

Document #2055280

USDOS – US Department of State

2021 Trafficking in Persons Report: Slovenia

SLOVENIA: Tier 1

The Government of Slovenia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Slovenia remained on Tier 1. These efforts included training more officials, identifying more victims, increasing funding for victim assistance, and convicting more traffickers than the prior reporting period. The government also adopted a national anti-trafficking action plan. Although the government meets the minimum standards, the government prosecuted fewer suspects than the prior reporting period, investigations and prosecutions for labor trafficking remained low compared with sex trafficking, and funding for prevention projects decreased. Gaps in victim identification resulted in the government not identifying any male, child, or labor trafficking victims, and the government did not report awarding any restitution to victims.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute both sex and labor trafficking crimes and impose on all convicted traffickers adequate penalties that 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. • 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. • Utilize the witness protection program for trafficking victims.

PROSECUTION

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

In 2020, though most court proceedings were postponed due to the pandemic, investigations of serious crimes, which included human trafficking, continued uninterrupted. During the reporting period, police conducted 12 trafficking investigations involving 12 suspects (nine from Slovenia, two from Dominican Republic, and one from Romania), compared with 14 investigations in the prior reporting period. During the reporting period, authorities initiated six prosecutions, a significant decrease compared with 32 prosecutions in the prior period. The government did not report investigating or prosecuting any suspects for labor trafficking during the reporting period. The government convicted seven traffickers in 2020, five of which were for labor trafficking, specifically forced criminality; this compared with five convictions in the prior period. Courts sentenced five traffickers to significant prison terms—one trafficker received a sentence of four years' imprisonment and a fine, and four traffickers received sentences of three years and 10 months' imprisonment and fines. Courts convicted an additional two traffickers who pled guilty to trafficking but had not sentenced them by the close of the reporting period. Though the government reported fining

convicted traffickers €15,500 (\$19,020) and confiscating €111,800 (\$137,180) in 2020, it did not report awarding any of the money to trafficking victims as restitution. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

The government continued to conduct specialized human trafficking training during the year, although some sessions switched to virtual platforms in response to pandemic-related restrictions. The government reported training 32 mobile unit investigators from the Ministry of Finance, 763 police officers, 173 judges, 50 diplomats, 50 employees working with asylum-seekers, and 48 social workers and experts; this was a significant increase compared with 324 officials trained in 2019. The government maintained police attachés in Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia to assist in coordination of international cases, though there were no international cases reported in 2020. While the government did not have a specialized anti-trafficking investigation unit, each of the eight police districts had at least one officer responsible for coordinating trafficking investigations, creating a de facto nation-wide coordination network. However, NGOs expressed concern the 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 continued to assert the government did not prosecute labor traffickers because authorities instead pursued cases as administrative labor code violations, resulting in lesser consequences and decreased deterrence. The government continued to dedicate two prosecutors with specialized expertise to prosecuting cases involving human trafficking. The government reported extraditing one Slovenian trafficking suspect from Canada in 2020.

PROTECTION

The government increased victim protection efforts. In 2020, the government identified 65 sex trafficking victims, a significant increase compared with 31 victims in 2019 but similar to 70 victims in 2018. All of the victims were adult females. Of the 65 victims, 26 were from Ukraine, 17 from Dominican Republic, seven from Serbia, five from Romania, three from Paraguay, two from Croatia, two from Moldova, one from Colombia, one from Slovenia, and one from Venezuela. Experts raised concerns regarding gaps in victim identification as the government again did not identify any child victims; it also did not identify any male or labor trafficking victims in 2020. NGOs identified an additional 12 victims in 2020. The government referred and provided assistance to all 65 victims, including providing psychological assistance to all victims as well as housing for two victims (one from Slovenia and one from Ukraine) in a government-funded, NGO-run safe house. The government also enrolled five trafficking victims (two from Slovenia, one from Madagascar, and one unknown) into its reintegration program. The government increased its allocation for housing victims in 2020 to €145,520 (\$178,550), compared with €120,000 (\$147,240) in 2019. Government officials continued to utilize the national Manual for Identification of Victims of Trafficking in Persons. 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. Following victim identification, government regulations required police to refer victims to one of two NGOs that had formal cooperation agreements with the government to ensure adequate provision of care to the victims. NGOs noted continued strong cooperation with police on the identification of sex trafficking victims, as police continued to invite NGO care-providers to police interactions with commercial sex establishments to assist in victim identification; however, authorities did not take similar concrete steps regarding NGO requests to cooperate on identification of labor trafficking victims.

The government continued to partially fund two NGOs, supplemented by private donations, which provided trafficking-specific crisis and safe housing for victims. Both NGOs were among a wider range of organizations providing services such as counseling, psycho-social support, legal representation during investigations and court proceedings, and filing of documentation for residency status. All victims could receive crisis housing for a maximum of 30 days, after which victims could enter safe housing for as long as court procedures remained ongoing; however, in 2020, the government did not report providing crisis housing to any of the 65 identified victims. Crisis housing and safe housing services were available for 30 days regardless of victim cooperation with law enforcement. Both foreign and domestic victims had access to the same protection services and had free movement in and out of shelters. Though the government did not identify any children during the reporting period, child victims of trafficking continued to lack adequate assistance, as there were no designated facilities for unaccompanied child trafficking victims. If identified, child trafficking victims could be sheltered with unaccompanied migrant children and receive care through the Center for Social Work. GRETA highlighted a concern over unaccompanied child victims disappearing from public care, urging the development of more suitable accommodations for children with fully trained staff or foster parents. While acknowledging the issues, the government did not report taking concrete steps to effectively address the lack of adequate facilities for children or children disappearing from public care during the reporting period.

