

**Report of the Inter-Ministerial Working Group on Combatting Trafficking in Human Beings** **for 2020**

# Ljubljana, May 2021

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**Introduction**

In 2020, the Inter-Ministerial Working Group for combatting trafficking in human beings (hereinafter referred to as: IWG THB or inter-ministerial working group) which has been operating since 2003 and is managed by the national anti-trafficking coordinator (hereinafter: national coordinator) implemented the tasks within the framework of its competence and activities laid down in the Action Plan for Combatting Trafficking in Human Beings for the 2019–2020 Period.

During the reporting period, the national coordinator convened three meetings at which the IWG THB discussed current topics in the field of combatting trafficking in human beings and adopted appropriate decisions for more effective work in this field. The national coordinator was provided with professional support in her work by the Service for Preventing and Combatting Trafficking in Human Beings at the Ministry of the Interior (hereinafter: SPCTHB).

The report on the work of the IWG THB for 2020 summarises the activities carried out in the field of preventing and combatting trafficking in human beings in five chapters. The first chapter describes the changes in the field of legislation and institutional arrangements and the activities relating to the adopted national and international obligations. In the following, the report discusses the activities for preventing human trafficking, which include various forms of awareness raising of the broader public and high-risk groups of potential trafficking victims, raising awareness of consumers and users of services performed by victims of human trafficking, and the training of the expert public whose work is related to the relevant topic. The chapter on detection, investigation and prosecution of criminal offences covers the report on the work of the police and prosecutor’s offices, which play a crucial role in this field. As, in a broader sense, the issue of trafficking in human beings is intertwined with the issue of labour exploitation and employment and undeclared work, this chapter also presents the activities of the Labour Inspectorate of the Republic of Slovenia (hereinafter: IRSD) and the Financial Administration of the Republic of Slovenia (hereinafter: FURS). The fourth chapter contains information on assistance to victims of trafficking in human beings and their care, and the last chapter describes the international activities of the IWG THB in the year of reporting and partnerships at the national level.

# Legislation and policies

## Amendments to legislation

The National Assembly of the Republic of Slovenia passed at its 63rd meeting on 3 March 2021 the Act Amending the Residence Registration Act (hereinafter referred to as: ZPPreb-1A), which was published in the Official Gazette of the Republic of Slovenia (Official Gazette of the RS, No. 36/2021) on 12 March 2021. In Article 19, which regulates the determination of legal residence, a new fifth paragraph was added at the proposal of the IWG THB. It stipulates that in the procedure of establishing temporary residence, the administrative unit determines the legal residence of a foreigner who has a temporary residence permit, a certificate of registration of residence or a long-term visa and is a victim of domestic violence or trafficking in human beings, if, pursuant to the provisions of this Act, it is unable to register permanent or temporary residence, at the address of the social work centre in the area where he/she has or had last registered temporary residence or the social work centre that submitted the proposal or consent for registration. This legal residence has the nature of a temporary residence. The option of registering a legal residence only on the basis of the consent of the social work centre will enable faster decision-making in the registration procedure, as in this case no additional proof will be required. ZPPreb-1A comes into force on 27 June 2021.

An amendment to the Foreigners Act was also prepared, according to which the amendment to the first paragraph of Article 50 introduces a new reason on the basis of which the police may allow a victim of trafficking in human beings (and a victim of domestic violence) to stay for 90 days. It is the reason for the existence of personal circumstances justifying the victim's residence in the Republic of Slovenia, thus transposing the provisions of the Istanbul Convention and the provisions of the first paragraph of Article 14 of the Convention of the Council of Europe on Action against Trafficking in Human Beings into Slovenian law. A permit issued in the event of personal circumstances will be issued to the beneficiary for the duration of these circumstances, but not longer than one year, with the option of extension for up to one year. The Act Amending the Foreigners Act (ZTuj-2F) was adopted by the National Assembly of the Republic of Slovenia at its session on 30 March 2021.

## Institutional framework

On 11 June 2020, the Government of the Republic of Slovenia adopted Resolution no. 01203-9/2020/4 amending the decision on the establishment of the IWG THB, which appointed a new national coordinator for combatting trafficking in human beings and an updated membership of the working group. In accordance with the aforementioned decision, representatives of nine ministries and government offices, the Police, FURS and IRSD continue to be involved in the work of the IWG THB. Representatives of the Specialised State Prosecutor's Office of the Republic of Slovenia (hereinafter: SDT RS), the National Assembly of the Republic of Slovenia, the Association Ključ, Caritas Slovenia, Slovenian Philanthropy, the Legal Centre for the Protection of Human Rights and the Federation of Free Trade Unions of Slovenia also participate in the work of the group.

## Implementation of activities in accordance with adopted national and international obligations

In 2020, the national coordinator convened three meetings of the inter-ministerial working group, at which members discussed current topics in the field of combatting trafficking in human beings and adopted decisions for more effective implementation of policies in this field. Two meetings of the core of the IWG THB were also convened, at which the members discussed the topics of forced labour, more effective cooperation in the field of law enforcement and the recommendations of the Greta group.

IWG THB prepared an annual report on its work for 2019, which was presented to the Government of the Republic of Slovenia on 7 May 2020, and in the second half of the year members of the inter-ministerial work group participated in the preparation of the Action Plan to Combat Trafficking in Human Beings for 2021 and 2022.

In accordance with the provisions of the Act on Ratification of the Convention of the Council of Europe on Action against Trafficking in Human Beings, projects for the care of victims of trafficking in human beings for the period 2020 and 2021 were implemented, both for crisis accommodation and safe accommodation. The work of the IWG THB was also marked by numerous activities in the field of coordination of specific cases of placement of victims of trafficking, which are discussed and decided by a specially appointed multidisciplinary group in accordance with the Manual on Identification, Assistance and Protection of Victims of Trafficking.

In March, the SPCTHB prepared a comprehensive contribution for the European Commission for the 3rd progress report on combatting trafficking in human beings as per Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and the protection of its victims. In July, a contribution to the new EU anti-trafficking strategy was also presented to the European Commission.

As in previous years, the SPCTHB participated in the preparation of the annual report on migration and asylum of the European Migration Network. Together with some members of the IWG THB, it also cooperated with representatives of the US Embassy in the Republic of Slovenia in preparing the substantive basis for the report on human trafficking of the United States Department of State. The annual report was published in June 2020 and the Republic of Slovenia was again placed in the group of countries which fully meet the minimum standards in combatting human trafficking (so-called Tier 1).

Within the framework of other international mechanisms of Slovenia’s reporting about trafficking in human beings, the SPCTHB prepared various contributions in 2020 on the basis of requests from the United Nations Office on Drugs and Crime *(*UNODC*),* the Organisation for Security and cooperation in Europe (OSCE)) and the UN Special Rapporteur on trafficking in persons, especially women and children. It also participated in the preparation of the review of the implementation of the conventions of the International Labour Organisation (ILO Conventions No. 29, 105 and 182), the United Nations Convention on the Elimination of All Forms of Discrimination against Women (7th CEDAW Regular Report), the International Convention on the Elimination of All Forms of Racial Discrimination (14th CERD Periodic Report), the Convention on the Rights of the Child (combined 5th and 6th CRC report) and reported on the situation in the field of trafficking in human beings in the framework of the implementation of the OSCE Action Plan to Combat Trafficking in Human Beings.

# Prevention

The work of the IWG THB in 2020 was marked by the challenges posed by the SARS-CoV-2 epidemic (hereinafter: the COVID-19 epidemic), which had the greatest impact on the implementation of preventive activities. Working conditions have changed significantly during this time, which necessitated the acquisition of new communication and technical skills for remote communication. While the epidemic did not significantly affect the awareness of the general public, the training of experts dealing with the issue of trafficking in human beings was carried out to a much lesser extent than in the past. Also, as a result of the decision of the Government of the Republic of Slovenia Communication Office (hereinafter: UKOM), no projects of non-governmental organisations for raising awareness of vulnerable groups were implemented last year.

## Raising awareness among the wider public

### EU and World Anti-Trafficking Day

On the occasion of the EU Anti-Trafficking Day, a handbook for employers entitled Prevent Forced Labour was published on 18 October on the website of the Government Communication Office and the competent authorities together with a press release. The handbook addresses the risk of trafficking in human beings for the purpose of forced labour and includes steps to avoid involvement in such cases.

The Government Communication Office updated the infographics with statistical data on trafficking in human beings in Slovenia in the 2010–2019 period and submitted it together with a press release to the media and published it on the website and social media. The content of the communication focused on forced labour and labour exploitation. In addition, the animated film entitled The Story of Two Girls was shown on the Facebook profile of the Ministry of the Interior and the Government of the Republic of Slovenia on 18 October.

