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2023 Trafficking in Persons Report: Slovenia

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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SLOVENIA (TIER 2)

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The Government of Slovenia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government amended its anti-trafficking law, drafted updated guidance for labor inspectors to identify victims, and following a concerning case of alleged labor trafficking, hired new labor inspectors and trained labor inspectors on victim identification. The government also increased funding to victim services, cooperated with EU member states in law enforcement efforts, and continued raising awareness among children and adolescents in schools. However, these efforts were not serious and sustained compared with efforts during the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government investigated and prosecuted slightly more alleged traffickers than in the previous reporting period, but it did not convict any traffickers for the second consecutive year. NGOs continued to assert the government did not prosecute labor traffickers because authorities instead pursued cases as administrative labor code violations, resulting in lesser penalties and little deterrence. While funding for victim assistance and training on victim identification increased, the government identified fewer victims, and lack of proactive victim identification efforts resulted in the government not identifying any labor trafficking victims – despite reports of labor trafficking allegations – and no asylum seeker trafficking victims despite

risk of trafficking among this group. The government did not report awarding restitution or compensation to any victims. Therefore Slovenia was downgraded to Tier 2.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute both sex and labor trafficking crimes and seek adequate penalties for convicted traffickers, which should involve significant prison terms.

Improve efforts to proactively identify victims, especially children, males, and victims of labor trafficking.

Prioritize investigation and prosecution of labor traffickers and improve coordination between labor inspectors and police.

Ensure labor trafficking is investigated and prosecuted as a trafficking crime and not pursued as an administrative labor code violation.

Increase training to all front-line officials on victim identification for labor trafficking and consider a partnership with NGOs for labor trafficking victim identification.

Increase efforts of prosecutors to systematically request restitution for victims in criminal trials, including for both EU and non-EU citizen victims, and increase victim access to the state fund for crime victims.

Allow formal victim identification by and referral from entities other than the police, including civil society, social workers, and health care professionals.

Amend the definition of trafficking under Slovenian law to align more closely with the definition under international law.

Enforce the elimination of recruitment fees charged to workers and ensure any recruitment fees are paid by employers.

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.

Appoint a national rapporteur to provide independent review of government anti-trafficking efforts.

Establish a specialized police unit dedicated to investigating human trafficking, with sufficient resources, to ensure the prioritization of trafficking investigations.

Increase survivor engagement, including by establishing accessible mechanisms for receiving and providing compensation for survivor input when forming policies, programs, and trainings.

Increase efforts to pursue financial crime investigations in tandem with human trafficking cases.

PROSECUTION

The government decreased 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. In January 2023, the government amended article 113 to include forced begging as a form of trafficking and added a provision explicitly noting that government officials are also subject to the penalties prescribed under article 113.

Police conducted investigations involving 10 potential trafficking cases, compared with eight case investigations in 2021. Prosecutors initiated criminal proceedings against 25 sex trafficking suspects and no legal entities, a slight increase compared with prosecutions initiated against 18 individual trafficking suspects and two legal entities in 2021. The government reported investigating suspects for labor trafficking; however, it did not prosecute any suspects for labor trafficking during the reporting period. For the second consecutive year, the government did not convict any traffickers. Pandemic-related mitigation measures in 2020 and 2021 continued to cause significant delays in judicial proceedings and court hearings; however, the government did not report how many cases were backlogged. Media reported a case of alleged labor trafficking, involving a carwash where employers allegedly confiscated foreign national employees' passports and threatened them; media also alleged labor inspectors notified the traffickers before labor inspections. As a result, the chief labor inspector resigned in August 2022 and the labor minister announced reforms to the