Non-EU foreign victims had a 90-day reflection period to remain in Slovenia while recovering and considering whether to participate in an investigation. However, the government did not allow them to work during this period. Victims cooperating in criminal proceedings could temporarily stay for 180 days or longer, if needed, for the trial of their trafficker, but had limited options to extend their stay after the conclusion of criminal proceedings. The government did not issue any temporary stay permits during the reporting period. When participating in pretrial and criminal proceedings, victims had a right to interpretation services and a protective escort, though the government did not report how many victims received these services during the reporting period. While awaiting case adjudication, asylum-seekers were unable to legally work, though many did so illegally, which NGOs stated could

increase their vulnerability to labor trafficking due to their illegal status, lack of knowledge of local labor laws, and language barriers. 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 also noted there were insufficient professional interpreters fully trained in translating the details of rights of potential trafficking victims for asylum intake proceedings. Some victims were reluctant to speak with social workers and counselors about their situation, given that the same interpreters assisted in the different contexts of law enforcement investigations and court proceedings on their case. Only citizens of EU countries were eligible to apply for compensation from the state fund for crime victims; however, the government did not report awarding compensation to any victims during the reporting period. During the reporting period, prosecutors did not request restitution for any victims in criminal proceedings; historically, prosecutors typically did not do this, though there were no legal barriers to prevent it, instead requiring victims demand restitution for themselves in a separate court case. Experts urged prosecutors to systematically request restitution for victims at criminal trials. All victims, including non-EU citizens, could seek damages by filing a civil suit, though due to legal costs, victim re-traumatization, and the desire to avoid additional court proceedings, most victims did not pursue damages. The government had a witness protection program that trafficking victims could utilize, but it did not report using the program to protect any victims during the reporting period. Under the witness protection act, victims could provide testimony via video or written statements, and courts kept victim identities confidential.

PREVENTION

The government maintained prevention efforts; while the government adopted a new national anti-trafficking action plan and increased personnel resources to the Anti-Trafficking Service Office, it did not conduct any anti-trafficking public awareness campaigns or prevention projects due to a decrease in funding for 2020. The Ministry of Interior's (MOI) national coordinator for counter trafficking in persons continued to head the government's interdepartmental working group (IWG), though the pandemic limited many of the trafficking prevention activities originally scheduled. The Anti-Trafficking Service Office within the MOI expanded from one to three dedicated staff members and continued to provide comprehensive support for investigators and victim service providers. The IWG included NGO representatives and met three times during the reporting period to organize and coordinate awareness efforts. The government adopted a new national anti-trafficking action plan in March 2021 to cover 2021-2022. Slovenia remained without an official independent national anti-trafficking rapporteur, a key GRETA recommendation. The federal government diverted funds to address the pandemic and therefore did not provide any funding in 2020 for NGO-led awareness raising projects; however, the city of Ljubljana provided €18,910 (\$23,200). Compared with €104,000 (\$127,610) in funding in 2019, this was a significant decrease. The government subsequently did not conduct any awareness raising during the reporting period, a significant decrease from the extensive efforts made in 2019 that reached an estimated 320,770 people. 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 victims. The IWG published an updated handbook for employers on preventing and recognizing forced labor in October 2020. The government also continued to fund two NGO hotlines, available in several languages, offering assistance to both domestic violence and trafficking victims, although the hotlines did not track the number of calls received or how many had trafficking indicators.

Generally, the government had effective policies and laws regulating labor recruiters; however, NGOs urged increased monitoring and enforcement of these laws. The law prohibited contract switching, the charging of placement or recruitment fees to workers, and passport and wage withholding. However, NGOs noted labor trafficking received insufficient attention and resources to conduct adequate investigations. 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 continued to assert authorities pursued many labor trafficking cases as administrative labor code violations, resulting in lesser consequences and decreased deterrence. Further, authorities often prosecuted and shut down the legal entity or company rather than the perpetrator responsible; the perpetrator would then establish another company under a new name and continue to exploit victims in labor trafficking. The government reported conducting 62 labor inspections in 2020. As part of its inspection efforts, the government held a joint action day (JAD) in September 2020, where police and financial inspectors conducted 19 of the 62 total inspections; inspectors targeted transportation workers, cleaning companies, and the agricultural sector. The government reported identifying one potential labor exploitation victim during the JAD. Asylum centers and an NGO funded by the MOI continued to screen all new migrant and asylum arrivals for trafficking indicators, but the government did not report whether it identified any trafficking victims. In partnership with the Government of Austria, the government continued funding an anti-trafficking program in Serbia. The government did not make efforts to reduce the demand for commercial sex acts. The government continued the implementation of an initiative that resulted in 13 companies, including an additional four in 2020, committing to an action plan to respect human rights in business and supply chains, with a particular emphasis on preventing forced labor in supply chains.

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. Temporary work agencies continue to exploit workers, which sometimes amounts to labor trafficking. While awaiting case adjudication, asylum-seekers are legally unable to work, increasing their vulnerability to labor trafficking. Traffickers exploit women and children from Slovenia, 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.

ecoi.net summary:

Annual report on trafficking in
persons (covering April 2020 to
March 2021)

Country:

Slovenia

Source:

[USDOS – US Department of State](#)

Original link:

<https://www.state.gov/reports/2021-trafficking-in-persons-report/slovenia/>

Document type:

Periodical Report

Language:

English

Published:

1 July 2021

Document ID:

2055280

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