

## COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Slovenia - 2021

***THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY  
LABOUR Protocol of 2014 P029 to the Forced Labour Convention***

### REPORTING

#### Fulfillment of Government's reporting obligations

p29 Fulfillment of Government's reporting obligations

Yes

#### Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations, b) The most representative workers organizations, c) The competent authorities?

92. To which employers organizations was the report sent? [12] Please provide the list

- Association of Employers of Slovenia;
- Chamber of Commerce and Industry of Slovenia;
- Chamber of Craft and Small Business of Slovenia;
- Association of Employers in Craft and Small Business of Slovenia (AECSS);
- Slovenian Chamber of Commerce.

93. To which workers organizations was the report sent? [13] Please provide the list

- Association of Free Trade Unions of Slovenia;
- Confederation of Trade Unions of Slovenia – PERGAM;
- Trade Union Confederation 90 of Slovenia;
- Confederation of New Unions of Slovenia – Independence (KNSS – NEODVISNOST);
- Slovenian Federation of Trade Unions –ALTERNATIVE;
- Association of Workers' Trade Unions

	of Slovenia – SOLIDARITY; • Confederation of Public Sector Trade Unions of Slovenia.
<b>94. Please describe the consultation process(es). [10.2]</b>	The questionnaire was completed by the competent authorities of the Slovenian Government: by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, by the Ministry of Justice, by the Ministry of the Interior, by National Coordinator for Combating Trafficking in Human Beings, by the Financial administration of the Republic of Slovenia, by the General Police Directorate, by the Office of the State Prosecutor General, and by the Labour Inspectorate of the Republic of Slovenia. A copy of the completed report form has been sent to the most representative employers' and workers' organisations (listed under Q.92 and Q.93) for comment. We have received no comments.

## OBSERVATIONS BY THE SOCIAL PARTNERS

### Employers' organizations

<b>83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</b>	Yes
<b>95. Did employers organizations comment on the report? [11a]</b>	No

### Workers' organizations

<b>83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</b>	Yes
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<p><b>84. Please provide details and provide any relevant URL(s) [6.2]</b></p>	<p>The representatives of trade unions (and other civil society organisations) are active members of the NWG – CTHB. Within the operation of the NWG – CTHB, these organisations (and other civil society organisations) can state their views and participate in the harmonisation of materials (e.g. reports and action plans of the NWG – CTHB) before they are submitted to the Government for approval.</p>
<p><b>96. Did workers organizations comment on the report? [11b]</b></p>	<p>No</p>

**EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL**

**Ratification**

**Ratification intention**

<p><b>61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?</b></p>	<p>Likely</p>
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<p><b>62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?</b></p>	<p>No reservations. Protocol in the process of ratification - inter-ministerial coordination (last reply of the May on 26 August 2020). Little delay in the proces due to Corona crisess, next step is to edit the text with the competent departments.</p>
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**Existence of a policy and or plan of action for the suppression of forced or compulsory labour**

<p><b>63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of</b></p>	<p>Yes</p>
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<p><b>all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]</b></p>	
<p><b>65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]</b></p>	<p>Non-governmental organisations and the Slovenian Association of Free Trade Unions are examples of civil society organisations whose missions include dealing with human trafficking issues. These organisations are also members of the NWG – CTHB and can also state their views and participate in the harmonisation of materials (e.g. reports and action plans of the NWG – CTHB) before they are submitted to the Government for approval.</p>
<p><b>68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]</b></p>	<p>Yes</p>
<p><b>69. Please describe these measures. [1.5]</b></p>	<p>Since 2004, action plans have been drawn up by the Inter-ministerial Working Group for Combating Trafficking in Human Beings (see the reply given under Q 64 – COMPETENT AUTHORITIES, NATIONAL WORKING GROUP ON COMBATING TRAFFICKING IN HUMAN BEINGS). Following the proposal of the National Coordinator for Combating Trafficking in Human Beings and in accordance with Decision of the Government of the Republic of Slovenia No. 1201-7/2012/4 of 5 July 2012, the NWG – CTHB has drawn up and harmonised among ministries new action plan for combating trafficking in human beings, to be implemented in the 2021 – 2022 period (hereinafter: Action Plan). The Action Plan of the National Working Group for Combating Trafficking in Human Beings for the 2021–2022 period provides the basis for implementing the core activities that have been developed during one and</p>