inspectorate, and the government hired nine labor inspectors, bringing the total to 92 by the end of 2022, an increase from the previous reporting period. The government reported its investigation into the labor trafficking case and the allegations of government complicity were ongoing at the close of the reporting period. The government did not report any prosecutions or convictions of government employees complicit in human trafficking crimes. NGOs reported judges dismissed trafficking charges in cases with indicators of sex trafficking, but later noted prosecutors appealed the decision and prosecution was ongoing in two of three cases. The government provided extensive training on anti-trafficking for 442 police officers, prosecutors, and criminal investigators; 103 labor inspectors; and 75 social workers, legal guardians, and other government officials during the reporting period; compared with 58 police officers, 19 investigators, and 42 other officials during the previous reporting period. 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 nationwide coordination network. However, NGOs expressed concern that police units responsible for investigating human trafficking were overburdened and understaffed; NGOs urged the government to establish dedicated police units to investigate and prioritize human trafficking. Several NGOs noted concerns regarding poor coordination between labor inspectors and police, which may have hindered the identification of labor trafficking cases. NGOs assessed authorities pursued possible labor trafficking cases as administrative labor code violations, resulting in lesser penalties and little deterrence.

The government maintained police attachés in Austria, Bosnia and Herzegovina, Croatia, North Macedonia, and Serbia to assist in coordination of international cases. In September 2022, the government participated in a joint operation with 19 countries to target criminal networks using online platforms to recruit victims for sexual exploitation and trafficking, with particular emphasis on refugees from Ukraine; the operation resulted in 45 potential victims identified, 25 of whom were Ukrainian. In October 2022, the government also coordinated with 34 European countries in law enforcement actions focused on sex trafficking, forced begging, and forced criminality, resulting in the arrest of 115 suspected traffickers and identification of 910 potential victims. Additionally, the government, in cooperation with other EU member states and EUROPOL, investigated a criminal gang for alleged sex trafficking of victims from the Balkans to multiple EU countries. Finally, the prosecutor's office reported working with the Greek Ministry of Justice and the EU Agency for Criminal Justice Cooperation on a labor trafficking case from 2019 where the alleged perpetrator was a foreign diplomat; the case remained ongoing at the close of the reporting period.

PROTECTION

The government decreased victim protection efforts. In 2022, the government identified three confirmed sex trafficking victims and 14 potential victims, a significant decrease compared with 40 confirmed victims and two potential victims identified in 2021. The three identified victims were adult women, two from Venezuela and one from Colombia. Experts continued to raise concerns regarding gaps in victim identification as the government again did not identify any child or asylum-seeker trafficking victims during the reporting period. The government referred and provided assistance to all three victims during the reporting period. The three victims entered the crisis housing program and then the safe accommodation program. This was an increase compared with two victims assisted in the crisis housing and safe accommodation programs in the prior reporting period. The government allocated €133,320 (\$142,440) for housing victims in 2022, a slight increase compared with €119,208 (\$127,360) in 2021, and comparable to funding in prior years. Government officials continued to utilize the national Manual for Identification of Victims of Trafficking in Persons. In April 2022, the government drafted updated guidelines for labor inspectors to identify victims; at the close of the reporting period the guidelines remained awaiting finalization and approval. The majority of victims continued to be proactively identified by police, and coordination between police and NGOs was strong; however, observers reported ongoing concerns regarding the under-identification of labor trafficking victims and the tendency for officials to overlook cases of labor trafficking. While both government officials and civil society could “detect” trafficking victims, only the police could formally identify victims, and formal identification by police was required for access to long-term care. Victims could request interviews with NGOs prior to meeting with law enforcement, and NGOs could accompany victims to interactions with law enforcement. Following victim identification, government regulations required police to refer victims to one of two government-funded NGOs that had formal cooperation agreements with the government to ensure adequate provision of care to victims. However, as in the previous reporting period, experts noted a lack of uniform implementation of victim referral procedures for some vulnerable groups like undocumented migrants and asylum-seekers. Police stated identifying asylum-seekers as trafficking victims was difficult in part because asylum seekers were often only in Slovenia a few days, while in transit to other EU countries. NGOs noted continued strong cooperation with police on the identification of sex trafficking victims, with NGO care-providers included in police interactions with commercial sex establishments to assist in victim identification; however, authorities did not report cooperating with such NGOs in similar operations intended to identify labor trafficking victims.

