

**Report on the Work of the Interdepartmental Working  
Group for Combating Trafficking in Human Beings in 2005**

Ljubljana, February 2006

## Summary

Decision no. 240-05/2003-1 of the Government of the Republic of Slovenia passed on 18 December 2003, on the establishment of the Interdepartmental Working Group for Combating Trafficking in human beings (hereinafter referred to as the IWG), obliges the IWG to submit periodic reports to the Government of the Republic of Slovenia on the activities executed in the area of trafficking in human beings in Slovenia.

In 2005, the IWG had four meetings on the following dates: 25 March, 18 May, 28 September and 3 November. The issues discussed and the conclusions reached during these working meetings were, on each occasion, recorded in the Minutes of the IWG meeting, which were distributed to all members after being approved.

The year 2005 was characterised, above all, by problems concerning the financing of the project "Care for the victims of trafficking in human beings" and, indirectly, the financing of the non-governmental organisation "Ključ", the project executor. There were several meetings of the central working groups - members of the IWG, especially representatives of the Ministry of the Interior, the Ministry of Justice, and the Ministry of Labour, Family and Social Affairs, which were charged with the direct responsibility to find a solution to the problem. Individual projects defined in the 2004 Action Plan had to be made more transparent with regard to holders of activities, provision of funds and implementation deadlines. More changes had to be made to the content of the *Treatment of Victims of Trafficking in Human Beings* Project, especially concerning the principles of equality and transparency in the cooperation with non-governmental organisations as well as the legality of use of budgetary funds. With regard to the said principles, the implementation of the basic help under international standards in this field is possible only with the invitation to the interested non-governmental organisations that can provide help and assistance to victims. As a result of these meetings and based on preliminary consultations, the Government of the Republic of Slovenia passed, during its 50<sup>th</sup> regular session, Decision No. 23100-2/2005/9 on the Amendments to the Action Plan of the Interdepartmental Working Group for Combating Trafficking in human beings for the period 2004-2006. The Government also defined more precise conditions for the financing of the non-governmental organisation, Ključ, for the implementation of the "Care for the victims of trafficking in human beings" project in 2005 and announced a public competition for the same project for the year 2006. More information about the contents and implementation of the project as well as the financing of the Ključ Association is presented in paragraph IV of this report - "The care for the victims of trafficking in human beings project".

Regarding the issue of combating trafficking in human beings, coordinated reports and answers were prepared for various institutions in the country as well as for certain international non-governmental organisations. An answer was also provided to the National Assembly in response to a question addressed to the Government of the Republic of Slovenia that was posed on 15 June 2005 by a Member of Parliament, Majda Potrata, concerning trafficking in human beings in the Republic of Slovenia. A reply, in the form of an explanation, was also given to the Ombudsman regarding the solving of the problems of the Ključ Association and the tackling of trafficking in human beings problems in the Republic of Slovenia. The Slovenian Caritas and Red Cross Slovenia responded positively to the invitation of the IWG which was sent to them with the aim of broadening cooperation with non-governmental and humanitarian organisations for ensuring greater efficiency of actions aimed at combating trafficking in human beings.

## Legislation

Noticeable developments were made in 2005 in the legislative field, in the area of the formulation of policies for combating trafficking in human beings. The Witness Protection Act was adopted whose implementation applies also to the protection of witnesses victims of trafficking in human beings. The Act Amending the Criminal Procedure Act was adopted

which provides that young victims of trafficking in human beings crimes (Article 387 of the Penal Code) must be designated an authorised representative for protecting their human rights. The Act Amending the State Prosecution Act continues to stipulate the area of trafficking in human beings to fall within the competences of the newly transformed State Prosecutors Group for the Prosecution of Organised Crime, operating within the General State Prosecution of the Republic of Slovenia. A very important document, the "Resolution on the National Programme for Equal Opportunities for Women and Men 2005-2006" was adopted in National Assembly at the end of the year. The document includes, among the strategic goals, also the systematic regulation of the prevention of trafficking in human beings and sexual exploitation for prostitution and pornography. And the newly adopted SE Convention on the measures for combating trafficking in human beings is an international document, which envisages the comprehensive regulation of this problem. The coordination of the initiative for signing the convention on the part of the Republic of Slovenia was in the final stages at the end of the year.

### **Prevention**

Regarding prevention, activities were conducted in 2005 aimed at raising the awareness of the public at large, whereby special mention must be made of the publication of the issue of trafficking in human beings and the activities of the IWG on the web page of the Government of the Republic of Slovenia: ([http://www.vlada.si/delo\\_vlade/projekti/boj\\_trgovina\\_z\\_ljudmi](http://www.vlada.si/delo_vlade/projekti/boj_trgovina_z_ljudmi)).

Regarding the raising of awareness of the target population, the "Violica" programme was continued which included educational activity in primary and secondary schools on the dangers of trafficking in human beings, and the organisation of a series of workshops on combating child abuse. Specific publications were made for the expert public which included translations of important international documents as well as expert papers proceedings. These were distributed during occasional events at conference, seminars and roundtable gatherings. These events were jointly organised by state institutions and non-governmental organisations. As a form of research activity, a research project was conducted within the framework of the project for the reintegration of the victims of trafficking in human beings (EQUAL), with the aim of investigating the possibilities for the employment of victims of trafficking in human beings by Slovene employers.

The IWG designed a methodology for gathering data on trafficking in human beings in Slovenia which is based on measurable data collected by the Police and State Prosecution. The method also takes into account the information provided by non-governmental organisations concerning the work with the victims of trafficking in human beings as well as the data provided by the Employment Directorate of the Republic of Slovenia with respect to the granting of work permits to aliens in individual areas of work. There is a slight trend of a decrease in the number of work permits granted by the Directorate for the occupation of dancers (694 in 2004 as compared to 707 in 2004) and in the area of construction (3465 in 2005 as compared to 3665 in 2004), while an increase has been observed in the area of work permits granted to Chinese nationals (284 in 2005 as compared to 245 in 2004).

### **Prosecution of criminal offences**

In 2005, 7 criminal cases were considered (3 cases for the crime of Trafficking in human beings stipulated in Article 387a of the Penal Code, 4 cases for the crime of Subjection to a Relationship of Slavery stipulated in Article 387 of the Penal Code) on 12 persons (offenders) involving 8 victims of human traffic activity. Due to the agreement that narrowed down the scope of criminal cases that may be registered as trafficking in human beings offences (only crimes stipulated in Articles 387a and 387 of the Penal Code and no longer also crimes concerning prostitution and illegal state border crossing), recent statistics show a decrease in the number of cases in comparison with previous years.

### **Help to and protection of victims**

In 2005, the Ključ Association dealt with, in way of offering help, 16 potential victims of trafficking in human beings who required several personal and telephone conversations, short-time psychosocial help, help in re-establishing contacts with families, in establishing contacts with competent organisations in the country of origin which they were returning to or in contacts with the Slovene Police. Help for trafficking in human beings victims was also provided within the framework of the project for the introduction of mechanisms for recognising, assisting and protecting victims of trafficking in human beings and/or sexual violence during asylum procedure in Slovenia (PATS). The project was prepared jointly by the Asylum Section of the Ministry of the Interior, the non-governmental organisations: the Ključ Association and the Centre for Psychosocial Assistance for Refugees of the Slovene Philanthropy and the United Nations High Commission for Refugees (UNHCR). The PATS project has been continued from 2005 into 2006 and is being financed, in accordance with the action plan of the IWG, by the Ministry of the Interior. Within the framework of this project, 96 informative questionings were conducted with asylum seekers in 2005. As an example of good practice, the PATS project has been adopted by other East Balkans countries (Croatia and Bosnia and Herzegovina). The project for the reintegration of the victims of trafficking in human beings (EQUAL) mentioned above was also executed in 2005, financed by the European Social Fund. The project was executed by the Ključ Association after winning the public competition called by the Ministry of Labour, Family and Social Affairs.

### **Training**

In the area of education, joint horizontal training programmes were organised for non-governmental organisations and expert personnel for the detection and prosecution of crimes concerning trafficking in human beings. Regular vertical training programmes were also organised within individual organisations working in the area of trafficking in human beings and their representatives attended educational events abroad.