a half decades of operation, with a view to preventing and combating human trafficking. The established and financially evaluated activities are pursued on a permanent basis, ensuring the continuous involvement of non-governmental and humanitarian organisations in the prevention of trafficking, as well as in providing assistance to the victims of trafficking. The plan is divided into six chapters: I. Prevention, II. Detection, Investigation and Prosecution of Human Trafficking, III. Identifying, protecting and assisting the victims of trafficking in human beings, IV. Participation in regional and international organisations for the prevention of and combat against human trafficking, V. Improvement of systemic solutions and proposals for legislative amendments, VI. Support Activities. The said chapters define individual tasks or a set of tasks, provide a brief explanation thereof, identify authorities responsible for actions and organisations participating in the execution of tasks, outline the funding, if required, and specify time frames for the completion of tasks. The table at the end of the Action Plan shows financing bodies of individual activities, the budget heading and the amount of funding provided. In the new Action Plan, the IWG has envisaged the implementation of fundamental activities of trafficking in human beings and combating it to be implemented within the scope of cooperation of the competent national authorities and including non-governmental and humanitarian organisations in various prevention activities and helping the victims of trafficking in human beings. This document is a rational continuation of project that is already in place and has proven to be successful and which, due to the nature of the work, demands continuity. Activities that upgrade the

	<p>work conducted so far are based on past experience. Some measures, envisaged for the next two-year period, arise from the GRETA monitoring mechanism, i.e., the second evaluation cycle of the Republic of Slovenia with regard to the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as: GRETA Group recommendations). The Action Plan also includes activities that have not been implemented in the period for the preliminary Action Plan. The said Action Plan for the 2021–2022 period and older documents are available at: <a href="https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-ombating-trafficking-in-human-being/">https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-ombating-trafficking-in-human-being/</a></p>
<p><b>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</b></p>	<p>Yes</p>
<p><b>71. Please describe these data. [1.6.1]</b></p>	<p>Data are collected on criminal offences of human trafficking under Article 113 of the Criminal Code and the perpetrators of such offences, including their sex and citizenship. Data on the victims of human trafficking are also collected and classified by the purpose of the exploitation, country of origin, sex and age. The national coordinator collects statistical data from the police, the Specialised State Prosecutor’s Office and non-governmental organisations. The national coordinator sends the data to the Statistical Office of the Republic of Slovenia, which in turn sends it to the European Commission via Eurostat. Data are also collected for the needs of other international organisations. In addition, the police gather statistical data on the criminal offences they deal with by Articles of the Criminal Code and by elements of the crime.</p>

**72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]**

**Measures taken or envisaged for systematic and coordinated action**

**64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]**

1) LEGISLATIVE PROVISIONS a) Freedom of work Since the last report (which was submitted on 1 February 2019) there have been no changes regarding relevant legislative provisions (i.e. Article 49 of the Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 –UZ43, 69/04 – UZ50, 68/06 –UZ121,140,143, 47/13 – UZ148, 47/13 –UZ90,97,99 and 75/16 – UZ70a) and relevant provisions of the Employment Relationships Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 21/13, 78/13 – corr., 47/15 – ZZSDT, 33/16 – PZ-F, 52/16, and 15/17 – Constitutional Court Decision and 22/19 – ZPosS)). b) Forced labour Since the last report there have been no changes regarding relevant legislative provisions (i.e. Articles 113, 296, 191, 196, 198, 199 of the Criminal Code (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 50/12 – official consolidated text, 6/16 – corr., 54/15, 38/16 and 27/17; hereinafter: KZ-1)). The Domestic Violence Prevention Act (hereinafter: ZPND) defines violence as the use of physical, sexual, psychological or economic violence by one family member (hereinafter: the perpetrator of violence) against another family member (hereinafter: the victim) or neglect or, stalking victims regardless of age, gender or any other personal circumstance of the victim or perpetrator of violence, and corporal punishment of children. On 14