The government continued to partially fund two NGOs, supplemented by private donations, which provided victims trafficking-specific crisis support and safe housing. Both NGOs were among a wider range of organizations providing services such as counseling, medical care, psycho-social support, legal representation during investigations and court proceedings, and filing of documentation for residency status. The law allowed non-EU foreign victims a 90-day reflection period during which they could remain in Slovenia while recovering and considering whether to cooperate with law enforcement in investigations. All victims, both citizens and foreign nationals, could receive crisis housing for a maximum of 30 days, after which they could enter safe accommodation for 60 days regardless of cooperation with law enforcement. Officials prepared individual assistance and protection programs for victims admitted into the safe housing accommodation. However, after 90 days, to continue to receive safe accommodation and long-term care, the law required victims receive a temporary residence permit based on either law enforcement cooperation in criminal proceedings or qualification under the “personal circumstances” amendment. A temporary residence permit for “personal circumstances” could be issued for a maximum of one year, with an option for a one-year extension. However, the government did not allow victims to work during this period. Victims cooperating in criminal proceedings could temporarily stay for 180 days or longer, if needed, for the trial of the trafficker, but had limited options to extend their stay after the conclusion of criminal proceedings. The government did not report issuing any temporary residence permits to trafficking victims during the reporting period.

Both Slovenian and foreign victims had access to the same protection services and had free movement in and out of shelters. GRETA expressed concern in the past over unaccompanied child victims disappearing from public care, urging the development of more suitable accommodations for children with fully trained staff or foster parents. Although the government did not identify any child trafficking victims during the reporting period, it provided in-kind contributions for a foreign government-funded pilot project that opened a children’s facility in May 2022 to provide victim support, welfare assessments, and child-friendly criminal justice procedures for unaccompanied children and child victims of abuse, including trafficking. In 2022, the government did not budget for the operation of the facility, due to the existing foreign government funding.

When participating in pretrial and criminal proceedings, victims had a right to interpretation services and a protective escort, although the government did not report how many victims received these services. All victims that entered the government’s crisis and safe accommodation program could apply for free legal aid. On March 28, 2023, the government passed amendments to the Act on Employment, Self-Employment, and Work of Foreigners

granting asylum seekers the ability to legally work three months after arriving in Slovenia – which likely decreased asylum seekers' vulnerability to labor trafficking – where previously asylum seekers were unable to legally work for nine months while awaiting their asylum case adjudication. The 2018 GRETA report urged improving the process of providing comprehensive information to victims in a language they could understand to assess their options, including participation in programs to resist re-victimization. NGOs still 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 situations, given 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 award compensation to any victims during the reporting period. Additionally, prosecutors did not request restitution for any victims in criminal proceedings; historically, prosecutors typically did not do this, although there were no legal barriers to prevent it, instead requiring victims to seek damages themselves in a separate civil court case. NGOs urged prosecutors to systematically request restitution for victims at criminal trials. All victims could seek damages by filing a civil suit, although most victims did not pursue compensation due to legal costs, victim re-traumatization, and the desire to avoid additional court proceedings. Upon government seizure of a trafficker's assets, victims could file a claim for restitution or damages; however, if the victim failed to file the claim, the trafficker's assets were subsumed into the government's budget. Under the witness protection act, victims could provide testimony via video or written statements, and courts kept victim identities confidential.

PREVENTION

The government increased prevention efforts. The Ministry of Interior's (MOI) national coordinator for counter trafficking in persons continued to head the Interdepartmental Working Group (IWG) and the government elevated the national coordinator position to the level of State Secretary. The IWG included NGO, police, and MOI representatives and met seven times during the reporting period to organize and coordinate awareness efforts, including two extraordinary sessions to strengthen public information campaigns and coordination in response to the influx of Ukrainian refugees. The MOI's Anti-Trafficking Service Office continued to provide comprehensive support for investigators and victim service

