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If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at [emn@icf.com](mailto:emn@icf.com).

## 1 BACKGROUND AND RATIONALE FOR THE STUDY

Trafficking in human beings is a crime against people that can take various forms such as sexual exploitation (including forced prostitution), forced labour or services, slavery and servitude related practices, as well as the removal of vital organs, all of which constitute a grave violation of victim's fundamental rights. Trafficking in human beings is prohibited in various international instruments such as in the Charter on Fundamental Rights of the European Union (EU),<sup>1</sup> the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Children and Women, supplementing the UN Convention against Transnational Organized Crime (Annex II),<sup>2</sup> the Council of Europe (CoE) Conventions on Action against Trafficking in Human Beings<sup>3</sup> (which is monitored by GRETA, the CoE Group of Experts on Action against Trafficking in Human Beings) and on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention),<sup>4</sup> the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>5</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Covenant on Civil and Political Rights (ICCPR),<sup>6</sup> the Global Compacts for Migration<sup>7</sup> and Refugees<sup>8</sup> and the 2030 Agenda for Sustainable Development.<sup>9</sup>

According to the latest available data, between 2017 and 2018, there were more than 14 000 registered victims within the EU.<sup>10</sup> Trends in the EU seem to mirror those at global level: for every 10 victims detected, five are adult women and two are girls, one in every three is a child.<sup>11 12 13</sup> Trafficking in human

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<sup>1</sup> Charter of Fundamental Rights of the European Union, 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>, last accessed on 10 May 2021.

<sup>2</sup> UNODC, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), 2000, [https://www.unodc.org/res/human-trafficking/2021the-protocol-tip\\_html/TIP.pdf](https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf), last accessed on 9 May 2021.

<sup>3</sup> CoE, Convention on Action against Trafficking in Human Beings, 2005, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d>, last accessed on 9 May 2021.

<sup>4</sup> CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, (Istanbul Convention), last accessed on 9 May 2021.

<sup>5</sup> UN, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, <https://www.un.org/womenwatch/daw/cedaw/>, last accessed on 10 May 2021.

<sup>6</sup> UN, International Covenant on Civil and Political Rights, 1966, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, last accessed on 10 May 2021.

<sup>7</sup> UN, Global Compact for Safe, Orderly and Regular Migration, 2018, [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/73/195](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195), last accessed on 9 May 2021.

<sup>8</sup> UN, Global Compact for Refugees, 2018, [https://www.unhcr.org/qcr/GCR\\_English.pdf](https://www.unhcr.org/qcr/GCR_English.pdf), last accessed on 9 May 2021.

<sup>9</sup> UN, 2030 Agenda for Sustainable Development, 2015, [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E), last accessed on 10 June 2012. Trafficking in human beings is addressed under Goal 5 (Gender Equality), Goal 8 (Decent Work and Economic Growth) and Goal 16 (Peace Justice and Strong Institutions).

<sup>10</sup> European Commission, Data collection on trafficking in human beings in the EU, 2020, [https://ec.europa.eu/anti-trafficking/sites/default/files/study\\_on\\_data\\_collection\\_on\\_trafficking\\_in\\_human\\_beings\\_in\\_the\\_eu.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf), last accessed on 8 May 2021.

<sup>11</sup> European Commission, Data collection on trafficking in human beings in the EU, 2020, [https://ec.europa.eu/anti-trafficking/sites/default/files/study\\_on\\_data\\_collection\\_on\\_trafficking\\_in\\_human\\_beings\\_in\\_the\\_eu.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf), last accessed on 8 May 2021.

<sup>12</sup> UNODC, Global Report on Trafficking in Persons, 2020, [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf), last accessed on 8 May 2021.

<sup>13</sup> The Counter Trafficking Data Collaborative, Global Data Hub on Human Trafficking, [www.ctdatacollaborative.org](http://www.ctdatacollaborative.org), last accessed on 10 June 2012.

beings is not only recognised as a highly profitable crime,<sup>14</sup> it is also recognized as a crime with links to social development and security, migration, conflict- and climate-induced displacement. The impact and cost of human trafficking on individuals as well as on political, economic and social systems is compelling. Trafficking victims may suffer from an array of physical and devastating psychological health issues stemming from brutal physical and emotional attacks at the hands of their traffickers, dangerous workplace conditions, occupational hazards, inhumane living conditions, poor sanitation, inadequate nutrition, poor personal hygiene, and general lack of quality health care. Human trafficking has the power to affect the victims' life forever:<sup>15</sup> therefore, the application of a human right-based and victim-centred approach is needed.

