

Slovenia - United States Department of State

SLOVENIA: Tier 1

The Government of Slovenia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Slovenia remained on Tier 1. These efforts included increasing efforts and funding for anti-trafficking awareness raising, increasing investigations, and prosecuting large-scale trafficking crimes. Although the government meets the minimum standards, victim identification decreased significantly, the government did not identify any child victims, and assistance for children remained inadequate. Prosecutions and convictions for labor trafficking remained low compared to sex trafficking, and the government did not report awarding any restitution to victims.

PRIORITIZED RECOMMENDATIONS:

Vigorously prosecute both sex and labor trafficking offenses and impose on all convicted traffickers adequate penalties that involve significant prison terms. • Improve efforts to proactively identify victims, especially children and victims of labor trafficking. • Establish a process to ensure systematic provision of care and designated facilities for child victims of trafficking, including enhanced training of caregivers and foster care parents. • Increase prioritization of labor trafficking, including investigating and prosecuting labor traffickers. • Establish and maintain a comprehensive and publicly available statistical system on measures taken to protect and promote the rights of victims, including data on investigations, prosecutions, and judicial determinations. • Amend the definition of trafficking under Slovenian law to align more closely with the definition under international law. • Increase specialized trafficking training for judges and prosecutors. • Increase efforts to award restitution for both EU and non-EU citizen victims, as well as access to the state fund for crime victims. • Enforce the elimination of recruitment fees charged to workers and ensure any recruitment fees are paid by employers. • Increase efforts to provide potential victims with information about their rights and access to services in languages they understand. • Appoint a national rapporteur to provide independent review of government anti-trafficking efforts.

PROSECUTION

The government maintained law enforcement efforts. Article 113 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from one to 10 years' imprisonment for offenses involving an adult victim and three to 15 years' imprisonment for those involving a child victim or other aggravating factors. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. However, inconsistent with the definition of trafficking under international law, Article

113 established the use of force, fraud, or coercion as an aggravating factor rather than an essential element of the crime.

Police conducted 14 trafficking investigations involving an unknown number of suspects—12 for sex trafficking and two for labor trafficking, compared to three investigations involving 26 suspects in 2018. In 2019, authorities initiated 32 prosecutions, including two legal entities, compared with 26 prosecutions in 2018. The government convicted five traffickers in 2019, similar to five convicted traffickers in 2018. Courts sentenced all five to prison terms ranging from one and a half years to three years and eight months. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses. The government continued to conduct specialized human trafficking training during the year and reported training 30 investigators, 31 police officers, two prosecutors, six judges, eight court workers, four foreign government officials, and 14 NGO employees. The government maintained police attachés in Bosnia and Herzegovina, North Macedonia, and Austria to help coordinate international cases. While the government did not have a specialized anti-trafficking investigation unit, each of the eight police districts had at least one officer responsible for coordinating trafficking investigations, creating a de facto nation-wide coordination network. The government continued to dedicate two prosecutors with specialized expertise to prosecuting cases involving human trafficking; however, there were no courts or judges that specialized in hearing trafficking cases. Several NGOs noted concerns regarding insufficient government personnel and resources dedicated to anti-trafficking efforts, coordination between labor inspectors and police, and prioritization of prosecuting labor traffickers.

PROTECTION

The government decreased victim protection efforts with fewer victims identified. In 2019, the government identified 31 victims, a significant decrease compared to 70 victims in 2018 and 130 in 2017. Of the 31 adult victims, there were 29 victims of sex trafficking victims and two victims of domestic servitude; 30 victims were female and one was male. Twenty-two sex trafficking victims were Ukrainian. The government did not identify any child victims. The government referred all 31 victims to protection services for victim care and assistance. The government slightly increased its allocation for housing victims in 2019 to €120,000 (\$134,830), compared to €115,000 (\$129,210) in 2018. The government continued its annual trainings by the Ministry of the Interior (MOI); the training, which reached 18 officials, focused on screening for trafficking indicators among applicants for asylum and provided arriving migrants with information on risks of trafficking. The government also provided basic anti-trafficking training to 57 social workers. Relevant government officials continued to utilize the Manual for Identification of Victims of Trafficking in Persons, first adopted in 2016. The majority of victims continued to be proactively identified by police, and coordination between police and NGOs was strong; however, there were ongoing concerns regarding the under-identification of labor trafficking victims. Once victims were identified, police were required to refer victims to one of two NGOs that had formal arrangements with the government.

The government continued to fund two NGOs that provided crisis and safe housing for victims, supplemented by private donations and, for one of the NGOs, support from the Catholic Church. Both NGOs were among a wider range

of organizations providing services such as counseling, psycho-social support, legal representation during investigations and court proceedings, and filing of documentation for residency status. All victims could receive crisis housing for a maximum of 30 days, after which victims could enter safe housing for as long as court procedures remained ongoing. Crisis housing and safe housing services were available regardless of victims' cooperation with law enforcement. Both foreign and domestic victims had access to the same protection services and had free movement in and out of shelters. Though the government did not identify any children during the reporting period, child victims of trafficking continued to lack adequate assistance, as there were no designated facilities for unaccompanied child trafficking victims. Children would continue to be sheltered with unaccompanied migrant minors and receive care through the Center for Social Work. GRETA highlighted a concern over unaccompanied child victims disappearing from public care, urging development of more suitable accommodations for children with fully trained staff or foster parents. While acknowledging the issues, the government did not report taking concrete steps to effectively address the lack of adequate facilities for children or children disappearing from public care during the reporting period.