### **International cooperation**

Numerous regional and international activities were also conducted on the subject of trafficking in human beings which were organised within the framework of the United Nations, the Organisation for Security and Cooperation in Europe, the Council of Europe, the Commission of the European Union, the International Organisation for Migration, regional initiatives, the Europol, the Interpol, Eurojust and other non-governmental links. Participation at these meetings was characterised by presentations made by Slovene representatives.

The activities of the IWG depended also on the actual needs and operational work of both governmental and non-governmental organisations in the area of prevention of and combating trafficking in human beings. The report continues with the presentation of the activities of the IWG by the main areas determined in the Action Plan.

## **I. Legislative framework**

In December 2005, the Ministry of Justice prepared a Draft Law on the Amendment of the State Prosecution Act which was adopted by the Government of the Republic of Slovenia on 22 December 2005 and submitted for fast track procedure to the National Assembly of the Republic of Slovenia (announced in the National Assembly Informer, No. 1/06). The Draft Law, among other things, abolishes the stipulation of trafficking in human beings as one of the competences of the State Prosecutors Group for Special Matters operating within the General State Prosecution of the Republic of Slovenia (Article 10 of the State Prosecution Act, Official Gazette of the Republic of Slovenia, No. 14/03-UPB1), as the stated group will be transformed into the State Prosecutors Group for the Prosecution of Organised Crime, operating within the General State Prosecution of the Republic of Slovenia with different competences (Article 2 of the Draft Law amending Article 10 of the State Prosecution Act). The area of trafficking in human beings will continue to fall within the competences of above

mentioned new specialised group for which the provisions of the draft law stipulate broad competences: “the field of organised crime, classic and commercial crime and other crimes the detection and prosecution of which require special organisation and skills”. Criminal activity concerning trafficking in human beings (Articles 387 and 387a of the Penal Code) undoubtedly constitute part of organised crime or may be included in the general definition of criminal offences, “the detection and prosecution of which require special organisation and skills”. The above-mentioned law was published in the Official Gazette of the Republic of Slovenia, No. 17/2006 and the provision of the amended Article 10 entered into force on 4 March 2006.

Individual members of the IWG participated, as representatives of their respective departments and also on the basis of tasks specified in the Action Plan, in the preparation and formulation of the Witness Protection Act, which was adopted by the National Assembly on 30 November 2005.

In 2005, the Ministry of Justice also prepared the Act on the Amendment of the Criminal Procedure Act, which was adopted by the National assembly on 28 October 2005 (Official Gazette of the Republic of Slovenia, No. 101/2005). Article 1 of this Act amended the wording of the third paragraph of Article 65 of the Criminal Procedure Act adding the words “and the crime of trafficking in human beings under Article 387a” which means that that young victims of trafficking in human beings crimes are entitled under Article 387 of the Penal Code to an authorised representative who is responsible for protecting their human rights, especially concerning the protection of their integrity during questioning before the court and the filing of financial claims.

During its 30<sup>th</sup> emergency session that was held on 7 December 2005, the Foreign Affairs Committee of the National Assembly of the Republic of Slovenia considered and approved the Initiative to Conclude an Agreement Between the Republic of Slovenia and the United States of America on Cooperation in Combating Organised Crime, Illegal Trafficking in Drugs and Precursors, Terrorism and other Crimes among which it is important to specify cooperation in actions for combating trafficking in human beings.

On 27 October 2005, the National Assembly of the Republic of Slovenia adopted the “Resolution on the National Programme for Equal Opportunities for Women and Men 2005-2013”. Among the strategic goals of the policy of equality of sexes is the “systematic regulation of the prevention of trafficking in human beings and sexual exploitation for prostitution and pornography” (wording of point 16 of the second paragraph of chapter 4 - the Purpose and aims of the national programme). Special emphasis is put on the area of human trafficking in the second paragraph, in subsection 5.2.2. on Trafficking in human beings and sexual exploitation.

In February 2005, negotiations and cooperation in the European Council Ad Hoc Committee On Action Against Trafficking in Human Beings (CAHTEH) were concluded, whose aim was to prepare the Convention On Actions Against Trafficking in Human Beings. The Slovene delegation was represented in the Committee by the National Coordinator for Combating Trafficking in Human Beings. At the same time, Slovene experts from the Ministry of the Interior and from the Directorate for Equal Opportunities also participated as representatives of the Human Rights Committee and the Committee for Equality of Sexes. The Convention was adopted during the emergency meeting of the Committee of Ministers of the Council of Europe, which was held on 3 May 2005. It was opened for signing during the meeting of the Third Summit of the Prime Ministers and Heads of State of the Council of Europe which took place in Warsaw on 16 and 17 May 2005. The initiative for the Republic of Slovenia to sign the Convention is presently under governmental procedure.

## **II. Prevention**

Prevention is undoubtedly one of the most important fields of measures against trafficking in human beings. In order to avoid the consequences which, due to the vulnerability of human dignity and the violation of human rights, are difficult to remedy, it is necessary to invest into preventive activities and, in this way, attempt to eradicate or at least lessen this deviant phenomenon of modern society.

Preventive action is possible at various segments and, at the same time, for different target groups. It includes raising the awareness of the general public and of the expert public, the awareness of target groups – potential victims of trafficking in human beings, research activity, monitoring the phenomenon and strengthening control mechanisms within the framework of investigations and prosecution authorities as well as within the framework of other institutions whose work concerns the area of combating trafficking in human beings.

Within the framework of preventive activities, point 4 of the Action Plan specifies the need to develop an appropriate methodology for gathering statistical data on the occurrences of trafficking in human beings in the Republic of Slovenia. Previous experiences show that it is difficult to describe the phenomenon in a way that would reflect a specific time period on the basis of statistical data on number of cases – criminal charges, indictments, final sentences, number of suspects and victims. It is necessary to take into consideration the duration of procedures and the changes in circumstances of individual cases which, through time, transform from the initial criminal charge into an indictment and finally into a sentence. There are many possibilities for several complications to arise in individual cases and these are difficult to monitor. In view of these observations, the IWG decided that human trafficking activity in the Republic of Slovenia should be monitored on the basis of measurable data gathered by the Police and the State Prosecution, i.e., on the basis of direct indicators. In addition, indirect indicators will also be taken into consideration using information provided by non-governmental organisations regarding their work with the victims of trafficking in human beings whereby the number of cases considered needs to be preliminarily harmonised. Records are made also of the data supplied by the Employment Directorate of the Republic of Slovenia concerning the granting of working visas to foreign nationals, for the so-called risk occupations, where there are possibilities of the occurrence of elements of trafficking in human beings. Such measurable data are presented in tables as appendices to this report. The IWG will improve the indicators for human trafficking activity in the Republic of Slovenia in accordance with international, European and national standards and practice.

### **Raising general public awareness**

One of the forms of raising public awareness is access to basic information published on Internet web pages. As such, the issue of combating trafficking in human beings started to be published, on May 2005, on the website of the Government of the Republic of Slovenia in the Slovene and English languages at:

[http://www.vlada.si/delo\\_vlade/projekti/boj\\_trgovina\\_z\\_ljudmi](http://www.vlada.si/delo_vlade/projekti/boj_trgovina_z_ljudmi)). The page includes a presentation of the work of the Interdepartmental Working Group for Combating Trafficking in Human Beings, key international and national documents, researches and reports as well as links with organisations that provide assistance to the victims of human trafficking. The Government Public Relations Office is responsible for ensuring actuality of the information published. Internet users main gain access to this information also through the e-administration portal: <http://e-uprava.gov.si/e-uprava/> - sub-portal “Življenski dogodki”.

In the area of public information via electronic media, the Ljubljana office of the International Organisation for Migrations (IOM) was also active in 2005 performing daily monitoring and gathering information from the Slovenian public media concerning trafficking in human beings

and disseminating to the interested public information published by the Geneva IOM on the subject of migrations.

As a form of preventive action, the Ključ association distributed 3000 preventive flyers on human trafficking during the concert of the group ERM in Tivoli. During the EXIT festival which was organised within the framework of the project "Free your mind", preventive/promotional material was prepared on the subject of combating trafficking in human beings. Both events were organised by the MTV television company which also invited the Ključ Association to participate in the project.