Persistent demand for sexual services and for low-wage workers employed in manual jobs continue to ensure opportunities for traffickers to operate: in spite of the recent significant increase in the number of people convicted, many perpetrators remain undetected and unpunished.<sup>16</sup> Given its clandestine nature, and the many factors which may deter a victim from reporting the crime, trafficking in human beings is believed to be significantly underreported.<sup>17</sup> Detection and identification of (potential) victims of trafficking in human beings is therefore likely to remain at the same time critical and problematic, as flagged by a recent report of the European Parliament.<sup>18</sup>

Third-country nationals account for more than half of the registered victims in EU Member States.<sup>19</sup> Vulnerable migrants have been reported to be at persistent risk of becoming victims of trafficking along migration routes: in particular unaccompanied minors and those in the asylum procedures, might be at a higher risk of becoming victims of trafficking in human beings and other gender-based violence, such as rape or domestic violence.<sup>20</sup> Reception centres for asylum applicants can be targeted by human traffickers for recruitment.<sup>21</sup> Early identification of victims is crucial to promptly assist, support and protect victims of trafficking in human beings and enables police and prosecution authorities to better investigate and punish traffickers.<sup>22</sup> However, their detection and identification in mixed migration flows remains a challenge<sup>23</sup> in a number of Member States,<sup>24</sup> some of which also relate to tensions with the current legal framework (especially within asylum procedures)<sup>25</sup> as well as to disruption in victim assistance and

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<sup>14</sup> ILO, Profits and Poverty: The Economics of Forced Labour, 2014, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_243391.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf), last accessed on 9 May 2021.

<sup>15</sup> IOM, UN.GIFT and London School of Hygiene and Tropical Medicine, Caring for Trafficked Persons: A Guide for Health Providers, [https://publications.iom.int/system/files/pdf/ct\\_handbook.pdf](https://publications.iom.int/system/files/pdf/ct_handbook.pdf), 2009, last accessed on 14 June 2021.

<sup>16</sup> UNODC, Global Report on Trafficking in Persons, 2020, [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf), last accessed on 8 May 2021.

<sup>17</sup> EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

<sup>18</sup> European Parliament, Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, (2020/2029(INI)), 2020, [https://www.europarl.europa.eu/doceo/document/A-9-2021-0011\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/A-9-2021-0011_EN.pdf), last accessed on 15 May 2021.

<sup>19</sup> European Commission, Data collection on trafficking in human beings in the EU, 2020, [https://ec.europa.eu/anti-trafficking/sites/default/files/study\\_on\\_data\\_collection\\_on\\_trafficking\\_in\\_human\\_beings\\_in\\_the\\_eu.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf), last accessed on 8 May 2021.

<sup>20</sup> European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, [https://ec.europa.eu/anti-trafficking/sites/default/files/third\\_progress\\_report.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf), last accessed on 15 May 2021.

<sup>21</sup> EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

<sup>22</sup> European Commission, Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, 2021 (New EU Strategy) [https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021\\_eu\\_strategy\\_on\\_combatting\\_trafficking\\_in\\_human\\_beings\\_2021-2025\\_com-2021-171-1\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_on_combatting_trafficking_in_human_beings_2021-2025_com-2021-171-1_en.pdf), last accessed on 18 May 2021.

<sup>23</sup> European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, [https://ec.europa.eu/anti-trafficking/sites/default/files/third\\_progress\\_report.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf), last accessed on 15 May 2021.

<sup>24</sup> European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_reviewing\\_the\\_functioning\\_of\\_member\\_states\\_national\\_and\\_transnational\\_referral\\_mechanisms.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf), last accessed on 15 May 2021.

<sup>25</sup> Johanna Schlinth, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, <https://documentation.lastradainternational.org/lisidocs/3387->

support services.<sup>26</sup> For instance, difficulties have occurred in some Member States, e.g. labour exploitation cases not recognised as trafficking in human beings and treated by the police under civil law (Latvia), difficult in detection and identification of victims due to more restricted movements during the Covid-19 pandemic crisis (Luxembourg), ‘cross-border’ victims or third-country nationals ‘forced’ to commit criminal acts themselves (the Netherlands) or collaboration with governmental agencies (Sweden).

The full extent of the impact of the COVID-19 pandemic on trafficking in human beings is not yet known. However, a rise in poverty as a result of restrictions, an increase in vulnerabilities linked to migration statuses and ongoing travel restrictions may have, among other factors, resulted in higher levels of trafficking and placed third-country national migrants at greater risk of exploitation.<sup>27</sup> The risks of exploitation of minors in particular are thought to have increased.<sup>28</sup> The pandemic has also made the identification of victims of trafficking more challenging for authorities and has resulted in delays in identification procedures.<sup>29</sup>

In 2012, the EU called upon Member States to set up “systematic approach(es) to victim identification, protection and assistance” including promoting “regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings [...] aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings”.<sup>30</sup> One of the key priorities of the EU Strategy on Combatting Trafficking in Human Beings 2021–2025 is protecting, supporting and empowering victims, which also includes the early identification of victims: in this regard, working together with relevant EU agencies, as well as embedding cooperation and partnerships against trafficking with non-EU countries of origin and transit and organisations at regional and international levels in the EU’s external relations policy is fundamental.<sup>31</sup>

## 2 EU LEGAL AND POLICY CONTEXT

This section outlines EU legislation relevant to the identification and protection of victims of trafficking. It begins by describing the anti-trafficking legislation and its main recent developments, followed by relevant elements of the Common European Asylum System (CEAS). Whilst the Anti-trafficking Directive 2011/36/EU introduces the concepts of detection and identification of victims in all situations, existing instruments for international protection and forced return procedures do not explicitly provide for a tailored mechanism.<sup>32 33</sup> The recast asylum acquis goes some way in improving this situation as described below, although there may be room to further enhance provisions for victims of trafficking in human beings who are in Dublin or forced return procedures.