July 2016, the National Assembly adopted the Residence Registration Act (ZPPreb-1), which, inter alia allows victims of trafficking in human beings to reside anonymously at a secret location.

2) COMPETENT AUTHORITIES NATIONAL ANTI-TRAFFICKING COORDINATOR. ANTI-TRAFFICKING SERVICE provides expert support to the national coordinator for combating trafficking in human beings in preparing proposals for strengthening the efficiency of policies, measures, periodical reports for the Government of the Republic of Slovenia, action plans and other strategical documents regulating this area. NATIONAL WORKING GROUP ON COMBATING TRAFFICKING IN HUMAN BEINGS (NWG – CTHB) The tasks of the National Working Group for Combating Trafficking in Human Beings include development of periodic action plans and supervision of the implementation of these plans; drawing up of periodic reports for the Government of the Republic of Slovenia; providing assistance to the national coordinator in preparing proposals to enhance the effectiveness of policies and measures for combating trafficking in human beings, particularly as regards prevention and offering assistance to victims of trafficking.

POLICE In 2020 the police addressed 29 criminal offences of trafficking in human beings under Article 113 of the Criminal Code , which, compared to the previous year, indicates an increase in the number of criminal offences addressed.

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

	<p>Article 175 of the KZ-1. DISTRICT STATE PROSECUTOR'S OFFICES (IRSD) LABOUR INSPECTORATE OF THE REPUBLIC OF SLOVENIA Carries out, inter alia, supervision over employment and work of foreigners pursuant to the provisions of the Employment, Self-employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 1/18 – official consolidated text and 31/18) and of the Employment Relationships Act . FINANCIAL ADMINISTRATION OF THE REPUBLIC OF SLOVENIA FURS has been a member of the NWG - CTHB since December 2015 and has actively participated in combating human trafficking.</p>
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**Measures taken or envisaged to prevent forms of forced labour**

<p><b>74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]</b></p>	<p>Yes</p>
<p><b>75. If so, please indicate the type of measures, [2.2]</b></p>	<p>a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,b) Strengthening and broadening of the coverage of legislation, particularly labour law,c) Regulation and supervision of the labour recruitment and placement process,d) Supporting due diligence by the public and private sectors,e) Addressing the root causes that perpetuate forced labour,f) Promotion of safe and regular migration,g) Education/vocational training,h) Capacity building for the competent authorities,i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations,j) Basic social security guarantees</p>

**75.f. Please provide a description of measures taken or envisaged:**

The Employment, Self-employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 1/18 – official consolidated text and 31/18; hereinafter: ZZSDT) determines the conditions for employment, self-employment and work of foreigners and the related tasks of Slovenia to regulate and protect the labour market. The provisions of the Employment, Self-employment and Work of Foreigners Act that are intended to protect migrant workers against abuse and fraud in the procedure for obtaining the single residence and work permit. Verifying the following conditions is particularly relevant for protecting migrant workers in the procedure for obtaining the single permit: 1. the employer has been appropriately registered or entered in the Register of Agricultural Holdings or in the Business Register to pursue the activity in which the foreigner concerned is to carry out work; 2. the employer is not in liquidation or bankruptcy proceedings; 3. the employer is actively pursuing its business operations, which means that: • the employer had at least one person in full-time employment and registered in the compulsory social insurance schemes for at least six months before submitting the application; or • the employer was registered in the compulsory social insurance schemes as an individual registered to pursue an activity or entered in the Register of Agricultural Holdings for at least six months before submitting the application; or • receipts from business operations amounting to at least EUR 10,000 were recorded in the employer's transaction account in the Republic of Slovenia in each month during the six-month period before the application was submitted; 4. the employer filed monthly withholding tax