### **Raising target populations awareness**

In 2005, the Ključ Association continued with the "Vijolica" preventive programme on how to avoid falling into the traps of trafficking in human beings", which is being conducted in primary and secondary schools in Slovenia. Workshops on the traps of human trafficking were organised for approximately 300 users. In 2005, the Association also continued with workshops on the measures against child abuse – Child Abuse Prevention. Workshops were organised for about 700 participants.

Informative flyers were also printed and distributed to victims of trafficking in human beings which included information on the forms of assistance provided by the Ključ Association and on the procedures conducted by the police as well as about the questioning before the investigating judge. In March 2005 in the Gotenica Training Centre, police officers and criminal investigation officers were distributed with 2000 flyers within the framework of the training of the so-called multipliers.

### **Raising expert public awareness**

The Ministry of the Interior and Ministry of Labour, Family and Social Affairs financed the publication of "The Human being is not for sale: A selection of international documents for action against sexual exploitation and child abuse", which was published by the Information and Documentation Centre of the Council of Europe in Ljubljana, at the National University Library in Ljubljana. The publication was printed in 2000 copies. It was distributed within the framework of the international conference on child violence which took place in Ljubljana in July 2005 whereby 250 copies were distributed to police directorates in Slovenia with the aim of educating and raising the awareness of the expert staff of the police. The publication was distributed also to primary and secondary schools, to centres for social work, non-governmental organisations and the media. It includes translations of the following important international documents: Jokohama Global Commitment 2001, Convention of the Council of Europe on Action Against Trafficking in Human Beings, Explanatory Report to the Council of Europe Convention on Action Against Trafficking in Human Beings, Convention on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child Regarding Child Sale, Child Prostitution and Child Pornography, UNICEF Guidelines for the Protection of the Rights of the Child Victims of Trafficking in South-Eastern Europe, Recommendation of the Committee of Ministers of the Council of Europe Rec (2001) 16 on the Protection of Children Against Sexual Exploitation, Resolution of the Parliamentary Assembly of the Council of Europe Res 1307 (2002) on the Sexual Exploitation of Children: zero tolerance.

In collaboration with the Faculty of Law and Faculty of Social Work, the Ključ Association organised visiting lectures for the fourth-year students at these faculties.

In collaboration with the South-East European Child Rights Action Network and the Faculty of Social Work, the Ključ Association organised three roundtable discussions on trafficking in

human beings. The roundtable discussions took place in Ljubljana, Maribor and Koper. Introductory presentations to the discussions were made also by representatives from the IWG. The discussions are presented in the proceedings "Trafficking in Human Beings in Slovenia: Fiction or Reality?"

In 2005, the International Organisation for Migrations together with its partners (Slovenian Philanthropy – Centre for health promotion; the Robert AIDS Foundation, and the Clinic with counselling for persons without health insurance) conducted a local project in the area of the prevention of the spread of HIV/AIDS which was financed by Ljubljana Municipality and the Dutch Embassy in Slovenia. The project is intended for narrower and broader target groups. The narrower target group includes vulnerable groups of victims of trafficking in human beings, prostitutes, non-documented migrants and asylum seekers while the broader group includes all the inhabitants of Ljubljana Municipality, especially those who have intimate relations with members of the narrower target group or their partners. The basic aim of the project is to contribute to the prevention of the spreading of HIV/AIDS among the mobile population and migrants and to raise the awareness of the inhabitants regarding the importance of the health requirements of the mobile population, especially regarding their vulnerability to infection with the HIV/AIDS virus and other infectious diseases. The project's main activities include the preparation of an information brochure, identifying information locations and contact persons, telephone counselling through the already existing telephone line of the Robert AIDS Foundation and the possibility of taking HIV tests at the Infections Clinic.

### **Research Activity**

Within the framework of the EQUAL initiative, "Development partnership (re)integration of the victims of trafficking in human beings", the Ključ Association conducted a research among Slovenian employers with the aim of investigating the level of possibilities for the employment of the victims of trafficking in human being. The execution and financing of the EQUAL project is presented in this report in the chapter on "Help and protection of victims of trafficking in human beings"

The test population included commercial enterprises (joint stock companies, limited liability companies and independent businesspersons) performing basic activities in construction, trade, catering, tourism and other service activities (activities specified in the Standard Classification of Activities under categories F, G, H I and some activities from the O list). Data on population was obtained from the PIRS 2004 database. Through the use of the special criterion of at least two employees, the population was limited to 15,320 companies from which a random sample of 3,063 companies was selected.

The questionnaire consisted of the following three main sections: how the respondents recognise the problem of trafficking in human beings, do they participate in anyway in solving this problem and testing the possibilities and views of respondents about the subject of the (re)integration into work of the victims of human trafficking.

#### **- Section 1: Awareness**

92% of the respondents stated that they were aware of the problem of trafficking in human beings but only poorly or not so well. In describing the general characteristics of the victims of human trafficking, the dominant opinion was that these are in most cases persons with primary school education or lower. Most of the respondents also felt that the majority of victims are war orphans, prostitutes and economic migrants.

#### **- Section 2: Involvement**



Only one respondent answered this question positively. Among the respondents that gave a negative answer (43 respondents, three answered "I don't know" and three declined to answer) the reasons most frequently mentioned were the following:

- a) insufficient knowledge about the problem and the possibilities for participation;
- b) there was no request for cooperation or help from the relevant organisations;
- c) inadequate resources or very small company;
- d) there was no opportunity for such action.

### - Section 3: Positive or negative aspects of employing victims of trafficking in human beings

Respondents were offered 6 aspects, which would act as possible incentives for employing victims of trafficking in human beings and were asked to assess their importance. It was discovered that state financial help and tax exemptions still lead the list while humanitarian considerations come in third place (according to the average rating of responses). More than fifty per cent of the respondents did not have any reservations regarding the employment of foreign nationals.

Respondents were further asked which form of assistance, help or cooperation they would like from the Ključ Association if they were to decide to cooperate in the (re)integration of the victims or their employment. The most important form of assistance that would be required was help in the regulation of documentation and in the organisation of additional training for the victims. The active monitoring of the victims in the programme of employment also scored highly. At the end of the questionnaire were question for the statistical processing of data (demography) and a question whether respondents wish to obtain more information on the problem of trafficking in human beings and the EQUAL programme. 30% of the respondents declined to answer this question, 30% would like to get more information about trafficking in human beings, either on the EQUAL or both. 40% of the respondents did not wish to know more about trafficking in human beings nor about the EQUAL programme. (Note: The results of the research will be announced on the website of the Ključ Association).

### **Monitoring the activity through the employment of foreign nationals**

The Employment Directorate of the Republic of Slovenia keeps statistical records of foreign nationals employed or performing work in Slovenia. Due to the possibility of abuse of work permits, special attention needs to be paid to the granting of work permits for the so-called "risk occupations" which present the potential for trafficking in human beings. These include occupations in the dancing profession, entertainment programmes, the construction industry and work permits for Chinese nationals.

In 2005, 694 work permits were granted to nationals of third countries for the occupation of dancers which represents a slight decrease in the number of grants in this area. There were 86 applications for employment submitted for the dancer occupation by females from EU Member States, especially the new Member States. This may be attributed to the free movement of workers between Slovenia and the new EU Member States. In accordance with the agreement with the Ministry of Labour, Family and Social Affairs and the Employment Directorate of the Republic of Slovenia, the verification of additional conditions were carried out also in 2005 during the granting of work permits for dancers from third countries (in addition to the conditions stipulated in the Employment and Work of Aliens Act and Regulation on the Procedures and Proofs for Deciding on the Granting of a Work Permit). The additional conditions included the existence of business premises where the work is to be performed and the securing of the preliminary opinion of the Labour Inspectorate regarding the possibilities for employment at the applicants.

In 2004, there was a 55% fall in the number of work permits granted for construction activity (seasonal labour). As such, 3665 work permits were granted for seasonal work in the construction industry. With 3,465, there were no significant changes in the number of permits granted for the construction industry in 2005.