### 2.1 EU Anti-trafficking legislation

The EU recognises trafficking in human beings as a violation of human rights: Article 5(3) of the EU Charter on Fundamental Rights prohibits trafficking in human beings outright. The EU’s competence to act

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[REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20OFEB%202021.pdf?fbclid=IwAR2YqjwVdXeb0CtOMDdJQd9lOGBDw\\_pMZ0d7hS\\_NQE3-E3deluM0bDued4](#), last accessed on 10 May 2021.

<sup>26</sup> International Organization for Migration (IOM), Understanding the migration & mobility implications of COVID-19, [https://www.iom.int/sites/default/files/documents/covid-19\\_analytical\\_snapshot\\_59\\_human\\_trafficking\\_update.pdf](https://www.iom.int/sites/default/files/documents/covid-19_analytical_snapshot_59_human_trafficking_update.pdf), last accessed on 12 June 2021.

<sup>27</sup> Giammarinaro, Maria Grazia, COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons’, UN Human Rights Special Procedures, 2021, <https://www.ohchr.org/Documents/Issues/Trafficking/COVID-19-Impact-trafficking.pdf>, last accessed on 6 May 2021.

<sup>28</sup> EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

<sup>29</sup> CoE, 10<sup>th</sup> General Report GRETA Activities, 2021, <https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620>, last accessed on 9 May 2021.

<sup>30</sup> European Commission, EU Strategy towards the eradication of trafficking in human beings 2012–2016, 2012 (EU Strategy), [https://ec.europa.eu/anti-trafficking/sites/default/files/the\\_eu\\_strategy\\_towards\\_the\\_eradication\\_of\\_trafficking\\_in\\_human\\_beings\\_2012-2016\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf), last accessed on 6 May 2021.

<sup>31</sup> New EU Strategy.

<sup>32</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (Anti-trafficking Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>, last accessed on 10 May 2021.

<sup>33</sup> Forced return is outside the scope of this study.

in relation to trafficking in human beings is set out in the EU Treaties, and in several legal documents. The Treaty on the Functioning of the EU (TFEU) recognises the EU's power to act on trafficking in relation to its nature as (i) a phenomenon with links to migration,<sup>34</sup> and (ii) a cross-border crime.<sup>35</sup>

Several Directives within the migration acquis either focus on, or have implications for, third-country national victims of trafficking in human beings, but the Anti-trafficking Directive 2011/36/EU is the first act at the EU level to address trafficking in human beings in a comprehensive and integrated way. The instrument adopts a victim-centred 'human rights approach', providing for a common definition of the criminal offence of trafficking, and obliging Member States to "establish appropriate mechanisms aimed at the early identification of and assistance to victims, in cooperation with relevant support organisations".<sup>36</sup> In 2020 the European Commission published its third two-yearly report on the progress made in the fight against trafficking in human beings as required under Article 20 of the Anti-trafficking Directive 2011/36/EU.<sup>37</sup>

Prior to the entry into force of the Anti-trafficking Directive 2011/36/EU, the Residence Permit Directive 2004/81/EC was the only piece of EU legislation providing for assistance to third-country national victims of trafficking.<sup>38</sup> It sets out a framework for Member States to grant a temporary reflection period of unconditional stay and assistance and conditions for granting a residence permit to third-country national victims of trafficking in human beings, when these persons cooperate with the authorities competent to start pre-trial investigations and convict the perpetrator. Some Member States<sup>39</sup> make provision for certain forms of residence permit, based on the vulnerable position of the victim. This possibility is sometimes limited to particular categories of persons (e.g. minors).<sup>40</sup>

According to the Anti-trafficking Directive 2011/36/EU, "a person should be provided with assistance as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness".<sup>41</sup> The Anti-trafficking Directive 2011/36/EU goes on to state that in cases where the victim does not already reside lawfully in the Member State the assistance should be provided unconditionally for at least the duration of the reflection period. However, it can be withdrawn if on completion of the identification process or expiry of the reflection period, the victim is not considered eligible to remain in the Member State.<sup>42</sup> The Anti-trafficking Directive 2011/36/EU, however, recognises that in addition to residence based on cooperation, victims of trafficking may also be eligible for international protection.<sup>43</sup>

It is also of note that potential victims of trafficking who have been issued a reflection period cannot be subject to any expulsion order against them for the duration of this period,<sup>44</sup> and that victims of trafficking who have been granted a residence permit will not be subject to an entry ban, provided that

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<sup>34</sup> Treaty on the Functioning of the European Union (TFEU), Article 79, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>, last accessed on 15 May.

<sup>35</sup> TFEU, Article 83.

<sup>36</sup> It is noted that Denmark, Georgia, the Republic of Moldova and Norway are not bound by this Directive.

<sup>37</sup> European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, [https://ec.europa.eu/anti-trafficking/sites/default/files/third\\_progress\\_report.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf), last accessed on 15 May 2021.

<sup>38</sup> Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, (Residence Permit Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0081>, last accessed on 15 May.

<sup>39</sup> AT, BE, ES, HU, IT, LU, NL, PL, SK.