In the framework of the EU Anti-Trafficking Day, Caritas Slovenia again cooperated with Ljubljanski potniški promet d.o.o., resulting in preventive content on the issue of human trafficking being shown on the digital displays of city buses in Ljubljana and Maribor on 18 October. The content was shown on 170 buses or 450 digital displays every 15 minutes and was observed by 90% of the passengers.

On 30 July, on the occasion of World Anti-Trafficking Day, UKOM prepared a press release, which was also published on the government's social networks.

On the occasion of the World Anti-Trafficking Day, on 30 July 2020, Caritas Slovenia sent a press release to various media, which some summarised on their information channels. On this occasion, the expert worker of the project Care for Victims of Trafficking in Human Beings - Crisis Accommodation also gave a statement to Radio Ognjišče in the broadcast Utrip dneva. On the occasion of the EU World Anti-Trafficking Day, Caritas Slovenia prepared a press release, which was published on its website, on Facebook and at the press office of the Bishops' Conference. On this occasion, the Secretary General of Caritas Slovenia also gave a statement to Radio Ognjišče.

### Website

Also in 2020, UKOM provided content updates on the main website gov.si in the Slovenian (<https://www.gov.si/zbirke/projekti-in-programi/boj-proti-trgovini-z-ljudmi/>) and English languages. The thematic website was upgraded, and a new "teaser" has been incorporated into it, marking the World Anti-Trafficking Day. The content of the website was updated on several different tabs with current data for the current year.

### Media

According to the available data, Slovenian print, electronic and online media published over 30 articles related to trafficking in human beings. The media paid the most attention to the activities of detecting and prosecuting human trafficking offences (more attention was paid to the trial in Celje and the call centre affair). Some media (Delo, Večer, Pop TV) reported more extensively on the European Anti-Trafficking Day, summarising the communication of the IWG THB on the identification and prosecution of forced labour and citing statements by the national coordinator and non-governmental and humanitarian organisations. The topic was also addressed in the context of the pandemic, drawing attention to the migration of abuses to the internet and the increased vulnerability of victims, especially children.

The Association Ključ participated in more than 13 media reports in 2020.

### Other activities

The Association Ključ held 4 events for the general public, which were attended by 4,200 people. The events were co-financed by the Municipality of Ljubljana, the Foundation for the Financing of Disability and Humanitarian Organisations in the Republic of Slovenia (hereinafter: FIHO) and the Association Ključ from its own resources.

## Raising awareness among high-risk target groups

Based on a public tender for co-financing awareness-raising and educational projects of non-governmental and humanitarian organisations in 2020, UKOM adopted decisions in March 2020 and then signed 4 contracts worth a total of EUR 24,912.65, of which EUR 5,000 was allocated by the Ministry of Education, Science and Sport, and EUR 5,000 by the Office of the Government of the Republic of Slovenia for National Minorities (hereinafter: the UN) for the purpose of raising the awareness of young people in environments where members of the Roma community also live. Cooperation was agreed with the Association Ključ, the Consultation Office for Workers and the Slovenian Association for the Reduction of the Harmful Consequences of Drugs DrogArt.

Contracts were signed with the Association Ključ for the projects "Violet – how to avoid the traps of trafficking in human beings" and "Telesnica – how to recognise human trafficking and avoid it". The first project was aimed at raising the awareness of primary school pupils in the last triad, and the second was aimed at raising the awareness of secondary school students. In addition, UKOM concluded a contract with the Association for the Advocacy of Vulnerable Groups Consultation Office for Workers, for the implementation of the project "Forward", which would deal with cases of labour exploitation. A contract was signed with the Slovenian Association for the Reduction of the Harmful Consequences of Drugs DrogArt for a project to mark the European Anti-Trafficking Day and for the renovation of the Truth website.

In mid-March, the COVID-19 epidemic was declared in Slovenia, which affected the start of implementation of contracts by selected organisations in spring and later also the decision of UKOM to terminate cooperation under these contracts. Of all the planned activities within the UKOM public tender, only the Violet project, aimed at raising the awareness of primary school pupils, was implemented to a much lesser extent.

###  Raising awareness among adolescents

* **Project *Vijolica – kako se izogniti pastem trgovine z ljudmi?* (Violet – How to avoid the traps of trafficking in human beings?)**

In 2020, the Association Ključ – Centre for Combatting Trafficking in Human Beings implemented a project aimed at raising the awareness of primary school pupils in the last triad. Adolescents involved in educational institutions, youth homes and housing groups and workshops in environments where members of the Roma community live were also envisaged as the target public.

As part of the project, for which EUR 9,000 was approved, the contractor conducted 7 workshops in multi-purpose Roma centres and organised 2 gatherings at the pool for Roma children, which were attended by 110 Roma children and adolescents. EUR 2,204.55 was paid to the Association Ključ for the implementation of the above activities.

### Preventive activities within the project Care for Victims of Trafficking in Human Beings – crisis accommodation

Within the contract on co-financing the project Care for Victims of Trafficking in Human Beings – Crisis Accommodation in 2020, Caritas Slovenia conducted 55 prevention workshops, which were attended by 897 pupils and students from 6 statistical regions (Savinjska, Osrednjeslovenska, Podravska, Obalno-kraška, Gorenjska, Pomurska).

The workshops were aimed at raising awareness of children, young people and staff working with them, as well as other target populations, about the dangers and traps of trafficking in human beings, identifying indicators of trafficking in human beings and acquainting them with self-protection or preventive measures. In addition, the project also published prevention material in a circulation of 15,000 copies, warning young people about the dangers and traps of human trafficking. This material was personally handed over to schools and various institutions (educational and training institutions, centres for blind and partially sighted youth, deaf and hearing-impaired youth, student dormitories…), in which preventive workshops were conducted. The material was also provided to participants in other events, raising awareness of the issue of human trafficking (e.g., the LUPA festival), and to other institutions that requested such material.

### Other activities

The Association Ključ conducted a workshop in primary school (100 children), 23 workshops in secondary schools (647 children) and 3 workshops in educational institutions and youth homes (5 children), co-financed by the Municipality of Ljubljana and FIHO. Two workshops were organised for migrant children (applicants for international protection and refugees), attended by 9 children. In addition, as part of the Zaznavnica project, the association conducted 18 training sessions for employees in high-risk occupations, which were attended by a total of 526 people.

### Preventive action in the field of raising awareness and preventing trafficking in human beings in the Roma community

UN manages an ad hoc working group to draft a protocol in procedures for handling cases of civil partnership with minors - handling of cases of escapes of minors to harmful environments (child marriages) and forced marriages in the Roma community. Based on the decision of the working group, UN, in cooperation with representatives of relevant institutions and organisations, prepared a working draft of the Handbook on Recognition and Action in Early and Forced Marriages in the Roma Community, which was discussed and approved by the ad hoc working group at its meeting on 18 December 2020. The Handbook will be prepared in digital form and will contain information gathered in one place; specifically general facts and information that briefly and clearly present the issue, existing action procedures and all relevant institutions and contact details of various non-governmental organisations working in areas related to this issue, which institutions, other organisations and individuals can contact for help or cooperation. Practical examples from practice will also be added. The manual will be prepared and printed in several hundred copies in early 2021.

Due to the newly created situation related to the COVID-19 epidemic within the implementation of the SIFOROMA4 project (*Strengthening the national consultation process in Slovenia through the continuation and upgrading of the National Platform for Roma*) no event was organised in 2020 to raise awareness of the issue of so-called forced marriages and human trafficking.

## 2.3 Raising the awareness and training of the expert public

The Criminal Police Directorate at the General Police Directorate (hereinafter: GPU UKP) constantly educates and trains criminal investigators and police officers at the local level. It pays attention to the identification of manifestations of trafficking in human beings, indicators for the detection of potential victims and perpetrators of trafficking in human beings, and knowledge of further special procedures in the treatment of victims and the conduct of investigations in pre-trial proceedings. In 2020, criminal police training was not carried out due to the COVID-19 epidemic. As part of the "Border Control at Border Crossings" programme, training on the topic of trafficking in human beings for police officers carrying out border control was conducted via the EIDA online application (e-classroom). 763 police officers successfully completed the training (Murska Sobota Police Department – 35, Maribor Police Department – 112, Celje Police Department – 65, Novo mesto Police Department – 216, Ljubljana Police Department – 85, Kranj Police Department – 30, Koper Police Department – 217).