There was a slight increase in the percentage of work permits granted to Chinese national which may be attributed to a growing trend of an increase in the number of Chinese restaurants in Slovenia. The number of work permits granted to Chinese nationals in 2004 was 245 and it rose to 284 in 2005. In the granting of work permits for Chinese cooks in Slovenia, an additional condition was verified in addition to the conditions stipulated in the Employment and Work of Aliens Act and Regulation on the Procedures and Proofs for Deciding on the Granting of a Work Permit. It was verified whether the business premises existed where the work was to be performed.

We believe that an important step was taken in Slovenia in 2005 in the reduction of potential possibility of abuse of work permits in cases of employment of foreign nationals, especially in the area of the so-called "risk occupations" where circumstances could indicate the possibility of trafficking in human beings. This is evidenced in the data referred to above which are presented in Tables 2 and 3 in the appendix to this document.

### **III. Prosecution of criminal offences related to trafficking in human beings**

#### **Police activity**

After the implementation of amendments to the criminal legislations concerning prostitution and trafficking in human beings in 2004, police operations are directed primarily into the detection of criminal gangs and individuals engaged in the abuse of prostitution and human trafficking. The identification of criminal gangs and individuals is made difficult by the activities of the offenders (threats, constant surveillance, intimidation, etc.) who disable or prevent the victims from reporting these crimes. Nor do sexual service consumers or other people that are connected in any way with the victims, have easy access to this information. As such the Police dealt with the following criminal offences in 2005 in connection with trafficking in human beings:

- Three cases were considered. Criminal charges were filed for the crime of **Trafficking in human beings under Article 387a of the Penal Code**. Charges were brought against 4 suspects and the crime involved 4 victims. Two reports were also made of this particular crime to the competent state prosecution and 2 suspects and two victims were considered.
- Two criminal offences were considered of **Subjection to a relationship of slavery under Article 387 of the Penal Code** and two reports were made to the competent state prosecution. Charges were brought against 2 suspects, and the crime involved 2 victims.
- The Police dealt with 10 criminal offences of Abuse of prostitution **under Article 185 of the Penal Code** and submitted 4 reports to the competent state prosecution in connection with these crimes. Charges were brought against 13 suspects with 8 victims involved. One report was also made for the crime of Mediation in prostitution under Article 186 of the Penal Code, as a supplement to the criminal charges brought prior to the implementation of amendments to the Penal Code in 2004.

Slovenia still remains primarily a transit country. The circumstances in several cases indicated that the victims of prostitution and trafficking in human beings under police

procedure were in transit stages and that they were not aware of these crimes or that the signs of crimes of prostitution and trafficking in human beings had not yet been fulfilled. For this reason, offenders were considered for other crimes (illegal border crossing or state territory, document forgery, etc.).

Worth mentioning as an example of good practice in 2005 was the conclusion of the case of an international criminal organisation which was engaged in the facilitation of girls in Ukraine and Bulgaria and the sexual exploitation of girls in Slovenia. Covert investigation measures were applied with which vital evidence was obtained for further criminal procedure which was guided by the Group of Prosecutors for Special Matters at the General State Prosecution. During the period of investigation of the criminal organisation, cooperation was established also with Ukrainian security authorities who assisted in identifying the members of the criminal gang operating in the territory of Ukraine. Charges were brought against 4 suspects for the crime of trafficking in human beings and against two suspects for the crime of abuse of prostitution. These crimes involved 7 victims.

### **Activities of state prosecutors**

Also in 2005, the District State Prosecutions of the Republic of Slovenia had certain district state prosecutors or assistants who were charged with the responsibility to monitor and guide operations in the field of trafficking in human beings. They were also required to submit every six months to the General State Prosecution of the Republic of Slovenia statistical data on the criminal offences considered of subjection to a relationship of slavery under Article 387 of the Penal Code and of Trafficking in human beings under Article 387a of the Penal Code. The amended criminal legislation also had an impact on the detection and investigation of criminal offences in related to trafficking in human beings, in particular the criminal offence of Abuse of prostitution under Article 185 of the Penal Code and the problem of Internet child pornography which is stipulated in the criminal offence of Showing, producing, possessing and dissemination of pornographic material under Article 187 of the Penal Code.

The criminal legislation amended in 2004 required that district state prosecutions continued to monitor in 2005 also the crime of subjection to a relationship of slavery under Article 387 of the Penal Code and of Trafficking in human beings under Article 387a of the Penal Code in view of the substantial connection with the criminal offence of subjection to a relationship of slavery under Article 387 of the Penal Code and of trafficking in human beings under Article 387a of the Penal Code.

- in 2005, 3 charges were brought against 6 persons for the criminal offence of **trafficking in human beings under Article 387a of the Penal Code**. All the six victims were adult females. The charges brought against one person were **dismissed** while investigations were instituted in 2 cases against 5 persons. An **indictment** was made upon the conclusion of investigations which was followed by an acquittal on 13 April 2005 against which the District State Prosecutor filed an appeal. This case is still pending. In one of the cases filed against 4 persons, the prosecutor requested for investigations to be conducted, the decision was issued and the investigations started on 5 September 2005.

- In 2005, the District State Prosecutions in the Republic of Slovenia received 3 criminal charges brought against 6 persons for the crime of **Subjection to a relationship of slavery under Article 387 of the Penal Code**. Two charges brought against 5 persons were **dismissed** while the charges filed in one case were not decided on by the prosecution. Prosecutors do not report on the precise number of victims but the statistical reports clearly show that the victim of this crime was a young female.

At the beginning of 2005, 5 criminal cases remained unsolved from the previous period. These were cases against 12 offenders for crimes under Article 387 of the Penal Code. All

cases are being considered by the Group of State Prosecutors for Special Matters. There were 16 victims, all of them females. In 2 of the cases, appeals were filed on 26 February 1999 and 1 October 2001. Three cases still remain under investigation which was requested for on 21 August 2001 and 25 July 2002 and broadened on 13 April 2004 and 6 August 2002.

In December 2004, the District State Prosecution in Nova Gorica filed charges against one defendant for the criminal offence of trafficking in human beings under Article 387a of the Penal Code whereby the victim was an adult female. On 13 April 2005, the defendant was acquitted and the District State prosecutor filed an appeal. The High Court had not yet decided on the case by the end of 2005.

The operation of the judicial system has been frequently criticised as inadequate by international institutions and other observers. The number of convictions in comparison with the number of cases considered in recent years is very small. So far there have been only two convictions, one in 2002 and the other in 2005, in the area of criminal offences with elements of trafficking in human beings.

#### **IV. Help and protection of victims of trafficking in human beings**

##### **The PATS project**

The project for the introduction of mechanisms for recognising, assisting and protecting victims of trafficking in human beings and/or sexual violence during asylum procedure in Slovenia (PATS) was prepared jointly by the Asylum Section of the Ministry of the Interior, the non-governmental organisations: the Ključ Association and the Centre for Psychosocial Assistance for Refugees of the Slovene Philanthropy and the United Nations High Commission for Refugees (UNHCR). The aim of the project is to contribute most efficiently to the suppression of human trafficking activity in the area of asylum. The PATS project was supported also by the IWG which included it in the government action plan of work for the years 2004-2006. Accordingly, the PATS project started to be implemented in July 2005 and continued into 2005. In 2005, the Ministry of Foreign Affairs provided SIT 6,400,000 for financing the project.

The pilot PATS project is unique in many aspects. First, it is a programme intended directly for "potential" victims of human trafficking in such a way that it provides them, in their own language or in the language that they understand, intensive individual information about the dangers of trafficking in persons and informs them about the possibilities for seeking protection and help. In view of the fact that asylum procedures often present one of the migration channels which may be abused by human traffickers for transporting "human goods" to destination countries, the preventive effect of the programme for this part of the population (asylum seekers), who represent one of the most vulnerable categories of migrants, is particularly important. The specificity of the project certainly facilitates also cooperation between governmental, non-governmental and intergovernmental sectors during the stage of preparation and implementation of the PATS project.