<sup>40</sup> Denmark, Ireland and Norway do not participate in and therefore are not bound by the 2004 Directive, while having similar national provisions in place for granting reflection periods and granting of a temporary residence permit based on a victim's cooperation with the authorities. European Commission, Report on the application of Directive 2004/81/EC, 2010, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0493&from=EN>, last accessed on 9 May 2021.

<sup>41</sup> Anti-trafficking Directive, recital 18 and Article 11(3).

<sup>42</sup> Anti-trafficking Directive, recital 18.

<sup>43</sup> Anti-trafficking Directive, Article 11(6).

<sup>44</sup> Article 6(2) of the Residence Permit Directive provides for a possibility to Member States authorities to terminate the reflection period in cases where the person concerned has actively, voluntarily and on his or her own initiative renewed contact with the perpetrators of trafficking or for reasons relating to public policy and to the protection of national security.

there is no threat to public policy, public security or national security within the scope of the Return Directive 2008/115/EC.<sup>45</sup>

Finally, in its *Rantsev v. Cyprus and Russia* ruling,<sup>46</sup> the European Court of Human Rights (ECtHR) recalled the positive obligations that fall to States when it comes to inquiring into possible trafficking situations and to taking the necessary measures to protect victims. Going further than a simple obligation for states to enact laws aimed at ensuring the prohibition of slavery, servitude and forced labour as provided for in Article 4 of the European Convention on Human Rights (ECHR), the Court, set forth the obligation for states to take appropriate measures to 'remove an individual from a situation or risk, where it is presumed that state authorities were aware that this individual was at real and immediate risk of being trafficked or exploited'. Very recently, the Court reiterated that these positive obligations are incumbent upon states and stressed the need for the latter to 'protect victims and investigate as soon as there are reasonable grounds to believe that there is credible suspicion of trafficking'.<sup>47</sup>

## 2.2 Main EU policy developments addressing trafficking in human beings

While the main responsibility for tackling trafficking in human beings and protecting victims lies with Member States, in 2012 the European Commission launched the first EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 (EU Strategy).<sup>48</sup> It calls on Member States to adopt a systematic approach to victim identification, protection and assistance, including through the establishment of formal, functional national referral mechanisms (NRMs). In its mid-term report on the implementation of the EU Strategy,<sup>49</sup> for the first time, the European Commission collected statistical data on the trafficking of human beings at a European level. In 2020, a fifth edition was published together with the third report on the progress made in the fight against trafficking in human beings mentioned above.

On 14 April 2021, the European Commission adopted the new EU Strategy on Combatting Trafficking in Human Beings 2021-2025,<sup>50</sup> calling for a comprehensive response to combatting a complex criminal phenomenon as follows:

- Reducing demand that fosters trafficking, including by assessing the possibility of establishing minimum EU rules criminalising the use of exploited services from victims of trafficking and proposing legislation on corporate governance to clarify the responsibilities of companies.
- Breaking the business model of traffickers, online and offline including by conducting a dialogue with internet and technology companies and encouraging systematic training of law enforcement and judicial practitioners on detecting and addressing trafficking in human beings.
- Protecting, supporting and empowering the victims with a specific focus on women and children including by seeking to improve the early identification of victims and their referral to further assistance and protection. Strengthen victim empowerment programmes and facilitate re-integration. The European Commission will also fund gender-specific and child-sensitive training to help police, social workers, border guards or healthcare staff to detect victims.
- Promoting international cooperation with international partners including by means of foreign policy instruments and operational cooperation to help combat trafficking in countries of origin and transit including through dedicated human rights and security dialogues.

Tackling trafficking in human beings and the early identification of potential non-EU victims (who account for more than half of the total number) is also a priority under several of the latest Communications

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<sup>45</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, (Return Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008L0115>, last accessed on 9 May 2021.

<sup>46</sup> ECtHR, *Rantsev v. Cyprus and Russia*, Application No.25965/04, 10 May 2010: <https://rm.coe.int/16806ebd5e>, last accessed on 15 May 2021.

<sup>47</sup> ECtHR, *V.C.L and A.N. v. The United Kingdom*, Applications Nos. 77587/12 and 74603/12), 16 February 2021: <http://hudoc.echr.coe.int/fre?i=001-207927>, last accessed on 15 May 2021.

<sup>48</sup> EU Strategy.

<sup>49</sup> European Commission, Communication on the application of Directive 2004/81/EC, 2014, <https://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-635-EN-F1-1.Pdf>, last accessed on 9 May 2021.

<sup>50</sup> New EU Strategy.



adopted by the European Commission. These include the new EU Security Union Strategy<sup>51</sup> launched in July 2020, and the New Pact on Migration and Asylum<sup>52</sup> of September 2020. It also plays a prominent role in the Europol Serious and Organised Crime Threat Assessment and the EU Strategy to tackle Organised Crime 2021-2025, presented respectively on 13 and 14 April 2021.<sup>53</sup>

The European Commission recently published three studies – one on the gender dimension of trafficking,<sup>54</sup> one on its economic, social and human costs<sup>55</sup> and one on reviewing the functioning of Member State's National and Transnational Referral Mechanisms<sup>56</sup> – focused on (different aspects of) the topic, with the latter one in particular treating victim detection and identification in the context of migration and asylum. Finally, the outcomes of this study will complement the Commission's evaluation of the Anti-trafficking Directive 2011/36/EU, which is a key action of the New EU Strategy.