The Ministry of Foreign Affairs (hereinafter: MZZ) conducts regular forms of training of employees posted to diplomatic missions and consulates and regularly provides them with information on the potential dangers of trafficking in human beings. In March 2020, consular training was held which also addressed the issue of trafficking in human beings and its manifestations. It was attended by 50 persons. As part of the preparations for the performance of consular services at diplomatic and consular missions, diplomats were also individually reminded of the issue of human trafficking. Consular training scheduled for autumn 2020 has not been carried out due to the epidemic.

As part of the programme for the implementation of public powers of the Social Chamber of Slovenia for the period from 1 January to 31 December 2020 financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (hereinafter: MDDSZ), the Social Chamber of Slovenia in 2020 implemented training for expert workers and assistants of social work centres entitled "Working with Victims of Human Trafficking". The seminar took place on 22 October 2020 and was attended by 48 expert workers or assistants. During the seminar, a representative of the Criminal Police Administration introduced the issue of trafficking in human beings in the Republic of Slovenia to the participants, acquainted them with the identification of victims of trafficking and the first emergency procedures and victims of trafficking in pre-trial proceedings. The representative of the Association Ključ presented the psychophysical consequences of abuse, the victim's expectations, counselling, placement in a crisis and safe place, the lives of placed persons in a safe place and the possibilities of (re)integration.

In October and November 2020, the Criminal Law Judicial School was held at a distance, within which the Association Ključ gave a lecture titled "Testimony as part of the recovery process". The lecture was attended by 173 judges and professional associates.

 In 2020, the Judicial Training Centre sent invitations to Slovenian judges and state prosecutors to 2 seminars in the field of combatting trafficking in human beings, organised by the European Network of Judicial Education Institutions, but there was no interest in applying. One district judge attended a Human Trafficking and Refugee Law seminar.

On 1 December 2020, FURS organised distance professional training for 32 employees of mobile departments and inspectors on the topic of combatting trafficking in human beings. The participants were acquainted with the Handbook on Identification, Assistance and Protection of Victims of Trafficking in Human Beings and the website of the Government of the Republic of Slovenia with the content of the combat against trafficking in human beings, which contains basic information in this field.

 In 2020, the Association Ključ conducted 16 training sessions for the professional public, which were attended by 636 people. The events were co-financed by the Municipality of Ljubljana, FIHO and donors, and two were implemented at the request of the Criminal Law School and the Social Chamber of Slovenia.

In May 2020, Caritas Slovenia conducted training for new volunteers at which it presented the topic of human trafficking, the method and course of care for victims, socialising as a form of volunteering and self-protection measures.

# 3 Detection, investigation and prosecution of criminal offences related to human trafficking

The chapter on detection, investigation and prosecution of criminal offences mainly covers the activities of the police and prosecution service, including measurable results, i.e., the number of discussed offenders, injured parties, charges and final convictions. This chapter also includes the activities of the Labour Inspectorate of the Republic of Slovenia and the Financial Administration of the Republic of Slovenia as, when supervising the implementation of sectoral legislation in their competence, the content of operations is intertwined and linked in the broader context with the problem of labour exploitation, undeclared employment and work and the exploitation of migrant workers.

## 3.1 Police activities

In the combat against trafficking in human beings, the trend from previous years continues, specifically that the police still most often recognise the exploitation of victims through prostitution and sexual abuse, while other forms of exploitation of victims are less common (forced labour, forced crime, servitude, etc.). In general, it is established that Slovenia remains the target country for the exploitation of victims of trafficking in human beings, as well as a transit country for persons from South-Eastern Europe who continue their journey to other EU Member States through Slovenia.

The perception of issues related to the exploitation of victims of trafficking in human beings and the abuse of prostitution depends primarily on proactive police activities aimed at detecting these crimes and identifying victims. In 2020, the police did not implement these activities to the extent and intensity as they did in the period before 2019 because of restrictions in relation to the COVID-19 epidemic and the increased number of criminal cases of illegal crossing of state border or territory as per Article 308 of the Criminal Code (hereinafter: the KZ-1).

In 2020, there was an increase in the number of trafficking offences dealt with, but their number does not reach those from 2018 and 2017. In the field of the abuse of prostitution, we record a distinctive decline in the number of cases of this crime in 2020, which, according to the police, is the result of exploiting the vulnerability of victims. Thereby, the perpetrators, through the abuse of a subordinate and dependent position and through deception, achieve subordination and hand the victim over to exploitation. It is established that the perpetrators do not use physical violence against the victims and do not restrict their movement but use methods of economic coercion or the financial dependence of victims to control them. As a rule, victims are not generally identified as victims in police proceedings.

### Statistics

In 2020, the police addressed 29 criminal offences of trafficking in human beings as per Article 113 of the KZ-1, which, compared to the previous year, indicates an increase in the number of criminal offences addressed. Thereby, the police dealt with 27 victims and 4 perpetrators of the crime of trafficking in human beings.

It also addressed two cases in which reasons for suspicion were determined that a criminal offence of trafficking in human beings had been committed, whereby there were no bases on which to file criminal complaints. In this regard, suitable reports were submitted to competent prosecutor’s offices.

*Table 1: Crimes of trafficking in human beings in the period 2016–2020*

| Type of criminal offence | 2016 | 2017 | 2018 | 2019 | 2020 |
| --- | --- | --- | --- | --- | --- |
| Trafficking in human | 32 | 67 | 71 | 13 | 29 |

### Suspects and victims in criminal offences of trafficking in human beings (Article 113 of the KZ-1) 1

The police dealt with 4 natural persons in connection with the crime of trafficking in human beings, of which 3 were female and 1 was male. All were citizens of the Republic of Slovenia. In 2020, due to trafficking in human beings, 1 legal entity registered in Slovenia was also addressed.

*Table 2: Number of suspects categorised by gender and citizenship for the criminal offence of trafficking in human beings*

| **SUSPECTS** | **TOTAL** |
| --- | --- |
| NATURAL PERSONS | 4 |
| Male | 1 |
| Female | 3 |
| LEGAL ENTITIES | 1 |
| **TOTAL** | **5** |

In the reporting year, the police dealt with 27 victims of the criminal offence of trafficking in human beings. All victims were female adults who were exploited for prostitution and sexual abuse.

*Table 3: Number of identified victims of trafficking in human beings in 2020 by sex and citizenship*

| **CITIZENSHIP** | **MALE** | **FEMALE** | **TOTAL** |
| --- | --- | --- | --- |
| Ukraine | 0 | 24 | 24 |
| Moldova | 0 | 2 | 2 |
| Romania | 0 | 1 | 1 |
| **TOTAL** | **0** | **27** | **27** |

*Table 4: Number of identified victims of trafficking in human beings in 2020 by sex and form of exploitation*

| **FORM OF EXPLOITATION** | **MALE** | **FEMALE** | **TOTAL** |
| --- | --- | --- | --- |
| Sexual exploitation | 0 | 27 | **27** |
| **TOTAL** | **0** | **27** | **27** |

### Police findings

 In Slovenia, the exploitation of victims for the purpose of sexual abuse is still predominant in terms of the form of exploitation, and other forms of trafficking in human beings are less frequently identified. As the problem of human trafficking is frequently closely linked with some other criminal offences, the police also deal with the criminal offences of prostitution and violation of fundamental workers’ rights in connection with trafficking in human beings.

### Exploitation of prostitution, employment of foreign women in nightclubs and prostitution advertising

In 2020, the police addressed one crime of exploitation through prostitution, which shows a distinctive drop in the number of addressed crimes compared to previous years.

It also addressed four cases in which reasons for suspicion were determined that a criminal offence of exploitation through prostitution had been committed, whereby there were no bases on which to file criminal complaints. In this regard, suitable reports were submitted to competent prosecutor’s offices.

1 When providing statistical data, individual persons are mentioned, which means that a person (suspect, victim) is counted only once in the investigation, regardless of how many criminal offenses they were processed for.

*Table 5: Crimes of exploitation through prostitution in the period 2016–2020*

| Type of criminal offence | 2016 | 2017 | 2018 | 2019 | 2020 |
| --- | --- | --- | --- | --- | --- |
| Exploitation through | 0 | 10 | 24 | 6 | 1 |

### Suspects and victims in the criminal offence of exploitation through prostitution (Article 175 of the KZ-1)

In 2020, 1 victim of the criminal offence of exploitation through prostitution was addressed: a citizen of the Republic of Slovenia. The police dealt with 1 suspect, also a citizen of the Republic of Slovenia.