While each actor is individually involved with their work in the activities of the PATS project, there is constant close coordination between the project partners as well as mutual information and exchanges of expert help. The primary role in the PATS project, especially with respect to direct work with victims, is played by the non-governmental organisation which performs daily preventive and individual informative talks with asylum seekers in the Asylum Home. For this purpose, an expert staff is present every day in the accommodation centres (five days a week for 4 hours a day). The talks conducted with the help of translators contribute to informing of and raising the awareness, of especially the most vulnerable populations of single females and unaccompanied children, about the existence and dangers

of trafficking in human beings and sexual abuse. Asylum seekers are also specially briefed about the elements of the criminality of activities related to trafficking in human beings and/or sexual abuse since this is the first step that facilitates the easier recognition of their role as victims leading the victims thus leading the victims to talking more freely. During the briefings, attention is given also to the fact that "victim" status does not mean the stoppage of the asylum procedure. It is vital that the potential victim is notified about the possibilities of access to help and protection in the Republic of Slovenia and in the countries within the region so that individuals can seek for efficient help the moment they realise that they have fallen victim to one and/or another form of abuse. For the purposes of raising the awareness of asylum seekers, a special brochure was prepared within the framework of the project in four languages. Although it appears at first sight to be a dictionary, in reality it represents preventive material with an explanation of what trafficking in human beings is and what sexual abuse is, which kind of help is available for victims and the contact information about the organisations where they may seek help.

Like in 2004, protection and help for recognised victims of trafficking in human beings which represents an essential supplementary part of the PATS project was provided by the Ključ Association also in 2005. Their cooperation is based also on the Agreement on Cooperation which was signed with the Ministry of the Interior. In accordance with this Agreement, the Ključ Association has in the Asylum Home a mail box where potential or actual victims may leave messages on the basis of which personal meetings are later organised with the particular individual and further measures taken, where necessary. A telephone counselling line operates also within the framework of the Ključ Association through which individuals may call and talk to counsellors. In addition to counselling, the Association may offer victims of trafficking in human beings crisis accommodation meant for victims that need to be moved immediately from a threatening situation. The Ključ association also offers victims, under certain conditions, accommodation in a safe place. In the event of the accommodation in a safe place of victims that were previously accommodated in the Asylum Home, the victims are entitled to the rights that apply to displaced asylum seekers. In 2005, none of the persons involved in the PATS project identified themselves as a victim that would require crisis accommodation or accommodation in a safe place.

### Regionalisation of the PATS project

The proposal for the regionalisation of the PATS project was prepared by the project partners in 2004 and presented it to the IWG which approved the process of extending the good practice from Slovenia to the region of South-Eastern Europe. With the help of its regional representation in Budapest, the UNHCR discovered that PATS is a unique model which, in the suppression of trafficking in human beings activity, takes into account also the aspect of migration and asylum. The Ministry of Foreign Affairs of the Republic of Slovenia expressed its interest and support for the extension of the project right from the beginning. Within the framework of Slovenian foreign policy objectives, the Ministry pays special attention to human rights (among these the acute problem of trafficking in human beings) as well as to supporting the states of South-Eastern Europe in the processes of democratisation.

Due to the complexity of the process and the need for the cooperation of organisations from the selected countries (especially in the so-called "substantial input"), the regionalisation of the PATS project will proceed gradually. PATS will initially be implemented in the Croatia and Bosnia and Herzegovina and later in the wider South-Eastern European region. In order to facilitate a comprehensive approach and a better project perspective, the UNHCR invited for cooperation also the sister organisations, the Office of the High Commission for Human Rights (OHCHR) and the United Nations Office for Drugs and Crime (UNODC) which received a donation of US \$ 69,000.00 from the Republic of Hungary for the implementation of the PATS project in Bosnia and Herzegovina and in Croatia.

The regionalisation process is planned in three stages. The first stage was implemented in 2005 (concluded in April 2005), within the framework of which the Slovenian partners prepared a PATS regional conference in Ljubljana and two follow-up seminars in Zagreb and Sarajevo. The purpose of the seminars was to enable the representatives of governmental and non-governmental organisations from Croatia and Bosnia and Herzegovina to develop their own model of the PATS project (suited to their environment and legal system) with the help of the knowledge and experience of their Slovene colleagues. The second stage of regionalisation is intended for the implementation of the PATS project in Croatia and Bosnia and Herzegovina. In 2005, PATS started operating in Croatia, implemented by Croatia Red Cross while in Bosnia and Herzegovina, an agreement was signed between the UNODC and a non-governmental organisation called "Bosnian and Herzegovina Women Initiative". The project will start to operate in Bosnia and Herzegovina in 2006. The third stage envisages the transfer of the PATS model to the rest of the countries of South-Eastern Europe although the time framework for this stage has not yet been determined since the transfer will depend also on the development of the project in Bosnia and Herzegovina and Croatia. The first stage of regionalisation was financed by Ministry of Foreign Affairs for which a special report was prepared.

#### Implementation of the PATS project in 2005 in Slovenia

In 2005, informative talks were held with **96 asylum seekers** within the framework of the PATS project. Due to the transfer of the project from the Centre for psychosocial help for refugees of the Slovenian Philanthropy to the Ključ Association the project was not implemented in January 2005. In accordance with the arrangement agreed between the partners, the PATS project continued to be implemented in February 2005 by the Slovenian Philanthropy which had talks with **4 persons** during this period none of which identified themselves as a victim of trafficking in human beings. From March 2005, the implementation of the PATS project was taken over by the Ključ Association. The analysis and statistics in the appendix were prepared on the basis of experiences gathered during a period of ten months and all conclusions are, as such, based on and limited to this data. The number of informative talks depends mostly on migratory flows, i.e., on the number of asylum seekers in the Republic of Slovenia. Informative talks were held with 92 persons of which 65 were males, which accounts for 71% of the entire population. From March onwards, there is a visible reduction in the number of informative talks with women consumers while at the same time a constant number of informative talks with men may be observed, with the exception of the month of April in which the biggest number of talks with males was recorded. Young people account for 72% of the total population among which there are only three females. The predominant countries of origin of consumers are: Albania, Moldavia, Turkey, India and Serbia and Montenegro.

#### The care for the victims of trafficking in human beings project

The problems of financing the non-governmental organisation, the Ključ Association, mentioned in the introduction are connected to the implementation of the project "Care for the victims of trafficking in human beings", specified in the Action Plan of the IWG for combating trafficking in human beings for the period 2004-2006 which was approved by the Government of the Republic of Slovenia at the 84th Session held on 22 July 2004 (Decision No. 240-05/2003-3). The non-governmental organisation, Ključ Association was charged with the responsibility of implementing the project. The funds for the implementation of the project, 27 million toolars annually, were to be provided by the Ministry of the Interior, the Ministry of Justice and Ministry of Labour, Family and Social Affairs. In accordance with the amendments to the above-mentioned Action Plan which were adopted by the Government of the Republic of Slovenia during its 50<sup>th</sup> regular session of 24 November 2005 (Decision No. 23100-2/2005-9) the Action Plan was substantially and financially altered. **These changes**

had to be made to more consistently consider the principles of equality and transparency in cooperation with non-governmental organisations as well as the legality of use of budgetary funds. The use of funds for the implementation of the project in 2005 had to be defined more precisely; for 2006, the process of selecting the project contractor on the basis of a call for applications had to be determined. Non-governmental organisations that can provide help and assistance to victims were thus invited to participate. Actively involved in its preparation and harmonisation were the Ministry of the Interior and Ministry of Justice both of which strived throughout the year for finding a solution to the problem of financing the Ključ Association which would enable the implementation of the "Care for the victims of trafficking in human beings" project.