### 2.3 EU asylum acquis

The EU asylum acquis comprises two Regulations and four Directives, which legislate on different aspects of the procedure for granting international protection, including which country is responsible for examining each application (Dublin III Regulation),<sup>57</sup> and how to compare fingerprints for law enforcement purposes (Eurodac Regulation),<sup>58</sup> the type of persons who qualify for international protection and the rights related to the international protection status (Qualification Directive 2011/95/EU),<sup>59</sup> the common standards that Member States should have in place for granting and withdrawing international protection (Asylum Procedures Directive 2013/32/EU),<sup>60</sup> and the common standards for the reception of applicants that should be granted to guarantee them a dignified standard of living (Reception Conditions Directive 2013/33/EU).<sup>61</sup> In the EU asylum acquis, victims of human trafficking are considered a vulnerable category of applicants under the Reception Conditions Directive 2013/33/EU which lays down specific

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<sup>51</sup> European Commission, Communication on the EU Security Union Strategy, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0605&from=EN>, last accessed on 9 May 2021.

<sup>52</sup> European Commission, Communication on a New Pact on Migration and Asylum, 2020, [https://ec.europa.eu/info/sites/default/files/1\\_en\\_act\\_part1\\_v7\\_1.pdf](https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf), last accessed on 9 May 2021.

<sup>53</sup> European Commission, Communication on the EU Strategy to tackle Organised Crime 2021-2025, 2021, [https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021\\_eu\\_strategy\\_to\\_tackle\\_organised\\_crime\\_2021-2025\\_com-2021-170-1\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_to_tackle_organised_crime_2021-2025_com-2021-170-1_en.pdf), last accessed on 9 May 2021.

<sup>54</sup> European Commission, Study on the gender dimension of trafficking in human beings, 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_the\\_gender\\_dimension\\_of\\_trafficking\\_in\\_human\\_beings\\_final\\_report.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf), last accessed on 9 May 2021.

<sup>55</sup> European Commission, Study on the economic, social and human costs of trafficking in human beings within the EU, 2020, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_the\\_economic\\_social\\_and\\_human\\_costs\\_of\\_trafficking\\_in\\_human\\_beings\\_within\\_the\\_eu.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_economic_social_and_human_costs_of_trafficking_in_human_beings_within_the_eu.pdf), last accessed on 15 May 2021.

<sup>56</sup> European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_reviewing\\_the\\_functioning\\_of\\_member\\_states\\_national\\_and\\_transnational\\_referral\\_mechanisms.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf), last accessed on 15 May 2021.

<sup>57</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), (Dublin III Regulation), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32013R0604>, last accessed on 15 May 2021.

<sup>58</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, (Eurodac Regulation), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0603>, last accessed on 15 May 2021.

<sup>59</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), (Qualification Directive), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>, last accessed on 15 May.

<sup>60</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive), <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032>, last accessed on 18 May 2021.

<sup>61</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), (Reception Conditions Directive), last accessed on 18 May 2021.

provisions for vulnerable applicants and their special reception needs, including the assessment of such needs.<sup>62</sup> The applications of vulnerable persons can be prioritised under the Asylum Procedures Directive 2013/32/EU.<sup>63</sup> Finally, the new EU Pact on Migration and Asylum<sup>64</sup> proposes to put in place a pre-entry screening that should be applicable to all third-country nationals who are present at the external border without fulfilling the entry conditions or after disembarkation, following a search and rescue operation.<sup>65</sup>

In this study, the Dublin III Regulation is of relevance as it establishes the criteria and mechanisms for determining the Member State responsible for the examination of an asylum claim in the EU. Where a Member State other than the one in which the applicant has lodged an application is found to be responsible for examining the application, the applicant will usually be transferred to that Member State. Where the applicant has lodged multiple applications in different Member States, the person will usually be transferred back to the Member State previously determined as responsible. In cases where a victim has been exploited in the Member State responsible, it could be traumatic to be returned to that Member State, even though in accordance with the Dublin Regulation, the transfer can take place. However, questions have arisen in relation to the reflection period that should be granted under art 6(2) of the Residence Permit Directive 2004/81/EC.<sup>66</sup> According to this provision, any expulsion order against a victim of trafficking shall not be enforced during this reflection period, which is an occasion for them to recover and decide whether they want to cooperate with the competent authorities, by, for example, reporting their trafficking situation. The Court of The Hague has referred several questions for a preliminary ruling, including whether a transfer decision pursuant to the Dublin Regulation during the reflection period qualifies as an expulsion order and thus whether such transfer is precluded by the Residence Permit Directive 2004/81/EC.<sup>67</sup>

Where the applicant is an unaccompanied minor without family members on the territory of other Member States, the State where the unaccompanied minor has lodged an application for international protection shall be responsible.<sup>68</sup> Moreover, so-called 'Dublin' transfers do not always take place for instance where a Member State decides to take responsibility for an application for international protection lodged by a third-country national or a stateless person itself, for example:

- on the basis of a national decision (the so-called 'sovereignty clause');<sup>69</sup>
- on humanitarian grounds based in particular on family or cultural considerations (the so-called 'humanitarian clause').<sup>70</sup>

Concerns arise when it comes to asylum applicants who may become victims of trafficking during so-called 'secondary movements' or may be returned under the Dublin III Regulation to the country where

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<sup>62</sup> Reception Conditions Directive, articles 21 and 22.