*Table 6: Number of suspects by sex and citizenship for the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1 in 2020*

| **CITIZENSHIP** | **MALE** | **FEMALE** | **TOTAL** |
| --- | --- | --- | --- |
| Slovenia | 1 | 0 | 1 |
| **TOTAL** | **1** | **0** | **1** |

*Table 7: Number of victims by sex and citizenship for the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1 in 2020*

| **CITIZENSHIP** | **MALE** | **FEMALE** | **TOTAL** |
| --- | --- | --- | --- |
| Slovenia | 0 | 1 | 1 |
| **TOTAL** | **0** | **1** | **1** |

When monitoring the issue of prostitution in Slovenia, a similar trend has been established as in previous years; specifically, that it is carried out indoors, especially in rented or privately owned apartments and hotel rooms. Street prostitution or outdoor prostitution is almost non-existent.

When monitoring the issue of prostitution, the police also note the continuation of the trend from previous years, which refers to the advertising of prostitution in the print and internet media. This is done by publishing photographs of prostitutes, the place where they conduct their activities, contact numbers and prices of sexual services. Prostitution is carried out in apartments, hotel rooms, erotic massage salons, etc. In addition, there are forums on the websites where users comment on services, prostitutes, nightclubs and related matters.

### Forced labour

In 2020, the police addressed 2,177 criminal offences of violation of fundamental rights of employees as per Article 196 of the KZ-1, in which elements of labour exploitation of injured parties were established. No elements of forced labour as a form of exploiting victims of trafficking in human beings were determined in pre-trial proceedings, and these elements were also not found in further criminal proceedings.

*Table 8: Number of addressed criminal offences of violation of fundamental rights of employees as per Article 196 of the KZ-1*

| Type of criminal offence | 2016 | 2017 | 2018 | 2019 | 2020 |
| --- | --- | --- | --- | --- | --- |
| Violation of fundamental rights of employees | 3.042 | 1.329 | 1.518 | 2.384 | 2.177 |

*Table 9: Number of suspects and victims of the criminal offence of violation of the fundamental rights of employees as per Article 196 of the KZ-1*

|  | **SUSPECTS** | **VICTIMS** |
| --- | --- | --- |
| NATURAL PERSONS | 276 | 2,278 |
| Male | 215 | 1,704 |
| Female | 61 | 574 |
| LEGAL ENTITIES | 172 | 5 |
| **TOTAL** | **448** | **2,283** |

Regarding forced begging as one of the forms of forced labour, the trend from previous years continues, typical of which was that these persons refuse to cooperate in police procedures and do not recognise themselves as victims of human trafficking.

## Activities of the Specialised State Prosecutor's Office and district state prosecutors' offices

SDT RS, which is exclusively competent to prosecute criminal offences related to human trafficking, actively performed its function in 2020 in the field of criminal offences of trafficking in human beings as per Article 113 of the KZ-1, criminal offences of enslavement as per Article 112 of the KZ-1 and criminal offences of exploitation through prostitution as per Article 175 of the KZ-1.

### Statistics2

* + - 1. **Criminal offence of trafficking in human beings (Article 113 of the KZ-1)**

The declaration of the epidemic in 2020 had a strong impact on judicial, administrative and other public law matters or proceedings, and it also had a strong impact on the work of criminal investigation authorities. During the reporting period, SDT RS did not receive any new criminal complaint or report as per paragraph 10 of Article 148 of the ZKP due to a criminal offence as per Article 113 of the KZ-1. This is a reflection of the fact that almost the entire reporting year was marked by the COVID-19 epidemic. It should be emphasised that during the first wave of the epidemic, the SDT RS practically did not receive any criminal complaints, but received other proposals and initiatives. In the rest of the year, there were fewer criminal complaints than in previous years.

Regarding the adoption of state prosecutor's decisions, the state prosecutors of the SDT RS in the reporting year:

* filed one request for investigation regarding the criminal offence as per Article 113 of the KZ-1, i.e., against 10 natural persons and two legal entities to the detriment of 59 victims;
* filed 1 indictment for a criminal offence as per Article 113 of the KZ-1, specifically against 5 natural persons;
* issued 3 rejection orders for a criminal offence as per Article 113 of the KZ-1, specifically against 12 natural persons.

Individual cases in the field of human trafficking are also addressed by the district state prosecutor's offices, specifically in the reporting year:

2 With regard to the statistical data, it must be explained that individual cases in the same reporting period were dealt with in various phases, i.e. from the receipt of the criminal complaint or the report to be amended as per paragraph ten of Article 148 of the Criminal Procedure Act to the adoption of the state prosecutor’s decision, i.e., from filing the request for investigation, filing an indictment and to the issue of a decision dismissing the indictment, or only in a certain section. Given the above, the same case is often reported under the item of receiving a criminal complaint or report as per paragraph ten of Article 148 of Criminal Procedure Act, under the item of dismissal, filing of a request for investigation and filing the indictment.

* The District State Prosecutor’s Office in Ptuj filed one indictment due to the criminal offence of trafficking in human beings as per Article 113 of the KZ-1, i.e., against one natural person and to the detriment of one victim. An application was made for the file referral to the Czech Republic, a citizen of which is accused, which was followed by the court. The defendant appealed against the decision on referral, but his appeal has not yet been decided;
* the District State Prosecutor's Office in Celje filed one request for the investigation of the criminal offence

of trafficking in human beings as per Article 113 of the KZ-1 and the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1, against 4 natural persons and 1 legal entity and to the detriment of 28 victims.

In 2020, the court:

* found 5 natural persons (to the detriment of 32 victims) guilty of the criminal offence of trafficking in human beings as per Article 5 in conjunction with paragraph 1 of Article 113 of the KZ-1; and
	+ sentenced the first person to 4 years in prison and a fine of 500 daily amounts (EUR 10,000) and confiscated the proceeds of crime in the amount of EUR 100,000;
	+ sentenced the second person to 3 years and 10 months in prison and a fine of 400 daily amounts (EUR 4,000) and confiscated the proceeds of crime in the amount of EUR 11,800;
	+ the third, fourth and fifth persons were each sentenced to 3 years and 10 months in prison and a fine of 500 daily amounts (EUR 500) and a measure of expulsion of a foreigner from the country for 5 years.

By judgement of 23 November 2020, the higher court dismissed all the appeals and upheld the judgement of the court of first instance.

In the reporting year, the higher courts also ruled in two cases from previous years, specifically, the higher court:

* in the first case (due to the criminal offence of trafficking in human beings as per Article 113 of the KZ-1), rejected the appeal of the state prosecutor and upheld the acquittal of the court of first instance;
* in the second case (due to the criminal offence of trafficking in human beings as per Article 113 of the KZ-1 and the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1), rejected the appeal of the State Prosecutor and upheld the acquittal of the court of first instance.

It must be highlighted that cases relating to trafficking in human beings are usually extensive cases initiated against several people operating in a criminal group, and covert investigative measures had to be used in almost all cases for the purposes of investigation and detection. Due to the foregoing, proceedings before court take more time. This particularly refers to the main hearing, which may last for several years.

*Table 9: Criminal proceedings and sanctions for perpetrators of the criminal offence of trafficking in human beings in 2020*

| **Criminalisation of trafficking in human beings** |  |
| --- | --- |
| Number of persons in criminal proceedings | 32 natural persons and 3 legal entities |
| Number of investigations launched | 2 (against 14 natural persons and 3 legal entities) |
| Number of indictments | 2 (against 6 natural persons) |
|  |  |
| **Sanctions and measures** |  |
| Number of convictions for the criminal offence of trafficking in human beings (convicted persons) | 5 |
| Number of convictions due to the use of services of a victim of trafficking in human beings | 0 |
|  |  |
| **Length of imprisonment related to deprivation of freedom** |  |
| – shortest duration | 3 years 10 months |
| – longest duration | 4 years |

### Criminal offence of exploitation through prostitution (Article 175 of the KZ-1)

Regarding the adoption of state prosecutor's decisions, the state prosecutors of the SDT RS in the reporting year:

* filed one request to supplement the investigation regarding the criminal offence as per Article 175 of the KZ-1, i.e., against 1 natural person and two legal entities to the detriment of 413 victims;
* filed one proposal for obtaining consent to file a direct indictment without investigation for a criminal offence as per Article 175 of the KZ-1, namely against 2 natural persons and to the detriment of 413 victims (the same victims as in the previous indent);
* filed one indictment regarding the criminal offence as per Article 175 of the KZ-1, i.e., against 4 natural persons to the detriment of 44 victims.

