC.

Identification of victims of trafficking in human beings in international protection and forced return procedures

<p>stopped (EU harmonised) international protection procedures and who have (later) been granted a (temporary or permanent) residence permit as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 						<p>available. As described under Q11a, such cases do not occur in the Republic of Slovenia.</p>
<i>Third-country nationals identified as (potential) victims and who have <u>been rejected</u> from procedures for international protection <u>following a (final) negative decision</u></i>						
<p>Number of third-country nationals who have been <u>rejected</u> from (EU harmonised) international protection procedures <u>following a (final) negative decision</u> on their application and who have (later) been granted a (non-EU harmonised) protection status or residence permit (e.g. on humanitarian grounds) as a victim of trafficking in human beings (e.g. due to humanitarian reasons).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 	-	-	-	-	-	<p>As described under Q12, such status does not exist in the Republic of Slovenia.</p>
<p>Number of third-country nationals who have <u>been rejected</u> from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been granted a reflection period as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU or other national provisions).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 	-	-	-	-	-	<p>Statistics not available. As described under Q24, so far there have not been any such cases in the Republic of Slovenia.</p>
<p>Number of third-country nationals who have <u>been</u> rejected from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures -</p>	-	-	-	-	-	<p>Statistics not available.</p>

Identification of victims of trafficking in human beings in international protection and forced return procedures

<p>(later) been granted a residence permit as a victim of trafficking in <u>human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 						
Statistics on referrals to national referral mechanisms (where existing in (Member) States)						
<p>If an national referral mechanism (NRM) exists in your (Member) State, please provide statistics on:</p> <ul style="list-style-type: none"> - Number of third-country nationals referred by the authorities responsible for <u>examining and deciding upon applications</u> for international protection to the NRM - Number of third-country nationals referred by the authorities responsible for <u>enforcing forced returns</u> to the NRM - Number of third-country nationals referred by the authorities responsible for <u>managing reception centres</u> to the NRM - Number of third-country nationals referred by the authorities responsible for <u>managing detention facilities</u> to the NRM - Number of third-country nationals referred by <u>legal representatives</u> to the NRM - Number of third-country nationals referred by <u>civil society</u> to the NRM - Number of third-country nationals referred by <u>other actors</u> to the NRM 	-	-	-	-	-	<p>NRM is partially established in the Republic of Slovenia (see Q3). Statistics on referrals of victims to NGO Ključ are not available.</p>

Identification of victims of trafficking in human beings in international protection and forced return procedures

Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
General statistics ⁴⁰						
Number of third-country nationals who have been granted a (non-EU harmonised) protection status or residence permit as a victim of trafficking in human beings (e.g. due to humanitarian reasons).	–	–	–	–	–	As described under Q12, such status does not exist in the Republic of Slovenia.
Number of third-country nationals who have been granted a reflection period as a victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU).	0	0	1	1	1	Source: General Police Directorate, Border Police Division
Number of third-country nationals who have been granted a residence permit as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	0	0	1	0	2	Source: Ministry of the Interior
Number of third-country nationals referred to procedures for victims of trafficking in human beings through the NRM	–	–	–	–	–	NRM is partially established in the Republic of Slovenia (see Q3). Statistics on referrals of victims to NGO Ključ are not available.

⁴⁰ The purpose of presenting these general statistics is to allow for the possibility to present the statistics above as a proportion of wider groups of (potential) victims of trafficking in human beings.