<sup>63</sup> Asylum Procedures Directive, Article 31(7)(b).

<sup>64</sup> European Commission, Communication on a New Pact on Migration and Asylum, 2020, [https://ec.europa.eu/info/sites/default/files/1\\_en\\_act\\_part1\\_v7\\_1.pdf](https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf), last accessed on 9 May 2021.

<sup>65</sup> European Commission, Proposal for a Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, 2020, [https://ec.europa.eu/info/sites/default/files/communication-screening-third-country-nationals\\_en.pdf](https://ec.europa.eu/info/sites/default/files/communication-screening-third-country-nationals_en.pdf), last accessed on 18 May 2021.

<sup>66</sup> Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, [https://documentation.lastradainternational.org/Isidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwIVDXeb0CtOMDdJQd9lOGBDw\\_pMZ0d7hS\\_NQF3-E3deluMObDued4](https://documentation.lastradainternational.org/Isidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwIVDXeb0CtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4), last accessed on 10 May 2021. Also, Case C-66/21 CJEU in which the Netherlands asked preliminary questions on the relation between art. 6(2) Dir. 2004/81 and Dublin transfers.

<sup>67</sup> Court of the Hague, 29 January 2021 ECLI:NL:RBDHA:2021:727 also

Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, [https://documentation.lastradainternational.org/Isidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwIVDXeb0CtOMDdJQd9lOGBDw\\_pMZ0d7hS\\_NQF3-E3deluMObDued4](https://documentation.lastradainternational.org/Isidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwIVDXeb0CtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4), last accessed on 13 June 2021.

<sup>68</sup> Dublin III Regulation, Article 8(4).

<sup>69</sup> Dublin III Regulation, Article 17(1).

<sup>70</sup> Dublin III Regulation, Article 17(2).

exploitation has occurred. In 2011, in *N.S. and M.E.* (Joined cases C-411/10 and C-493/10),<sup>71</sup> the Court of Justice of the EU (CJEU), held that, in line with Article 4 of the EU Charter of Fundamental Rights, Member States may not transfer an asylum applicant to the responsible Member State where they cannot be unaware that systemic deficiencies in the asylum procedure and in the reception conditions in that Member State amount to substantial grounds for believing that the asylum applicant would face a real risk of being subjected to inhuman or degrading treatment. The determining Member State shall continue to examine the criteria set out in the hierarchy of criteria in order to establish whether another Member State can be designated as responsible. This principle applies to all applicants whether or not they claim to be victims of trafficking.<sup>72</sup> Nonetheless, decisions not to transfer remain dependent on effective detection methods, identification processes and a procedure in place for the transfer to be delayed or a final decision made whether or not to proceed with it.

Detection and identification of potential victims is key, and national courts have stressed the importance of these steps on several occasions, pointing to the tension that may arise from the time-efficiency spirit of the Dublin Regulation on the one hand, and the protection duties imposed on Member States on the other.<sup>73</sup>

When the Dublin III Regulation was adopted in 2013 it also improved possibilities for detection, since it introduced a provision to conduct a personal interview 'in order to facilitate the process of determining the Member State responsible'.<sup>74</sup> The Dublin III Regulation introduced provisions on the consideration of safety and security of unaccompanied minors in particular where there is a risk of the child being a victim of trafficking,<sup>75</sup> but does not explicitly introduce provisions relevant to adults who are (potential) victims of trafficking in human beings within Dublin procedures: the Reception Conditions Directive 2013/33/EU states that Member States shall take into account the specific situation of vulnerable persons such as (among others) victims of human trafficking.<sup>76</sup>

## 2.4 The victims' rights directive

Adopted in 2012, the Victims' Rights Directive 2012/29/EU establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect.<sup>77</sup> Trafficking in human beings is recognised as one of the crimes covered by the Victims' Right Directive 2012/29/EU.<sup>78</sup> Victims of crime must receive proper protection, support and access to justice: in particular, the need for special support and protection for women (and their children) who are victims of gender-based violence, especially with a view to avoiding secondary and repeated victimisation, is emphasised.<sup>79</sup> In the context of the individual needs' assessment, particular attention shall be paid to victims of trafficking.<sup>80</sup>

On that basis, all EU Member States,<sup>81</sup> must ensure and prioritise victims' protection and safety regardless of their residence status. Indeed, while Article 1 of the Victims' Right Directive 2012/29/EU calls for a non-discriminatory approach to the protection of victims of crime, Article 2 further defines victims as "anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death case caused by a criminal act". Read in conjunction with Recital 10 which highlights that "Member States must take necessary measures to ensure that the rights set out in this Directive are not made conditional on the victim's residence status", the definition of 'victims' provided de facto encompasses third-country nationals who may fall victims to crime within the EU

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<sup>71</sup> Judgment of the Court (Grand Chamber) of 21 December 2011. *N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*. References for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) – United Kingdom and High Court of Ireland – Ireland.