In connection with the criminal offence of exploitation through prostitution, the district state prosecutor’s offices dealt with the following cases in the reporting year:

* Murska Sobota District State Prosecutor’s Office filed one request for the investigation in the reporting year due to the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1, i.e., against one natural person and to the detriment of one victim (female).
* Krško District State Prosecutor’s Office filed one decision rejecting the complaint in the reporting year due to the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1, i.e., against one natural person and to the detriment of one victim (female).
* Koper District State Prosecutor's Office considered one case of the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1, against 2 natural persons and to the detriment of 3 victims (female); in the reporting year, one conviction was issued. The first person was given a suspended sentence of 1 year and 8 months in prison with a probation period of 2 years and 6 months, while the second person was also given a suspended sentence in which he was sentenced to 1 year and 4 months in prison with a probation period of 2 years.
* Maribor District State Prosecutor’s Office filed one request for the investigation in the reporting year due to the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1, i.e., against one natural person and to the detriment of one victim (female).
* Ptuj District State Prosecutor’s Office filed one indictment in the reporting year due to the criminal offence of trafficking in human beings as per Article 113 of the KZ-1, i.e., against one natural person and to the detriment of one victim (female). An application was made for the file referral to the Czech Republic, a citizen of which is accused, which was followed by the court. The defendant appealed against the decision on referral, but his appeal has not yet been decided.
* Celje District State Prosecutor’s Office filed one request for the investigation in the reporting year due to the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1, i.e., against one natural person and to the detriment of one victim (female). Celje District State Prosecutor's Office is considering a case, which is in the main hearing phase, due to the criminal offence of trafficking in human beings as per Article 113 of the KZ-1 and the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1, against 8 natural persons and 1 legal entity to the detriment of 13 victims (female), with 2 defendants admitting the criminal offence of trafficking in human beings under Article 113 of the KZ-1. In this case, an extension of the indictment for the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1 was filed in the year of reporting against 1 natural person.
* Ljubljana District State Prosecutor’s Office filed one indictment in the reporting year due to the criminal offence of exploitation through prostitution as per Article 175 of the KZ-1, i.e., against one natural person and to the detriment of one victim. The court issued a decision of acquittal, and an appeal was filed by the prosecution.

In connection with criminal offences of exploitation through prostitution in 2020, the court:

* found 2 natural persons (to the detriment of 10 victims) guilty of the criminal offence of exploitation through prostitution in complicity as per paragraph 1 of Article 175 of the KZ-1 and:
	+ the first person was given a suspended sentence and sentenced to 1 year in prison, which will not be imposed if the accused does not commit a new criminal offence during the probationary period of 3 years, and a fine of 100 daily amounts (EUR 6,000); and
	+ the second person was given a suspended sentence and sentenced to 8 months in prison, which will not be imposed if the accused does not commit a new criminal offence during the probationary period of 3 years, and a fine of 90 daily amounts (EUR 2,700);

- 2 natural persons were acquitted by the court.

In addition, the higher courts also ruled in two cases due to the criminal offence of exploitation through prostitution as per

1. Article KZ-1 from previous years, specifically, the higher court:
	* in the first case, dismissed the state prosecutor's appeal and upheld the acquittal of the court of first instance;
	* in the second case, upheld the appeal of the state prosecutor in its entirety, upheld the appeal of the defence in part and partially amended the impugned judgement. In the decision on confiscation of proceeds of crime, the amount of confiscation was reduced due to a change in the total amount of proceeds of crime, in the decision on security measure the seized vehicles were not confiscated, and in decisions on criminal sanctions the (uniform) sentence was reduced as follows:
		+ for the first person from 6 years to 5 years in prison;
		+ for the second person from 5 years to 3 years in prison;
		+ for the third person from 5 years to 4 years in prison;
		+ for the fourth person from 5 years to 4 years in prison;
		+ for the fifth person from 2 years and 6 months to 1 year and 9 months in prison; and
		+ for the sixth person from 1 year to 5 months in prison.

###  Findings of the Specialised State Prosecutor's Office of the Republic of Slovenia

Identifying and dealing with the crimes of trafficking in human beings require a great deal of special knowledge and understanding and proving such crimes is difficult, time-consuming and complex. This is mainly due to the fact that in the past such crimes were committed in the presence of physical violence and restriction of personal freedom, while in recent years we have found that victims generally enter into relations with the criminal group voluntarily and have a certain personal freedom; however, the members of the group use psychological coercion and emotional blackmail instead of physical violence. Due to their vulnerability, the victims are seemingly satisfied with earning at least some money, although the major share goes to the accused persons. On the other hand, victims find themselves in such financial thrall to the group members that they are forced to stay and persist in the relationship. In dealing with these offences, the competent authorities therefore proceed primarily from the vulnerability of the victim, which is reflected in the fact that the victim really has no other acceptable option. Meaningful equal treatment of victims is also reflected in the crime of exploitation through prostitution.

Recently, in Slovenia we have seen a growing trend towards recruitment of victims through the internet and social networks, which are increasingly used by criminal networks to attract and abuse victims. The trend of improving the execution of criminal offences also continued, which additionally aggravated the provision of evidence of the criminal offence discussed and the use of covert investigative measures is therefore urgent in such cases.

In the reporting year, the court of first instance issued a judgement of conviction in a case of trafficking in human beings for the purpose of committing criminal offences, in which victims of trafficking had to commit crimes in a remote country using modern electronic devices and electronic channels. The victims were isolated from the environment, lived and worked in their time zone, and the territory of the Republic of Slovenia served to cover up the criminal activity. In the said case, a total of just under 23 years of imprisonment and fines of EUR 16,000 were imposed, illegal proceeds of more than EUR 110,000 were confiscated and 4 foreigners were expelled from the country for 5 years. The judgement is final.

In recent years, SDT RS has often established that, in individual cases, victims of the criminal offence of trafficking in human beings do not perform the work for which they have an employment contract. It is only a formally and externally shown concluded employment relationship, which has no genuine basis in the content of work, regarding the place of work, duration of working hours, rest and rules regarding payment of meals and reimbursement of expenses for coming to work and leaving work, most often even regarding the payment of salaries. As a rule, the victims withdraw the paid salary and return it in full or in part to the so-called employer. A common feature of these cases is that the described situation is extremely difficult to prove because the victims deny the work they actually do and the refunds of the paid salaries, nor do they recognise such a relationship as disputable.

It is also established that the accused closely monitor court decisions and also skilfully adapt their operations and forms of exploitation. It is therefore very important that financial investigations are carried out in parallel with criminal proceedings with the aim of confiscating property of illegal origin.

In the reporting year, a change in case law was observed in the area of crimes of trafficking in human beings and exploitation through prostitution, which has inclined in favour of the defendants and significantly diverged from the victims. In one of the cases dealt with by the SDT RS, the court argued that not every form of participation in prostitution of another person from whom the perpetrator has material gain constitutes the criminal exploitation of prostitution, and that participation in prostitution of another person is punishable only if the mutual benefits and duties of the two persons involved are in such a manifest disproportion that the prostitute is therefore restricted in his/her personal and economic freedom. The court justifies economic exploitation with the amount of the collected share of earnings.

It should be noted that in previous years the courts have issued convictions with the same facts of the case. Judgements issued by the Supreme Court of the Republic of Slovenia in 2020 are therefore very important in this area.

By the decision in judgement no. I Ips 54529/2010 of 23 April 2020, the Supreme Court of the Republic of Slovenia rejected the applicant's request for protection of legality and in connection with the allegations that the difference between trafficking in human beings (Article 113 of the KZ-

1) and prostitution (Article 175 of the KZ-1) is indicated in the free consent of the aggrieved party, clearly explained that the consent of the victim does not exclude a criminal offence under Article 113 of the KZ-1. This follows from the very description of the criminal offence, which explicitly states that the offence is committed regardless of the possible consent of the (aggrieved) person. Such an explicit legal provision reflects the fact that victims of trafficking in human beings often "voluntarily" choose to participate in trafficking due to their difficult socio-economic situation, which they are forced to do due to existential disadvantages, which makes it difficult to talk about true voluntariness.