It is important to point out here that the re-budget of the 2005 budget entered into force on 1 July and that the ministries mentioned above were able to undertake supplementary expenditure for covering financial obligations in connection with the Action Plan only after this date. The ministries earmarked these funds in their budget items while a decision was taken on the basis of inter-governmental consultations to secure bridging funds for the Ključ Association (1 million tolar per ministry). The remainder to the total amount would be remitted in accordance with the Agreement on the financing of the Association the draft of which was prepared and submitted for interdepartmental harmonisation in July 2005. Before this, there was a need to resolve the newly arisen disharmony regarding the eligibility of business subjects for state aid. It was necessary to ensure conformity with the Corruption Prevention Act which, pursuant to certain legal explanations, does not stipulate the eligibility of the Ključ Association for state aid or for state budget funding. In May 2005, the Committee for the Prevention of Corruption announced in the Official Gazette of the Republic of Slovenia, No. 43/2005 that the Ključ Association was one of the subjects with which the clients referred to in the first, second and third paragraphs of article 28 of the Prevention of Corruption Act must not have business relations. The Committee then announced in the Official Gazette of the Republic of Slovenia No. 60/2005 a new list of subjects whereby the Ključ Association was listed among those subjects with which only the Committee for the Prevention of Corruption must not have a business relation secured through a public procurement. Since both cases concern a business subject stipulated in Article 28 of the Corruption Prevention Act this lead to legal disharmony in the interpretation of whether the association is eligible for state aid. On the basis of the legal opinions obtained which qualify the Ključ Association for allocation of funds activities were carried out with the aim of finding a solution to the problem. The above-mentioned Government Decision of 24 November specifies the following:

- to amend the action plan in those projects where there was a need to ensure greater transparency and the equal-term identification of contractors and the use of budget funds,
- to ensure the implementation of the project "Care for the victims of trafficking in human beings in 2006". The funds secured by the Ministry of Labour, Family and Social Affairs, Ministry of the Interior and ministry of Justice in 2006 are to be allocated on the basis of a public competition announced by the Ministry of Labour, Family and Social Affairs. The procedure for selection of the contractor is to be conducted by the Ministry of Labour, Family and Social Affairs.
- The financing of the project "Care for the victims of trafficking in human beings" for 2005. On the basis of a report on the actual work performed and on the basis of financial accounting documentation in connection with the cost incurred in the performance of tasks, the Ključ Association is to be provided with funds amounting to SIT 10,211,312.00 for the period from 1 January 2005 till 30 September 2005. Account should be made of the bridging funds already provided in the amount of SIT 3,000,000.00. On the basis of the work plan and in consultation with the Ključ Association, additional financing amounting to SIT 3,240,000.00 is to be provided for the period October - December.

On 29 November 2005, the Minister of the Interior, Dragutin Mate, the Minister of Justice, dr. Lovro Šturm, the Minister of Labour, Family and Social Affairs, Janez Drobnič and the President of the Ključ Association, Mrs Katjuša Kodele Kos signed a multilateral agreement on the financing of the Ključ Association for 2005 with which the Ključ Association commits itself to provide in 2005 the basic activity of care for the victims of trafficking in human beings such as psychosocial help for victims, legal aid, interpretation and other services including the provision of accommodation to victims of trafficking in human beings and their education. In addition to the 3 million tolar that had already been paid, each ministry remitted another SIT 3,483,771. It must be stressed that the ministries made efforts to ensure that the financing of the Ključ Association was transparent and lawful and for this reason an agreement was signed and the request for payment was duly submitted to the Ministry of Finance immediately after the signing of the agreement such that the payments were made in 2005.

Within the framework of care for the victims of trafficking in human beings, it is also necessary to point out the fact that on 31 August 2005, the Slovenian Karitas submitted to the Government of the Republic of Slovenia and the IWG for combating trafficking in human beings an offer for executing the programme for providing aid to victims of trafficking in human beings. In the offer, it was stated that Karitas can, in accordance with its activities, provide until the end of 2005, free psychosocial and legal aid, organise health care, provide "crisis accommodation" in Ljubljana (and if necessary also in Nova Gorica - Solkan and in Maribor), assistance in organising the return of victims to their homes, encourage and organise cooperation between the victims, police and prosecution and help in the protection of witnesses. In the organisation of the work stated here, they offered the participation of all their social institutions with their expert staff and appropriate volunteer. Interest to participate in this project was expressed also by the Slovenian Red Cross whose activities are recognisable also in the area of combating trafficking in human beings. Both organisations, Slovenian Karitas and the Slovenian Red Cross, were invited to IWG meetings and to present their activities and the idea of future collaboration.

In 2005, the Ključ Association dealt with 16 potential victims of trafficking in human beings (Slovene and foreign nationals), who required several personal and telephone conversations, short-term psychosocial help, help in re-establishing contacts with the family, in establishing contacts with competent organisations in the country of origin which they were returning to or in establishing contacts with the Slovene police. The association provided these forms of help in its offices, in crisis accommodation facilities, at the Centre for Aliens of the Ministry of the Interior and in occasional locations. The statuses and nationalities of the victims are presented in the table in the appendix.

Eleven persons were not able to secure the help of the Ključ Association during one particular criminal case due to uncertainties with respect to Association financing. Four of these persons, for which reasonable grounds existed for suspecting that they may have been victims of trafficking in human beings, were cared for and protected by the Police.

In December 2005, the Ključ Association received 20 telephone calls from potential victims of trafficking in human beings or from their relatives. All callers received several (10 times on the average) additional counselling conversations. On the basis of a public competition "Counselling telephone for help for victims of trafficking in human beings", the project was financed also by the Ministry of Labour, Family and Social Affairs with the amount of SIT 160,000.00.

### ***The EQUAL project***



Within the framework of the EQUAL Community which is financed by the European Social Fund, the Ključ Association was also selected at the end of 2004 during a public competition for the execution of a three-year partnership project for the (Re)integration of victims of trafficking in human beings, which was announced by the Ministry of Labour, Family and Social Affairs. The project was estimated at SIT 55,788,167.00. The selected contractors will receive funds on the basis of submitted reports and expenditure until the end of 2008. On this basis, an agreement was signed in 2005 on developmental partnership with the employer, the Employment Directorate of the Republic of Slovenia and trans-national partners from Italy and Spain. Research was also conducted among employees on the employment possibilities for victims of trafficking in human beings. The results of the research (a random survey - partly mentioned in the subtitle of point II. Research activity) and the corresponding report are available at the seat of the Ključ Association and at the Ministry of Labour, Family and Social Affairs. Detailed information from this research will be announced also on the website of the Ključ Association tentatively in June 2006. There is currently one person participating in the reintegration programme.

### **Other activities**

In 2005, the Government of the Republic of Slovenia and the International Organisation for Migrations signed a memorandum on Cooperation in the programme of the voluntary return of migrants. The memorandum stipulates the framework for the implementation of the programme of assistance in the return of certain categories of migrants as follows:

- persons that reside illegally in the Republic of Slovenia,
- asylum seekers which voluntarily participate in the programme before the conclusion of the asylum procedure,
- persons in temporary refuge,
- victims of trafficking in human beings and unaccompanied young persons,
- refugees that voluntarily participate in the programme.

In the implementation of the programme, special attention is paid to vulnerable groups, persons with special needs, especially victims of trafficking in human beings, unaccompanied young persons, unaccompanied women, disabled persons, old people, pregnant women, single parents with young children, victims of sexual abuse and victims of torture or organised violence. In 2005, the Ljubljana International Organisation for Migration assisted in the actual return of 2 victims to Ukraine, their accommodation and participation in reintegration programmes in the country of origin.

## **V. Education**

On 19 January 2005, the Ministry of Foreign Affairs, the Section for Security Policy and the Section for South-Eastern Europe - the Stability Pact, organised in collaboration with the Ministry of Justice, a presentation at the Ministry of Defence NATO policy for combating trafficking in human beings and outlined the activities of the Republic of Slovenia in the area of combating trafficking in human beings in 2004. The participants were provided with extensive material including a translation of the adopted document on NATO policy for combating trafficking in human beings document which was translated by the Ministry of Foreign Affairs.

A three-day course for representatives of state prosecutions and the non-governmental organisation Ključ Association was organised in January 2005. The course covered the following topics: a detailed presentation by programme of the work of the Ključ Association; a detailed presentation of the Action Plan for combating trafficking in human beings;

presentation of the agreements signed on cooperation in the area of providing help and protection for victims of trafficking in human beings with special emphasis on the agreement between the General State Prosecution of the Republic of Slovenia and the Ključ Association; watching the film "Ljilja 4-ever" and the ensuing substantial analysis of the film from the viewpoint of the country of origin, the country of transit and the country of final destination and the possibility of criminal prosecution in all three stages; the psychology of victims; simulation of the questioning of the victims of trafficking in human beings in groups followed by analysis; examples of bad and good practice of the work of state prosecutors.

Through similar cooperation with the non-governmental organisation the Ključ Association, the training of "multipliers" was organised on the subject of combating trafficking in human beings. There was cooperation also within the framework of the implementation of the agreement on cooperation between the Police and the Ključ Association. In accordance with the guidance provided, the "multipliers" provided similar training courses at individual Police Directorates in the second half of 2005.