<sup>72</sup> Dublin III Regulation, Article 3(2).

<sup>73</sup> For instance, Case N. NL19.30940 mentioned above (footnote 63).

<sup>74</sup> Dublin III Regulation, Article 5.

<sup>75</sup> Dublin III Regulation, Article 6(3)(c).

<sup>76</sup> Reception Conditions Directive, Article 21.

<sup>77</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, (Victims' Rights Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>, last accessed on 18 May 2021.

<sup>78</sup> TFEU, Article 83(1).

<sup>79</sup> Victims' Rights Directive, Recital 17.

<sup>80</sup> Victims' Rights Directive, Article 22(3).

<sup>81</sup> Denmark opted out from the Victims' Rights Directive.



territory, including the one of trafficking in human beings. The Victims' Right Directive 2012/29/EU provides victims and their family members with a right to information, support and protection. It further strengthens the victims' procedural rights in criminal proceedings and requires that EU Member States ensure appropriate training on victims' needs for officials who are likely to come into contact with victims. For certain groups of victims, the EU has adopted specific rules which respond more directly to the specific needs of some victims as, *inter alia*, to provide protection and support for victims of human trafficking.<sup>82</sup>

### 3 STUDY AIMS AND OBJECTIVES

The proposed study aims to explore the national practices of detection, identification and protection of third-country national victims of trafficking in human beings. In this respect, without adopting the same scope, it updates the 2013 EMN study "Identification of victims of trafficking in human beings in international protection and forced return procedures" and covers:

1. Overview of national situations in relation to trafficking in human beings, in particular focusing on the national, latest available data, trends, patterns and trafficking purposes (Introduction).
2. National policy and legislative developments and measures to detect (presumed) third-country national victims of trafficking in human beings, including information on competent authorities, existing reporting mechanisms, possibilities to appeal decisions. (Section 1).
3. National policy and legislative developments and measures to identify (presumed) third-country national victims of trafficking in human beings, including referral mechanisms (if existent) among national authorities and other relevant stakeholders (Section 2)
4. National policy and legislative developments and measures to protect (presumed) third-country national victims of trafficking in human beings, including the legal framework for granting the reflection period, residence permits and the provision of appropriate information and assistance (Section 3).
5. Cooperation mechanisms with other Member States, EU agencies (EASO, Europol, Frontex), international organisations and third countries of origin and of transit (Section 4).
6. Challenges and good practices in Member States, such as those concerning vulnerable persons, (presumed) cases falling under the scope of the Dublin III Regulation and the impact of COVID-19 (Section 5).

### 4 SCOPE OF THE STUDY

The study covers the following categories of third-country nationals, detected, identified and protected as (presumed) victims of trafficking in human beings, who are:

- Asylum applicants;
- In an irregular situation;
- In possession of a valid authorisation to stay on the territory of a Member State (residence permit or short-term visa).

Third-country nationals who are in an irregular situation and subject to a return decision will be out of the scope of this study as they have already been dealt with in other recent EMN products.

The temporal scope for statistics and the national contexts is from January 2015 up to December 2020 for statistics and the national contexts.

The study is aimed at policy makers at national, European and international level, but also representatives of specific industries (e.g. private sectors in areas where trafficking in human beings is documented to occur), civil society organisations, academia, and will complement and update findings of other relevant European Commission reports and studies as well as contribute to the European Commission's study for the evaluation of the Anti-trafficking Directive.

For the purpose of this study, the definitions listed in the section below will apply.

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<sup>82</sup> Victims' Rights Directive, articles 8, 22 and 24.

## 5 DEFINITIONS

The study uses the following definitions, which – unless otherwise stated – are based on the EMN Asylum and Migration Glossary.<sup>83</sup>

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
<b>Dublin procedure</b>	The process of determining the EU Member State responsible for examining an application for international protection lodged in one of the EU Member States by a third-country national under Regulation (EU) No 604/2013 (Dublin III Regulation).
<b>Dublin transfer</b>	<ol style="list-style-type: none"> <li>1. The transfer of responsibility for the examination of the merits of an application for international protection from one Member State to another Member State.</li> <li>2. The (physical) transfer of an applicant to the EU Member State who is considered to be responsible for examining the merits of an application following a Dublin procedure</li> </ol>
<b>Identification of a victim of trafficking in human beings</b>	The process of confirming and characterising a situation of trafficking in human beings for further implementation of support.
<b>Identified victim of trafficking in human beings</b>	A person who has been formally identified as a victim of trafficking in human beings according to the relevant formal authority in Member States.
<b>International protection</b>	<p>In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries.</p> <p>In the EU context, protection that encompasses refugee status and subsidiary protection status.</p>
<b>National referral/cooperation mechanisms</b>	Mechanism aimed at identifying, protecting and assisting victims of trafficking in human beings, through referral, and involving relevant public authorities and civil society. <sup>84</sup>
<b>Potential victim of trafficking in human beings</b>	A person vulnerable to trafficking in human beings. <sup>85</sup>
<b>Presumed victim of trafficking in human beings</b>	A person who has met the criteria of EU regulations and international Conventions but has not been formally

<sup>83</sup> EMN Glossary, [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en), last accessed on 18 May 2021.