returns for employment income, if the employer employed workers, over the six-month period before the month in which the application was submitted or during the period of operation if shorter than six months, and has no outstanding tax liabilities; 5. the employment contract signed by the employer in accordance with the Act has been submitted. In the framework of ZZSDT, there are also other provisions dealing with promotion of safe and regular migration: - Article 5 of ZZSDT lists number of instances where procedure of obtaining single permit is not necessary (including, diplomats, athletes, journalist, people exercising intervention measures, students, professors, culture workers, researchers), - Article 6 of ZZSDT grants free access to labour market to victims of human trafficking, persons that received international protection or are in the process of being awarded one. Please find enclosed also the latest reports in accordance with the Article 22 of the Constitution of the International Labour Organization on the measures taken to put into force the provisions of the C97 and C143, which the Republic of Slovenia both ratified: – The report for the period from 1 June 2012 to 31 May 2017, made by the Government of the Republic of Slovenia in accordance with Article 22 of the Constitution of the International Labour Organisation, on the measures taken to put into force the provisions of the MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949 (No. 97) and – The report for the period from 1 June 2012 to 31 May 2017, made by the Government of the Republic of Slovenia in accordance with Article 22 of the Constitution of the International Labour Organisation, on the measures taken to put into force the provisions of the MIGRANT WORKERS (SUPPLEMENTARY

	PROVISIONS) CONVENTION, 1975 (No. 143).
<b>75.f. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:</b>	Foreigners
<b>Measures taken or envisaged to protect victims of forced labour</b>	
<b>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</b>	Yes
<b>77. If so, please indicate the type of measures [3.2]</b>	a) Training of relevant actors for identification of forced labour practices,b) Legal protection of victims,c) Material assistance for victims,d) Medical and psychological assistance for victims,e) Measures for the rehabilitation and social and professional reintegration of victims,f) Protection of privacy and identity,g) Appropriate accommodation,h) Specific measures for children,i) Specific measures for migrants
<b>Measures taken or envisaged to facilitate access to remedies</b>	
<b>78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]</b>	Yes
<b>79. If so, please indicate the type of measures, [4.2]</b>	a) Information and counselling for victims regarding their rights,b) Free legal assistance,c) Cost-free proceedings,d) Development of forced labour indicators,e) Access to remedies and compensation,f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and

	<p>judges,g) Provision for authorities not to prosecute victims for acts which they have been compelled to commit,h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons</p>
<p><b>80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]</b></p>	<p>Yes</p>
<p><b>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</b></p>	
<p><b>79.g. Please provide a description of measures taken or envisaged:</b></p>	<p>In order to protect victims of forced labour from being prosecuted or punished for illegal activities into which they have been coerced, Slovenian legislation allows a dismissal of report in accordance with the opportunity principle (paragraph one of Article 161 of the Criminal Procedure Act) taking account of the low level of perpetrator's guilt or their personal circumstances and the consequences of criminal prosecution. Furthermore, according to the Article 23 of the Criminal Code, any act committed under coercion, which the perpetrator was not able to withstand, shall not constitute a criminal offence</p>
<p><b>79.g. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:</b></p>	<p>Victims of trafficking in Human Beings and forced labour.</p>
<p><b>Cooperation with other Member States, international / regional organizations or NGOs</b></p>	
<p><b>81. Does the Government cooperate with other member States, international and regional organizations, or non-</b></p>	<p>Yes</p>

**governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]**

**82. Please briefly describe the modalities of this cooperation. [5.2]**

The representatives of individual sectors, particularly the national coordinator participated in events and conferences regularly organised by the OSCE, the Council of Europe, the UN and the European Commission. Particularly noteworthy is the participation of the national coordinator at the UN General Assembly in New York, where he also gave a statement on the implementation of the Global Plan of Action to Combat Trafficking in Persons. At the operative level the majority of cooperation activities were carried out within the operation and support of Europol, while at the strategic level there was the increasingly pertinent and active cooperation of the EU network of national mechanisms, i.e. the Network of National Rapporteurs or Equivalent Mechanisms (NREM) and the Network of National Anti-trafficking Coordinators from Southeastern Europe. Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour especially through: - participation in the informal EU Network of National Rapporteurs or Equivalent Mechanisms (NREM) on Trafficking in Human Beings, - meetings of the informal network of National Anti-Trafficking Coordinators (NATC) of South-East Europe (SEE), - Meetings of the informal network of National Anti-Trafficking Coordinators of South-East Europe (NATC SEE), - Cooperation within the scope of the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE), - Cooperation in the review

mechanism of the United Nations Convention Against Transnational Organised Crime and its protocols (UNTOC), - International operational cooperation of the Slovenian law enforcement authorities. In the international arena, members of the IWG THB participated in various international events related to activities to prevent and combat trafficking in human beings. On 3 March 2020, a meeting of the informal network of national coordinators for the combat against trafficking in human beings in South-Eastern Europe (NATC SEE), which was established in 2010 at the initiative of Slovenia, was held in Ljubljana. In the light of the tenth anniversary of the NATC SEE, a strategic document on the future operation of the network was adopted and prepared jointly with the International Centre for Migration Policy Development (ICMPD). On 4 March, the ministers of the interior of the Brdo process also discussed the further strengthening of regional cooperation in the combat against trafficking in human beings, reaffirming the importance of the work of the NATC SEE network and its commitment to its further work in the future. In the field of EU cooperation, regular meetings of the informal network of national rapporteurs or equivalent mechanisms (hereinafter: NREM), which took place remotely in 2020 due to the COVID-19 epidemic, continued. In the reporting year, the group met twice, first on 8 June 2020 during the Croatian Presidency, and next on 20 and 21 October 2020 during the German Presidency. During the Croatian Presidency, the discussion focused on preparing the substantive basis for a new EU strategy to combat trafficking in human beings, and during the German Presidency on the findings of the European Commission's 3rd Progress Report on Combatting Trafficking in

	<p>Human Beings, Child Trafficking and on labour exploitation. Police When investigating criminal offences of trafficking in human beings, the Police exchange information with EU Member States within its cooperation with Europol, and Interpol when cooperating with third countries. In December 2021 the EU Network of National Rapporteurs and Equivalent Mechanisms against Trafficking in Human Beings (NREM) met in the context of the Slovenian Presidency of the European Union.</p>
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**Promotional activities**

<p><b>90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]</b></p>	<p>Action plans of the National Working Group for Combating Trafficking in Human Beings:  <a href="https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-combating-trafficking-in-human-being/">https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-combating-trafficking-in-human-being/</a>  Annual reports of the National Working Group for Combating Trafficking in Human Beings:  <a href="https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-combating-trafficking-in-human-being/">https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-combating-trafficking-in-human-being/</a></p>
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**Special initiatives or Progress**

<p><b>90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]</b></p>	<p>Action plans of the National Working Group for Combating Trafficking in Human Beings:  <a href="https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-combating-trafficking-in-human-being/">https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-combating-trafficking-in-human-being/</a>  Annual reports of the National Working Group for Combating Trafficking in Human Beings:  <a href="https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-combating-trafficking-in-human-being/">https://www.gov.si/en/registries/working-bodies/the-national-working-group-for-combating-trafficking-in-human-being/</a></p>
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## CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

a) Lack of awareness

## TECHNICAL COOPERATION NEEDS

### Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]

No