The last decision of the Supreme Court of the Republic of Slovenia is also important, which by judgement no. I Ips 58554/2012 of

17 December 2020, rejected another request for protection of legality and with the said judgement further confirmed that the District and Higher Courts in Ljubljana had completely departed from the established case law in the impugned judgements. The Supreme Court noted, inter alia, that the request could not succeed by arguing that the case law on the issue of exploitation through prostitution was not uniform, referring to the final acquittals of the lower courts, which had not been challenged before their court. A review of the case law of the Supreme Court shows that it is uniform and that obtaining financial benefits from the prostitution of others and interfering with the right to sexual self-determination is considered prohibited. Thus, it rejected the view that a legal sign of exploitation through prostitution would be given only if the suspects collected more than half of the earnings from the prostitutes. It also ruled that the continuous commission of a criminal offence, which is a well-established and profitable business, and the actual management and control of prostitution indicates exploitation through prostitution. The Supreme Court continues that exploitation through prostitution is not permissible and that it is also necessary to prevent other persons from exploiting prostitution in countries where prostitution is otherwise legalised and legally regulated. Considering the above, it is unfounded to demand that the organisation and management of prostitution of others be treated as a normal, permissible economic activity. The Supreme Court further noted, inter alia, that the earnings of prostitutes are not essential for the assessment of the legal definition of exploitation, but what is decisive is whether the persons who participated in prostitution benefited from it.

In order to improve the situation in the field of combatting trafficking in human beings and return at least to the situation of previous years, the Specialised State Prosecutor's Office of the Republic of Slovenia gave the National Coordinator for Combatting Trafficking in Human Beings some proposals included in the Action Plan for Combatting Trafficking in Human Beings for the period 2021–2022.

## Activities of the Labour Inspectorate of the Republic of Slovenia

In 2020, the IRSD also exercised control over the employment and work of foreigners on the basis of the provisions of the Employment, Self-Employment and Work of Foreigners Act (hereinafter: ZZSDT), the Employment Relationships Act (hereinafter: ZDR-1) and the Transnational Provision of Services Act (hereinafter: ZČmIS).

Compared to 2019, the number of established violations of the provisions governing the conditions of employment, self-employment and work of foreigners in the Republic of Slovenia decreased in 2020, specifically, 40 violations of the ZZSDT (49 in 2019) were established. 3 Most violations (30) were established due to non-compliance with the provision of the fourth paragraph of Article 7 of the ZZSDT, specifically, cases in which employers allowed foreigners to perform work other than that for which they were in the process of issuing or renewing a single permit or EU blue card or issuing written approval or for which a seasonal work permit has been issued. In 2 cases, a violation of the fifth paragraph of Article 7 of the ZZSDT was also established, according to which an employer who performs the activity of providing work to the user may conclude employment contracts only with foreigners residing in the Republic of Slovenia on the basis of the EU blue card or for whom consent to employment, self-employment or work has been given in the process of issuing or renewing a single permit or issuing a written approval, and with foreigners who have free access to the labour market in accordance with this Act. In 5 cases, violations of the provisions of Article 36, which define the provision of short-term services by providers from third countries, were also established.

With regard to the employment of foreign workers, labour inspectors note that employers, especially in construction, transport, catering and tourism, and the metal industry, face a shortage of available labour force in the labour market and therefore employ foreigners, which is often linked to illegal provision of employees' work to the user. Employers appear on the market who recruit workers abroad, especially in third countries, obtain work permits for them and conclude employment contracts with them, and then illegally provide "services" to employers who have difficulties obtaining workers. Thus, the provision of work by workers is carried out in contravention of the provisions of the Labour Market Regulation Act (ZUTD).

Some inspectors report that they receive initiatives from the Employment Service of Slovenia (hereinafter: ESS) to monitor violations of Article 7 of the ZZSDT. Thereby, the IRSD faces problems, as it is difficult to find out where the workers actually perform their work for employers who illegally provide workers to users. An even bigger problem in proving irregularities is employers who hire foreign workers and then send them to work in other EU countries. Some of these employers are entered in the register for the provision of work to the user at the MDDSZ. As third-country workers with employment permits must not be provided to users, they seemingly perform "service activities" for users, which they have registered in addition to the main activity (transfer of workers' work to another user).

As part of the inspections, inspectors also establish violations regarding the employment of foreigners from third countries in appropriate work posts. Employers state that foreign workers will perform work in one of the deficient work posts for which the ESS issues them a single residence and work permit and an information sheet, and then they perform other work or are even illegally sent to work for other employers. In addition, field inspectors find it difficult to obtain information sheets from foreign workers, as all procedures related to their employment are conducted by employers, and foreigners often do not even know what is required of them. This is problematic, as in the event of non-compliance with the provisions regarding the submission of the information sheet, workers are also punished, most of whom are not previously informed. Inspectors also point out that foreign economic entities that perform work in Slovenia often do not have labour law documentation at the place of work, and that it is usually not translated into Slovenian.

In 2020, inspectors noticed an increase in the number of cases in individual areas of the country

related to the "increase" in the income of workers due to family reunification. Employers increase the salary or pay mileage and other allowances to employees before applying for family reunification in order to show higher incomes over a period of time to prove the amount of income needed to comply with the conditions for family reunification. When the employee acquires these rights, the employer reduces the income again.

Many employers, especially in construction, still implement practices to terminate the employment contract of workers after the end of the construction season and then re-employ them at the beginning of the new season. Thus, these workers, who mostly perform simple construction work, "spend" the period from November to March at the ESS, depending on weather conditions and the situation in the market. Workers in construction receive unemployment benefit from the ESS in the off-season, even though they are not unemployed, because in these cases it is mainly an abuse of the regulations regarding uneven distribution of working time.

In the field of transnational provision of services and posting of workers, the IRSD also monitors compliance with the provisions of the ZČmIS. During the inspections of the implementation of this law, inspectors found 13 violations in 2020, which is fewer than in the previous year (20). Thus, 9 violations of Article 12 of the ZČmIS were established, which determines the conditions for transnational provision of services by foreign employers in the Republic of Slovenia, and the remaining violations were established due to non-compliance with Article 14 of the ZČmIS, which refers to the fact that a foreign employer must register with the ESS before the start of transnational provision of services and ensure that during the transnational provision of services in the Republic of Slovenia the appropriate documentation is retained and made available at the request of the supervisory body.

IRSD detects a larger number of employers who are registered in Slovenia but provide services mainly in western EU countries. The posted workers are mostly citizens of Serbia, Macedonia and Bosnia and Herzegovina, and they mainly perform installation, electrical and construction works.

At the same time, the number of posted workers from Eastern European countries, whose salaries are lower than the Slovenian minimum salary, began to increase. Posting of foreign workers to the user in Slovenia for a longer period of time also occurs, where in fact they perform work only in Slovenia, and the foreign employer or economic entity is only the "mailbox" of this entity in the country of residence.

Inspectors who have also used requests for legal assistance from foreign inspection bodies in the context of the surveillance of the ZČmIS report positive experiences of cooperation with some foreign supervisory authorities through the Internal Market Information System (IMI).

Regarding the provision of rights to workers posted to temporary work to the Republic of Slovenia on the basis of an employment contract under foreign law, 2 violations of Article 210 of the ZDR-1, which specifically regulates the position of foreign posted workers, and 73 violations of Article 209 of the ZDR-1, which determines the mandatory component of employment contracts of employees sent by the employer to work abroad, were established in 2020. In addition, in the reporting year, inspectors found violations of the rights of workers (Slovenian and foreign citizens) who are sent to work abroad or in the Member States of the European Union by employers registered in the Republic of Slovenia.

Regarding the legality of the performance of work of posted workers in the supervision of employers registered in the Republic of Slovenia that provide services in other EU Member States, it should be borne in mind that the provision of transnational services is the primary competence of supervisory authorities in the country where the services are provided. Effective supervision in the field of transnational provision of services can only be established with the direct cooperation of the supervisory authorities of the country in which the services are provided and the country in which the employer posting the workers is registered.

In 2020, the IRSD also inspected 2 nightclubs and 1 massage parlour, but otherwise such controls were not carried out on a large scale in the reporting year due to the epidemiological situation related to the spread of coronavirus.

In 2020, the IRSD also participated in the joint European action in the field of trafficking in human beings (hereinafter: JAD 2020); together with representatives of the Police, FURS and the Federation of Free Trade Unions of Slovenia, it supervised the implementation of labour law and occupational safety and health legislation related to seasonal work in agriculture and employers who provide cleaning services at petrol stations.

Inspections were carried out at 10 employers who perform seasonal work and 9 employers who perform cleaning services at petrol stations on motorways in Slovenia. As part of the action, labour inspectors carried out 50 inspections of the implementation of the provisions of the ZDR-1, ZČmIS, ZZSDT and the Labour and Social Security Registers Act. Thereby, they found 16 violations and issued 6 reprimands and 8 administrative decisions with decisions on infringements. Occupational safety and health inspectors carried out 12 inspections. They found 54 violations of the ZVZD-1 and issued 5 administrative decisions and 1 payment order based on the findings. The highest number, 38 infringements, was found in relation to the employer's obligations related to risk assessment and safety declaration, as well as the provision of safe working conditions.