Training in the area of prevention of trafficking in human beings was organised in Gotenica for Slovene police officers leaving for international peacekeeping missions. The International Organisation for Migration presented to the group of police officers the operation of their missions and the measures in the area of prevention of trafficking in human beings implemented by IOM missions in the Balkans and other regions.

Within the framework of training in the subject of combating trafficking in human beings police representatives and the representative of the district prosecution responsible for monitoring and guiding operations in the area of trafficking in human beings attended three three-day workshops which were organised by the International Organisation for Migration. The participants were representatives of 14 countries of origin, transit and destination. In addition to exchanging information and previous experiences, the purpose of the project was to improve the implementation of international and European standards in the identification and protection of victims of trafficking in human beings included in the project. The main activities of the project included the conducting of a research on the identification of victims of trafficking in human beings and the forms of protection in participating countries, the organisation of three international educational events in Dublin, Budapest and Brussels and the production of educational material. The first part took place in Dublin where emphasis was laid on the difference between migration and human trafficking. The second part was in Budapest where the participants were briefed about the methods of recognising victims of trafficking in human beings. The third part took place in Brussels with emphasis laid on the subject of help to victims of this criminal offence.

The Higher State Prosecutor at the General State Prosecution of the Republic of Slovenia responsible for monitoring, guiding and coordinating operations in the area of combating trafficking in human beings attended a conference in London which was organised by Eurojust, during which it was discovered that there are considerable differences between the members of the European Community regarding both the level of awareness and the approach to dealing with the problem and the penal procedure. The participants commended as exceptionally positive the approach of the General State Prosecution of the Republic of Slovenia which entrusted operations in this area to specific prosecutors, named a coordinator and provided training both at home and abroad.

Within the framework of training programmes with other similar organisations, the representatives of the Ključ Association attended a three-day expert training course in Sofia (Bulgaria) in January 2005. The course was organised for counsellors working with victims of trafficking in human beings and their relatives. The course was led by experts from the Animus Association, partner organisations, responsible for the development of a counselling group since 2002 when this organisation was included in the ACCESS 2000 - Witness

project. The course included the following topics: internal and external borders, analyses of concrete examples, individual studies, the behaviour of users, transfer and counter-transfer, prevention of the exhaustion of counsellors, crisis unit visit.

The Ključ Association was active in this area: organising training in collaboration with the ministry of Health in February 2005; in organising training upon the regionalisation of the PATS project in Sarajevo and Zagreb in March and May 2005; in organising training for the new contractors of the VIJOLICA project in February, March, April and September 2005; in training with the expert council of the Centre for Social Work, Vič - basics of human trafficking and presentation of the method of work of the Ključ Association with the users; in the provision of year-long advanced courses in the Russian language; in the organisation of internal training about non-discriminatory methods of work with victims in June 2005; and the performance of supervision throughout the year.

## **VI. International cooperation**

On 26 February 2005, the national coordinator of the fight against trafficking in human beings attended a joint meeting of the working groups of the Council of Europe (interdisciplinary working groups on organised crime and working groups on migrations and deportation). The purpose of the meeting was to harmonise viewpoints on open issues of the Convention of the Council of Europe on the measures against trafficking in human beings.

On 3 and 4 March 2005, a seminar took place in Helsinki within the format of the Euro-Atlantic Council, NATO Member States and Partnership for Peace in support of the implementation of NATO policy for combating trafficking in human beings which was attended by a representative of the Section for Security Policy of the Ministry of Foreign Affairs.

Between 7 and 9 March 2005, the Marshall Centre for Security Studies in Garmisch organised a conference on the "Prevention of trafficking in human beings - analysis and responsibilities". On special invitation from the American Ambassador, the conference was attended by the National Coordinator on Combating Trafficking in Human Beings who also gave a presentation.

On 18 March 2005 a conference took place in Vienna within the framework of the OSCE on "Alliance in combating trafficking in human beings: the fight against child trafficking". It was attended by representatives of the Working group for OSCE, the Ministry of Foreign Affairs, the National Coordinator on Combating Trafficking in Human Beings, the Ministry of the Interior and the non-governmental organisation, Ključ Association. The purpose was the conference was to conduct a review the situation in the area of combating child trafficking in Member States and to formulate guidelines for the preparation of amendments to the Action Plan of the OSCE for combating trafficking in human beings.

On 22 March 2005, the International Organisation for Migration and Ministry of Foreign Affairs of Serbia and Montenegro organised in Prčnje a meeting of the National Coordinators for the Fight Against Trafficking in Human Beings within the framework of the Adriatic-Ionic Initiative. The purpose of the meeting was to exchange information on activities in the Adriatic-Ionic Initiative countries and mutual cooperation.

Within the framework of the visit of Dr. Helga Konrad, the OSCE Special Representative on Combating Trafficking in Human Beings had a meeting in Ljubljana on 12 April 2005 with members of the IWG for combating trafficking in human beings. The head of the IWG and National Coordinator briefed Dr. Konrad about the operation of the working group, followed by discussions on the realisation of the implementation of the Action Plan for combating

trafficking in human beings. Dr Konrad was interested in concrete activities from the action plan, particularly stressing the need for the cooperation of governmental and non-governmental organisations.

On the occasion of the visit of the American prosecutor Mr. Alexander Acoste on 9 May 2005, the General State Prosecution and the Embassy of the United States of America organised a meeting with the representatives of the IWG for combating trafficking in human beings. Mr. Acoste was briefed about the activities in this area in the Republic of Slovenia and, at the same time, this presented an opportunity for getting acquainted with the system of prosecuting such crimes in the USA. More information about the work of American institutions in the area of combating trafficking in human beings was obtained within the framework of a three-week visit to American institutions which was organised by the State Department for representatives of EU Member States under the "International visitors programme". From the Slovene side, the programme was attended by the National Coordinator on Combating Trafficking in Human Beings.

Slovenia participated in the preparation and attended the Workshop on Violence Against Women in the 21<sup>st</sup> Century which took place in Paris on 28-29 May 2005. The workshop was organised by the French Ministry of Foreign Affairs in collaboration with Slovenia as the OSCE Presiding Country and the UN Secretariat. Some members of the IWG participated in the preparation of and attended the conference in addition to the representatives of Slovene Ministry of Foreign Affairs.

On 16-17 June 2005, the OSCE-Thailand took place in Bangkok, a conference on trafficking in human beings with emphasis on the exchange of experiences within the framework of combating trafficking in human beings and with opportunities for cooperation. In addition to high-ranking representatives of the Thai Ministry of Foreign Affairs, the conference was attended by Secretary General of OSCE and Helga Konrad, the OSCE Special Representative on Combating Trafficking in Human Beings. The following issues were discussed in the three plenary sessions: a review of the situation in the area of trafficking in human beings in Europe and Asia, the role of legislation and the police, regional models for combating trafficking in human beings and possibilities for cooperation. Discussion were held on the subject of the causes of trafficking in human beings, the protection of victims, the role of non-governmental organisations, cooperation in the area of border management and the legal aspects of trafficking in human beings. Various regional initiatives were presented: Stability Pact, SECI Centre and OSCE alliances for the prevention of trafficking in human beings. During the discussion on regional models for combating trafficking in human beings, the Representative of the Permanent Mission of the Republic of Slovenia at the OSCE in Vienna presented a project for the introduction of mechanisms for recognising, offering help and protection to victims of trafficking in human beings and/or sexual violence during asylum procedures in Slovenia – PATS. The presentation of the project raised a lot of interest among Asian partners and representatives from Australia.

In December 2004 in Sofia, the OSCE Ministerial Council assigned the OSCE Permanent Council the task of preparing the OSCE Supplement to the Action Plan for the prevention of trafficking in human beings laying emphasis on the special needs for help and protection of child victims of trafficking in human beings. The Supplement was prepared in an Informal Working Group for Equality of Sexes and Combating Trafficking in Human Beings with the help of the OSCE Special Representative on Combating Trafficking in Human Beings and other OSCE institutions. The Supplement was approved by the OSCE Permanent Council in July 2005 and was adopted by the Ministerial Council in December 2005 in Ljubljana.