Non-EU foreign victims had a 90-day reflection period to remain in Slovenia while recovering and considering whether to participate in an investigation, with their legal status in the country based on their temporary residence permit. However, they were not authorized for employment during this period. Victims cooperating in criminal proceedings could extend their stay by 180 days or longer, if needed, for the trial of their trafficker but had limited options to extend their stay after the conclusion of criminal proceedings. When participating in pre-trial and criminal proceedings, victims had a right to interpretation services and a protective escort, though the government did not report how many victims received these services during the reporting period. The 2018 GRETA report urged improving the process of providing comprehensive information to victims in a language they could understand in order to assess their options, including participation in programs to resist re-victimization. NGOs also noted there were insufficient professional interpreters fully trained in translating the details of rights of potential trafficking victims for asylum intake proceedings. Some victims were reluctant to speak with social workers and counselors about their situation, given that the same interpreters assisted in the different contexts of law enforcement investigations and court proceedings on their case. Only citizens of EU countries were eligible to apply for compensation from the state fund for crime victims; however, the government did not receive any requests and therefore did not award any compensation during the reporting period. During the reporting period, no prosecutors requested restitution for any victims in criminal proceedings. All victims, including non-EU citizens, could seek damages by filing a civil suit, though due to legal costs and the desire to avoid additional court proceedings, most victims did not pursue damages.

PREVENTION

The government increased prevention efforts. The MOI's national coordinator for countering trafficking in persons continued to head the government's interdepartmental working group (IWG). The Anti-Trafficking Service Office within the MOI had one dedicated staff member and continued to provide comprehensive support for investigators and providers of services to victims. The IWG included NGO representatives and met three times during the reporting period to organize and coordinate awareness efforts that included producing an annual monitoring report. The government implemented its 2019-2020 anti-trafficking national action plan. Slovenia remained without an official

independent national anti-trafficking rapporteur, a key GRETA recommendation. The government allocated a total of €89,000 (\$100,000) for NGO-led awareness raising projects, compared with €79,000 (\$88,760) in 2018, and an additional €15,000 (\$16,850) for its own awareness raising projects, which was the same allocation as 2018. During the reporting period, the government continued extensive awareness campaigns that focused not only on the general public but also targeted vulnerable populations, such as youth, migrant workers, refugees, and Roma communities. In 2019, government-funded and NGO-led awareness campaigns that focused on children, including migrant and Romani, reached 4,633 children through 127 workshops, compared with 3,198 children and 143 workshops in 2018. One awareness campaign, which focused on labor trafficking, reached 1,080 workers, compared with 1,571 in 2018, while another campaign, which focused on victim identification among health care providers, reached 315,000 people through brochures, more than 130 media articles, and 57 targeted workshops. A government website, in both English and Slovenian, raised awareness of forced labor and labor exploitation through its manual for companies and employers, provided information on investigations and prosecutions, included a mechanism for contacting NGOs, and provided a portal for anonymous reporting of potential trafficking victims. The government also funded two NGO hotlines, available in several languages, offering assistance to both domestic violence and trafficking victims, although the hotlines did not track the number of calls received or how many had trafficking indicators.

The Financial Administration trained 50 financial inspectors on victim identification, while the Labor Inspectorate provided training to 104 employees on the vulnerability of foreign workers to trafficking, with an emphasis on recruitment processes. Generally, the government had effective policies and laws regulating labor recruiters; however, NGOs noted labor trafficking received insufficient attention and resources to conduct sufficient investigations. Unlike sex trafficking investigations, NGOs noted the government prohibited their participation in labor inspections to aid in the identification of trafficking victims. The law allowed employers to pay recruitment fees; in practice, however, NGOs assessed some employers charged workers recruitment fees through salary deductions and other means. Asylum centers and an NGO funded by the MOI continued to screen all new migrant and asylum arrivals for trafficking indicators, but the government did not report whether it identified any trafficking victims. During the reporting period, the government provided anti-trafficking training to its diplomatic personnel but did not do so with its peacekeepers prior to their deployment. The government did not make efforts to reduce the demand for commercial sex acts. The government signed a bilateral labor agreement with Serbia in May 2019, which allowed for three-year work permits. However, the agreement may increase vulnerability to forced labor by allowing the deportation of workers, with some exceptions, if they cease working for their original employer within the first year. During the reporting period, the government led an initiative that resulted in nine of Slovenia's largest companies committing to an action plan to respect human rights in business and supply chains, with a particular emphasis on preventing forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Slovenia and, to a lesser extent, traffickers exploit victims from Slovenia abroad. Foreign workers and undocumented migrants from countries, such as Bosnia and Herzegovina, Albania, Kosovo, North Macedonia, Romania, and Serbia are among the most

vulnerable to labor trafficking, including forced begging or domestic servitude in a variety of sectors such as construction, transportation, hospitality, and domestic service. Sometimes these persons are in transit to Western Europe, particularly Italy, Austria, or Germany, where traffickers exploit them in forced labor. While awaiting case adjudication, asylum-seekers are legally unable to work, increasing their vulnerability to labor trafficking. Traffickers subject women and children from Slovenia, Eastern European, Western Balkan, Southeast Asian, and Latin American countries to sex trafficking within Slovenia, and many also transit to Western Europe, primarily Italy and Germany, where they are at risk of sexual and labor exploitation. Ethnic Roma are particularly vulnerable to trafficking in Slovenia.