In the inspection procedures, inspectors detected the suspicion of existence of elements of trafficking in human beings at one of the employers engaged in the provision of cleaning services at petrol stations.

3 The Labour Inspectorate of the Republic of Slovenia statistically monitors violations categorised according to their various forms, which is why violations relating to foreigners are also treated under other items of labour legislation.

## Activities of the Financial Administration of the Republic of Slovenia

In 2020, the Financial Administration of the Republic of Slovenia discussed violations in the field of the Prevention of Undeclared Work and Employment Act (hereinafter: ZPDZC-1) and filed complaints or reports regarding criminal offences from the KZ-1. The number of criminal offences that may be connected with labour exploitation was also given.

In the reporting period, in terms of procedures on offences referring to violations of ZPDZC-1 (undeclared work and employment, unlawful advertising), 2,763 decisions concerning minor offences and payment orders, which amounted to total of EUR 3,095,180.00, and 1,714 reprimands were issued to the offenders.

3,135 minor offences were discussed in minor offence proceedings, i.e.:

* 426 minor offences due to undeclared work, of which 70 offences were committed by foreign citizens;
* 2,780 minor offences due to undeclared employment, of which 98 offences were committed by foreign citizens and 14 offences were the result of illegal employment of a citizen of a third country;
* 107 minor offences due to unlawful advertising, of which 14 offences were committed by foreign citizens;

In 2020, the FURS filed 8 criminal complaints due to a criminal offence as per paragraph one of

Article 199 of the KZ-1 (Undeclared Employment). In 6 cases, the criminal complaint referred to Slovenian citizens, and in 2 to foreign citizens. Due to suspicion of a criminal offence as per Article 196 of the KZ-1 (Violation of Fundamental Rights of Employees), 57 criminal complaints and one report of suspicion of a criminal offence were filed, of which 21 referred to foreign citizens and 4 involved Slovenian and foreign citizens simultaneously.

In the reporting period, the FURS did not file any criminal charges or reports of suspicion of a criminal offence as per Article 113 of the KZ-1 (trafficking in human beings).

# Assistance and protection of victims of human trafficking

The assistance to the victims of trafficking in human beings is provided within the framework of two programmes financed by the Government of the Republic of Slovenia and implemented by non-governmental and humanitarian organisations selected by means of a public tender. In addition, a two-year (re)integration project for victims of trafficking in human beings was implemented during the reporting year with the help of funds from the EU Internal Security Fund and the implementation of the project for identifying and informing victims of trafficking in human beings and/or sexual violence in the procedures for the recognition of international protection in Slovenia (PATS) also continued.

## "Providing Assistance to Victims of Trafficking in Human Beings – Crisis Accommodation" programme

In 2020, the Ministry of Labour, Family, Social Affairs and Equal Opportunities also financed the "Providing Assistance to Victims of Trafficking in Human Beings – Crisis Accommodation" programme implemented by Caritas Slovenia. The programme involves a comprehensive and up to 30-day assistance provided to victims of human trafficking (adults and children) who must be removed immediately from their environment.

In 2020, no victims of human trafficking were placed in the crisis area, and the provider was on standby. In the event of accommodation, persons placed in the crisis area would be provided with accommodation, food, first psychosocial assistance, emergency medical care, counselling, information on their legal rights, interpretation, advocacy, social occupation, socialising, escort, security, assistance on repatriation and material assistance. 24-hour access to an expert worker is available to persons in crisis accommodation. In addition to this worker, three lay workers and trained volunteers are also involved in working with these persons if needed.

The costs of the project, co-financed within the framework of contract by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (salary of one employed expert worker, labour costs of three lay workers paid as per the hours of work done, costs of accommodation and preventive workshops), amounted to **EUR 43,500.00** in **2020**.

## "Providing Assistance to Victims of Trafficking in Human Beings – Accommodation in a Safe Place" programme

The "Providing Assistance to Victims of Trafficking in Human Beings – Accommodation in a Safe Place" project for the period 2020–2021, financed by the Ministry of the Interior, was implemented by the Association Ključ in the reporting year on the basis of a public tender.

In 2020, 2 persons, a citizen of Slovenia and a citizen of Ukraine, were included in the programme. Since the second half of March 2020, when the COVID-19 epidemic was declared in Slovenia, the activities have been slightly adapted for both users, but they have been running smoothly. The smooth operation of the programme was ensured by the provider with the daily presence of at least 1 employee in a safe space. Both users were provided with a 24-hour telephone line on all days of the week, and the provider also provided them with personal psychosocial counselling, coaching and exercise through the internet. With the help of external collaborators, regular weekly psychotherapies were conducted through the internet. The users performed mandatory medical examinations and, with the help of a professional, settled all urgent administrative matters. Through various internet applications, they had the opportunity to contact the employees and volunteers.

The costs of the programme, co-financed by the Ministry of the Interior within the framework of a contract (100 per cent of salary for one employed expert worker, costs of accommodation and other costs of the project), amounted to **EUR 39,715.62** in 2020.

As part of its activities, specifically through a counselling telephone line, cooperation with some other non-governmental organisations and institutions, and within projects that directly address vulnerable groups, the Association Ključ detected at least 14 potential victims of human trafficking in the reporting year.

## "Reintegration of victims of trafficking in human beings" project

In 2020, the Association Ključ continued to implement the project "Reintegration of victims of trafficking in human beings", which was co-financed by the Ministry of the Interior - Police within the EU Internal Security Fund in 2019 and 2020.

The project was intended for citizens of the Republic of Slovenia who were treated as victims of trafficking abroad, as well as citizens of European Union countries and third-country citizens who were addressed as victims of trafficking in human beings in the Republic of Slovenia in pre-trial or criminal proceedings and legally reside in the Republic of Slovenia. For victims, the programme, which is a logical consequence of the programme Providing assistance to victims of trafficking in human beings, represents the first step towards living an independent life without violence, exploitation and violation of human rights.

In 2020, 3 people were included in the programme, 2 citizens of Slovenia and 1 citizen of Madagascar, who received psychosocial counselling, relieving conversations and psychotherapy as part of project activities. In addition, the provider provided them with support in the activities of searching for employment, learning the Slovenian language, and continuing education and learning assistance, organised leisure activities to establish social contacts and expand the social network and other services agreed in personal plans (support in finding residence, escort to institutions, medical examinations, testimonies in court, etc.).

In addition, 3 persons, 2 citizens of Slovenia and 1 stateless person were included in the programme of (re)integration of victims of trafficking in human beings, co-financed by the Municipality of Ljubljana and FIHO.

## "Informing victims of trafficking, sexual and gender-based violence in the procedures of recognition of international protection (PATS)" project

The PATS project, which has been implemented in the asylum home for several years, is intended to inform applicants for international protection (hereinafter: applicants) about the occurrence of trafficking in human beings. The project is partly financed from European and partly from national funds (budget of the Government Office of the Republic of Slovenia for the Support and Integration of Migrants).

The purpose of the project is to raise the awareness of people who mostly do not recognise the dangers and results of human trafficking, and to use a suitable approach to encourage them to actively participate in preventing various forms of exploitation. These are individual conversations in the language the applicant understands. In the case of children and adolescents, information is provided in a way that is appropriate and adapted to their age and stage of development. The conversation usually lasts 60 minutes. In the case of unaccompanied minors, the conversation takes place immediately after the application for international protection has been accepted, and in the case of women as well as men, within 24 hours of receiving notification from the contracting authority.

In 2020, from 1 January to 26 July, when the existing contract expired, the PATS project was implemented by the Institute for African Studies and it was also selected in a public tender to implement the programme from 8 October 2020. In the interim period (from 26 July to 8 October 2020), conversations on trafficking in human beings and sexual and gender-based violence with applicants for international protection were conducted by qualified employees of the Government Office for the Care and Integration of Applicants.

From 1 January to 31 December 2020, 262 conversations were conducted in the asylum home, its branches, accommodation facilities for minors and in the Aliens Centre.

# International activities and partnerships

The issue of trafficking in human beings is multifaceted and therefore requires coordinated action by various stakeholders at the national level. Because it is mostly an internationally organised criminal activity that is increasing due to the generation of large profits, cooperation with countries in nearby regions and in the wider international environment is also very important for effective combat against this phenomenon.

## International activities

In the international arena, members of the IWG THB participated in various international events related to activities to prevent and combat trafficking in human beings.