On 8 and 9 July 2005, the International conference was held in Ljubljana on the "Jokohama Review for Europe and Central Asia – Combating Sexual Exploitation and Abuse of Children". On the initiative of the Republic of Slovenia as the OSCE Presiding Country,

special attention was paid to also to the issue of child trafficking. Mrs Helga Konrad, the OSCE Special Representative on Combating Trafficking in Human Beings presented, among other things, the Supplement to the OSCE Action Plan for Combating Trafficking in Human Beings laying emphasis on the special needs for providing help to child victims of trafficking in human beings. The Action Plan was approved on 7 July 2005 in Vienna during Slovenia's OSCE Presidency. Part of the funds (SIT 5 million) were secured as guaranteed funding within the framework of the Action Plan of the IWG for combating trafficking in human beings from the project for international cooperation.

On 18-20 October 2005, the Ombudsman's Office of the Republic of Croatia organised in Cavtat in collaboration with the Republic of Croatia OSCE an international conference entitled "Let's stop human trafficking". The conference was attended by 130 participants from 15 OSCE Member States. Present too were experts and representatives of international organisations such as the IOM, UNHCR, Europol, SECI and the USA State Department. On behalf of the Republic of Slovenia, the conference was attended by a representative of the Ministry of Foreign Affairs, Section for international Organisations and human security and the National Coordinator on Combating Trafficking in Human Beings of the Ministry of the Interior. The conference focussed on analysing the situation in the area of combating trafficking in human beings over a period of five years after the signing of the UN Convention on International Organised Crime with the corresponding protocol relating to the problem of trafficking in human beings and the new Convention of the Council of Europe on Measures Against Trafficking in Human Beings which was opened for signing during the 3<sup>rd</sup> Summit of the Council of Europe in May 2005.

On 19 and 20 October 2005 a representative of the Ministry of Justice and a representative of the Ključ Association attended a conference in Brussels organised on behalf of the European Commission on "Tackling Human Trafficking: Policy and Best Practice in Europe". The representative of the Ministry of Justice actively participated in the internal working group "Investigating and Prosecuting" and the representative of the Ključ Association participated in the group on "Supporting victims/safe return and reintegration". On the basis of ideas and practical proposals which emerged at the conference and from internal working groups, the European Commission prepared a draft Plan of the European Union on best practices, standards and procedures for preventing and combating trafficking in human beings (published on 9 December 2005, Official Gazette of the Republic of Slovenia, No. C 311, p. 0001-0012).

On 7-9 November 2005, the Ambassador of the Republic of Slovenia at the OSCE and a representative of the Ministry of Foreign Affairs, Section for OSCE attended the third OSCE conference in Vienna within the framework of "Alliances Against Human Trafficking" which was organised with the aim of stimulating a coordinated operation seeking to find solutions to the complex problem of exploitation for forced labour and slavery. In his introduction, the ambassador stressed, among other things, the need for cooperation between state and international governmental and non-governmental organisations in an alliance to combat trafficking in human beings and a form of institutionalisation of this cooperation. The debate addressed the forms of human trafficking for the purposes of labour exploitation and forced labour, actions against trafficking for the purposes of forced labour and cases of successful judicial prosecutions. The conference attempted to answer the question as to how to identify cases of human trafficking for labour exploitation and forced labour, efficient measures for providing help and protecting victims of human trafficking for purposes of labour exploitation and forced labour and the question as to how to successfully prosecute through the courts cases of human trafficking for purposes of labour exploitation and forced labour.

During the 35<sup>th</sup> Session of the UN Committee for Economic, Social and Cultural Rights that took place in Geneva on 8-9 November 2005, the Republic of Slovenia presented and defended the report after the Pact on Economic, Social and Cultural Rights. The UN

Committee for Economic, Social and Cultural Rights pointed out, among other things, also the regulation of the area of combating trafficking in human beings in the Republic of Slovenia. A recommendation to the Republic of Slovenia to adopt efficient measures for combating trafficking in human beings and to provide, in addition to an efficient system prosecution, services for offering help to victims of trafficking in human beings and to ratify the European Convention on Combating Trafficking in Human Beings. In accordance with the recommendations of the Committee for Economic, Social and Cultural Rights and other international commitments of the Republic of Slovenia, the Government of the Republic of Slovenia provided for the implementation of the recommendations in the amendments to the Action Plan for Combating trafficking in human beings for the period 2004-2006.

A representative of the police and a representative of the Ključ Association and a District State Prosecutor from the Group of State Prosecutors for Special Matters, actively participated in the "ENAT" project which was financed by the European Commission within the framework of "Agis" programmes, which was organised in Provincia di Lecce, in the Republic of Italy. The first part of the project which was conducted from September till December 2005 was concluded and is continuing in 2006.

A representative of the Slovene Police actively participated, within the framework of the INTERPOL organisation in the working group on combating trafficking in human beings, in the organising committee for preparing the activities of the working group. Cooperation took place also in the analytical project of the above-mentioned working group "Red routes" with the provision of information on the new methods of work and measures taken.

A similar form of cooperation was established with the EUROPOL as well within the framework of the analytical working catalogue "Maritsa". Cooperation took place in the form of information exchanges on the methods of operation and cases in connection with trafficking in human beings from Eastern to Western Europe.

Also in 2005, the Slovene Police participated in the MIRAGE – combating smuggling and trafficking in human beings within the framework of the SECI regional organisation. In addition to active participation in the execution of joint operations, cooperation with the working group took place also in the preparation of the analytical report on the situation in the area of smuggling and trafficking in human beings in Member States.

In 2005, the Ključ Association creatively operated within the framework of the Anti Corruption and Anti Trafficking Action (ACTA), which includes non-governmental organisations from ten countries. Five training courses were organised in the area of the management of non-governmental organisations, the financial management of non-governmental organisations, education and preventive activities in primary and secondary schools, the basics of corruption and the provision of help to victims of trafficking in human beings.

## Appendix 1: Statistical data – indicators of trafficking in human beings in the Republic of Slovenia

Table 1: Statistical data from the field of investigation and prosecution of criminal offences related to trafficking in human beings in 2005

Criminal offence (Article of the Criminal Code)	Human trafficking, Article 387.a of the CC – 04	Subjection to a relationship of slavery Article 387 of the CC	Abuse of prostitution Article 185 of the CC	Total
No. of cases (criminal charges, reports) filed with the District State Prosecutor (no. of persons charged)	3 (6)	4 (6)		7 (12)
No. of victims of criminal offences (status)	6 (adult females)	1 (young female) 1 (adult female)		8
Charges dismissed by District State Prosecutor (no. of persons charged)	1 (1)	2 (5)		3 (6)
Instituted investigations (no. of persons investigated)	2 (5)			2 (5)
Final sentences				
Unsolved cases from previous periods		5 (12)		5 (12)
Instituted investigations		3(from 2001 and 2002)		3
Filed charges		2 (from 2001)		2
Verdict (acquittal, non-final)	1(1)			1

Table 2: Number of potential victims of trafficking in human beings dealt with by non-governmental organisations

	Potential victim of trafficking in human beings	Potential victim of forced prostitution	Potential victim of forced labour	Total
Young person (nationality)	1 (Macedonia) 1 (Serbia and Montenegro) 1 (Slovenia)	2 (Slovenia)		5
Adult (nationality)	1 (Slovakia) 1 (Dominican Republic) 1 (missing person, Slovenia) 1 (mother of missing person, Slovenia) 1 (Ukraine) 1 (Columbia) 1 (Slovenia)	1 (missing person, Slovenia) 1 (Slovenia) 1 (Serbia and Montenegro)	1 (Slovenia)	11
<b>Total</b>	10	5	1	<b>16</b>

*Table 3: Number of working permits granted for so-called risk occupations*

<b>Working permits granted for so-called risk occupations</b>	<b>2004</b>	<b>2005</b>
Dancing	707	694
Construction	3,665	3,465
Chinese national	245	284
<b>Total</b>	<b>4617</b>	<b>4443</b>

*Table 4: Working permits granted for the dancer occupation in the period 2001-205*

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
<b>Working permits granted - dancer occupation</b>	679	630	880	707	694

Source: Employment Directorate of the Republic of Slovenia