providers. The government adopted a new anti-trafficking NAP for 2023-2024 focused on trainings, awareness activities, safe accommodation, and assistance. Slovenia remained without an official independent national anti-trafficking rapporteur, a key GRETA recommendation. The government provided €10,200 (\$10,900) for prevention efforts, including awareness raising projects in 2022, compared with zero during the last reporting period. The MOI continued to employ one dedicated staff member to raise awareness among children and adolescents by continuously providing workshops held in all primary and secondary schools. In partnership with an NGO, the government continued its awareness raising campaigns, with 111 workshops reaching approximately 2,000 primary and secondary school children, a large increase compared to 44 workshops reaching 750 primary and secondary school children in the prior reporting period. The government continued to host a website, in both English and Slovenian, which 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 crimes. The government also continued to fund two NGO hotlines, available in several languages, offering assistance to both domestic violence and trafficking victims; the hotlines did not report the number of trafficking-related calls received, but did report one call led to police referring five potential victims in Spain to Spanish law enforcement.

During the reporting period, Slovenia granted temporary protection status to more than 8,000 Ukrainian refugees. This status provides social benefits, access to education, and work permits. The government continued to issue warnings to refugees fleeing Russia's full-scale invasion of Ukraine regarding their vulnerability to human trafficking; increased public awareness campaigns, in coordination with NGOs; published materials in Ukrainian; and strengthened its police presence in the field.

Slovenian law prohibited contract switching and the charging of placement or recruitment fees to workers, as well as passport and wage withholding. Migrant workers were able to change employers without delay or prior government permission, which may have decreased their vulnerability to trafficking. However, while the law allowed employers to pay recruitment fees, in practice, NGOs assessed the government did not effectively enforce the law and employers frequently passed these fees on to workers through salary deductions and other means. NGOs noted labor trafficking received insufficient attention and resources for effective investigations by the government. NGOs previously asserted authorities pursued many labor trafficking cases as administrative labor code violations, resulting in lesser penalties and decreased deterrence. Furthermore, authorities often prosecuted and shut down the legal

entity or company rather than prosecuting the perpetrator; the perpetrator subsequently established another company under a new name and continue to exploit victims in labor trafficking. When some, but not all criteria for labor trafficking were met, the government reported that prosecutors may have pursued the criminal charge under article 196, of violation of fundamental rights of workers. While labor inspectors did not have the authority to identify trafficking victims, inspectors completed 78 inspections based on suspicion of trafficking in persons; however, inspectors did not refer any victims of labor trafficking to prosecutors. For one week in June 2022, police, labor inspectors, and the financial administration held joint activities to prevent forced labor. As a result, police detected alleged forced labor cases involving potential victims from Bangladesh. Asylum centers and an MOI-funded NGO continued to screen all new migrant and asylum arrivals for trafficking indicators, but the government did not report identifying any trafficking victims. The government signed an anti-trafficking cooperation agreement with the Republic of North Macedonia in March 2022, as part of larger efforts for cooperation with authorities across southeastern Europe; however, concrete action towards its implementation had yet to occur. The government did not make efforts to reduce the demand for commercial sex acts. The government reported training its peacekeepers on human trafficking.

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. Slovenes as well as foreign workers and undocumented migrants from countries such as Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Romania, Serbia, Slovakia, and Ukraine are vulnerable to labor trafficking, including forced begging or domestic servitude in a variety of sectors including construction, transportation, hospitality, and domestic service. Sometimes these persons are in transit to Western Europe, particularly Austria, Germany, or Italy, where traffickers exploit them in forced labor. Ukrainian refugees, predominantly women and children, fleeing Russia's full-scale invasion of Ukraine, are vulnerable to trafficking. Authorities reported sex traffickers targeted Ukrainian refugee women at a government-run accommodation facility. Temporary work agencies continue to exploit workers, which sometimes amounts to labor trafficking. Asylum seekers remain particularly at risk of trafficking in Slovenia. Traffickers exploit women and children from Slovenia and Eastern European, Western Balkan, Southeast Asian, and Latin American countries in sex trafficking within Slovenia; and many also transit to Western Europe, primarily Germany and Italy, where

they are at risk of sexual and labor exploitation. Ethnic Roma are particularly vulnerable to trafficking, especially forced begging, in Slovenia.

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