### The national coordinator for combatting trafficking in human beings and SPCTHB

On 3 March 2020, a meeting of the informal network of national coordinators for the combat against trafficking in human beings in South-Eastern Europe (hereinafter: NATC SEE), which was established in 2010 at the initiative of Slovenia, was held in Ljubljana. In the light of the tenth anniversary of the NATC SEE, a strategic document on the future operation of the network was adopted and prepared jointly with the International Centre for Migration Policy Development (ICMPD). On 4 March, the ministers of the interior of the Brdo process also discussed the further strengthening of regional cooperation in the combat against trafficking in human beings, reaffirming the importance of the work of the NATC SEE network and its commitment to its further work in the future.

In the field of EU cooperation, regular meetings of the informal network of national rapporteurs or equivalent mechanisms (hereinafter: NREM), which took place remotely in 2020 due to the COVID-19 epidemic, continued. In the reporting year, the group met twice, first on 8 June 2020 during the Croatian Presidency, and next on 20 and 21 October 2020 during the German Presidency. During the Croatian Presidency, the discussion focused on preparing the substantive basis for a new EU strategy to combat trafficking in human beings, and during the German Presidency on the findings of the European Commission's 3rd Progress Report on Combatting Trafficking in Human Beings, Child Trafficking and on labour exploitation.

The 20th Alliance Conference on Trafficking in Human Beings was held in Vienna from 20 to 22 July 2020, this time focusing on strengthening the activities to prosecute the offences of trafficking in human beings, focusing on challenges and opportunities to improve investigations and prosecutions. The conference also highlighted good practices, including innovative methods that can have a positive impact on the prosecution of trafficking offences. The testimony of various victims with experiences of human trafficking also took place at each panel.

Organised by the OSCE and the Council of Europe, a meeting of national coordinators for combatting trafficking in human beings was held on 3 and 4 November 2020. The meeting was aimed at discussing the challenges of combatting trafficking in human beings related to the COVID-19 epidemic and the possibilities of strengthening efforts to prevent trafficking in human beings more effectively, assist victims and prosecute perpetrators of these crimes.

### Police

When investigating criminal offences of trafficking in human beings, the Police exchange information with EU Member States within its cooperation with Europol, and Interpol when cooperating with third countries.

In 2020, in accordance with the restrictive COVID-19 measures, the police also participated in the EU policy cycle to combat serious forms of international organised crime. In the framework of the European Multidisciplinary Platform against Crime Threats (EMPACT), it implemented the activities from the Operational Action Plan for 2020.

Between 14 and 20 September 2020, the police participated in a joint European action in the field of trafficking in human beings (EMPACT THB) to identify victims of trafficking in human beings exploited for forced labour or other forms of exploitation. The activities were led by the IRSD, and representatives of the FURS and the Association of Free Trade Unions of Slovenia also participated in the activities. The police carried out activities at the border crossings for international traffic and at the border crossing for air traffic at Ljubljana Jože Pučnik Airport but did not identify any victims of human trafficking.

Between 5 and 11 October 2020, the police also participated in a joint European action to identify child victims of trafficking in human beings. The activities were carried out at the border crossings for international traffic, at the border crossing for air traffic at Ljubljana Jože Pučnik Airport and upon the control of the protection of the state border with the Republic of Croatia. During the activities, the police did not identify any victims of trafficking in human beings.

### MINISTRY OF FOREIGN AFFAIRS (MZZ)

Within international organisations, the Ministry of Foreign Affairs regularly monitored the issue of trafficking in human beings (e.g., the OSCE Mediterranean Conference – 3 November, the OSCE Conference on Combatting Organised Crime – 5 October, the 20th OSCE Session on Trafficking in Human Beings – 20 to 22 July).

In July 2020, the Ministry of Foreign Affairs also held talks with representatives of the US Embassy regarding the presentation of the Annual Report on Trafficking in Human Beings (TIP).

In the framework of the 44th session of the UN Human Rights Council held in July 2020, Slovenia actively participated in the negotiations on the text of the resolution on trafficking in human beings, focusing on strengthening human rights by increasing protection, support and empowerment of victims, especially women and children. Slovenia also co-sponsored the resolution.

At the 75th session of the UN General Assembly, Slovenia also co-sponsored two resolutions, namely Trafficking in Women and Girls and Strengthening and Promoting Effective Measures and International Cooperation in Organ Donations and Transplantation to Prevent and Combat Trafficking in Human Beings for the Purpose of Organ Removal.

### IRSD

In August 2020, a representative of the IRSD attended a work meeting held in The Hague in relation to the preparations for the implementation of the European JAD 2020 action. The IRSD also ensured the participation of its representative in the conference Trafficking in Human Beings during the Coronavirus, held on 14 and 15 October 2020, organised by the Federal Ministry of the Interior of the Republic of Austria. The IRSD also participated in an interview with a representative of the Irish University of Maynooth on the topic of trafficking in human beings for the purpose of forced labour.

## Partnerships and research

The partnerships between organisations engaged in preventing and combatting trafficking in human beings have been established in Slovenia for a number of years. When dealing with individual cases of trafficking in human beings, the Police cooperated closely with the Specialised State Prosecutor's Office, and non-governmental and humanitarian organisations (Caritas Slovenia and the Association Ključ). It also cooperates with these organisations in the implementation of programmes for the care of victims of trafficking in human beings in crisis and safe accommodation and in the framework of the (re)integration project.

Good cooperation between the Police, IRSD, FURS and the Association of Free Trade Unions of Slovenia within the framework of the joint European action JAD 2020 continued in 2020 as well.

Exemplary cooperation also takes place between the Police and the Ministry of Foreign Affairs which regularly informs the Police about findings of diplomatic and consular representations relating to the problem of third-country female citizens or cases in which suspicion may be raised that female job seekers could become victims of human trafficking.

With their contributions and experience, state prosecutors at the SDT RS actively participate in various training sessions in the field of trafficking in human beings abroad and training sessions organised for their employees by institutions participating in the IWG THB.

In the reporting year, there was no specific research funded by the Slovenian government on trafficking in human beings.

# Conclusion

In 2020, the work of the IWG THB was limited due to the COVID-19 epidemic but, nevertheless, it implemented the key activities with regard to preventing and combatting human trafficking in accordance with the Action Plan for Combatting Trafficking in Human Beings for the 2019–2020 Period.

In the field of legislation and policies, the IWG THB prepared a draft act on Amendments to the Residence Registration Act and an amendment to the Foreigners Act, the amended provisions of which affect the improvement of conditions for protection and assistance to victims of trafficking in human beings. The inter-ministerial working group also prepared an annual report on its work, which was presented to the Government of the Republic of Slovenia, and the Action Plan for Combatting Trafficking in Human Beings for the period 2021–2022.

In 2020, due to the COVID-19 epidemic, preventive activities were carried out to a much lesser extent than in the past, especially in the field of training of experts dealing with trafficking in human beings and in raising awareness of vulnerable groups.

 In the field of detection, investigation and prosecution of criminal offences of trafficking in human beings, it is established that the exploitation of victims of trafficking in human beings for the purpose of sexual abuse still prevails in Slovenia. In 2020, the police addressed 29 crimes of trafficking in human beings against 4 natural persons and 1 legal entity and identified 27 victims of trafficking in human beings. As part of their competence, the IRSD and the FURS also implemented the activities related to detecting cases of human trafficking aimed particularly at the exploitation of forced labour. In the reporting year, the specialised state prosecutor's office filed 1 indictment against 5 natural persons, and 1 indictment against 1 natural person was filed by the District State Prosecutor's Office in Ptuj. The court issued convictions against 5 defendants.

 In 2020, assistance and protection for victims of trafficking in human beings was also provided by Caritas Slovenia and the Association Ključ as part of projects co-financed by the MNZ and MDDSZ. No victims were placed in the crisis accommodation in the reporting year, while 2 persons were included in the safe accommodation programme and 3 in the reintegration programme. Other victims declined the offered option of accommodation. In the field of identifying, assisting and protecting victims of trafficking in human beings and/or sexual abuse in the procedures of recognition of international protection in Slovenia, the PATS project continued in the asylum home.

In the international arena, members of the IWG THB participated in a number of events and conferences, which were mostly held remotely in 2020 due to the epidemic. The Republic of Slovenia further strives to enhance international cooperation in the fight against trafficking in human beings, especially in the region of South-Eastern Europe. In March 2020, a meeting of the informal NATC SEE network took place in Ljubljana, during which a strategic document on its future work was adopted in the light of the tenth anniversary of the network's operation. Regional cooperation in the field of combatting trafficking in human beings was also discussed by the ministers of the interior of the Brdo process, who confirmed the importance of further work of the network on the basis of the adopted strategic document.