<sup>84</sup> Article 11(4) of the Anti-trafficking Directive lays down an obligation on Member States to take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations.

<sup>85</sup> Definition inspired by IOM, <https://publications.iom.int/books/migrants-and-their-vulnerability-human-trafficking-modern-slavery-and-forced-labour>, last accessed on 10 June 2021.

<b>Detection of (a situation of) trafficking in human beings</b>	<b>The process of identifying a possible situation of trafficking in human beings.</b>
	identified by the relevant authorities (e.g. police) as a trafficking victim or has declined to be formally or legally identified as victim of trafficking.
<b>Protection of (<i>presumed/identified</i>) victims of trafficking in human beings</b>	The action of national authorities aimed at protecting the fundamental rights of (presumed) victims of trafficking in human beings. <sup>86</sup>
<b>Reception centre</b>	A location with facilities for receiving, processing and attending to the immediate needs of refugees or asylum applicants as they arrive in a country of asylum.
<b>Reflection period</b>	A period of time determined according to national law granted to third-country nationals officially identified as victims of trafficking in human beings allowing the victim to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether (or not) to cooperate with the competent authorities.
<b>Registered victim of trafficking in human beings</b>	A person who is either an identified or a presumed victim of human trafficking and has been registered by authorities and/or other agencies and organisations. <sup>87</sup>
<b>Trafficking in human beings</b>	The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.
<b>Transfer of procedure</b>	The process of changing from one migration procedure to another. <sup>88</sup>
<b>Victim(s) of crime</b>	Anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death case caused by a criminal act'. <sup>89</sup>
<b>Voluntary Return</b>	The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.

<sup>86</sup> Definition inspired by the Anti-trafficking Directive, Article 11. A person shall be provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to trafficking in human beings.

<sup>87</sup> Definition inspired by the European Commission, Data collection on trafficking in human beings in the EU, 2020, [https://ec.europa.eu/anti-trafficking/sites/default/files/study\\_on\\_data\\_collection\\_on\\_trafficking\\_in\\_human\\_beings\\_in\\_the\\_eu.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf), last accessed on 8 May 2021.

<sup>88</sup> Definition elaborated by the Core AG for the purpose of this study.

<sup>89</sup> Victims' Rights Directive, Article 2.

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
Vulnerable person	Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

## 6 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

Primary research questions:

1. What is the national situation with regard to (presumed) third-country national victims of trafficking in human beings in the Member States?
2. What are the national policies and procedures in place to detect (presumed) third-country national victims of trafficking in human beings (including targeted policies and strategies for vulnerable persons)?
3. What are the national policies and procedures in place to identify (presumed) third-country national victims of trafficking in human beings (including targeted policies and strategies for vulnerable persons)?
4. What are the national policies and procedures in place to protect and support (presumed) third-country national victims of trafficking in human beings and what is the role of national referral mechanisms?
5. To what extent and how do Member States cooperate internationally in detecting, identifying and protecting (presumed) third-country national victims of trafficking in human beings?
6. What are the key challenges and good practices in the Member States in the detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

## 7 RELEVANT SOURCES AND LITERATURE

### **EMN Studies**

- EMN (2014), [Study on the identification of victims of trafficking in human beings in international protection and forced return procedures](#).

### **EMN Ad-Hoc Queries (AHQ)**

- EMN (2019), [AHQ on Access of victims of trafficking to their rights](#)
- EMN (2018), [AHQ on Identification of victims of human trafficking during asylum interview](#)
- EMN (2016), [AHQ on Protection of victims of human trafficking](#)
- EMN (2012), [AHQ on Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)
- EMN (2009), [AHQ on Types of residence permits that victims of trafficking who do not cooperate with the authorities are granted](#)

### **Other Studies, Reports and Communications**

- European Commission (2021), [Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025](#)
- European Commission (2021), [Communication on the EU Strategy to tackle Organised Crime 2021-2025](#)
- EUROPOL (2021), [European Union serious and organised crime threat assessment](#) (SOCTA)
- Council of Europe (2020), GRETA's activities, [General reports and resources](#)

- Council of Europe (2020), [Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection](#)
- European Commission (2020), [Communication on the EU Security Union Strategy](#),
- European Commission (2020), [Communication on a New Pact on Migration and Asylum](#),
- European Commission (2020), [Third report on the progress made in the fight against trafficking in human beings](#)
- European Commission (2020), [Data collection on trafficking in human beings in the EU](#)
- European Commission (2020), [Study on the economic, social and human cost of human trafficking](#)
- European Commission (2020), [Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms](#)
- European Parliament (2020), [Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)
- UNODC (2020), [Global Report on Trafficking in Persons](#)
- UNODC (2020), [How Covid-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America](#)
- Council of Europe (2020), [Assistance to victims of human trafficking](#)
- European Commission (2016), [Study on the gender dimension of trafficking in human beings](#)
- European Commission (2014), [Communication on the application of Directive 2004/81/EC](#),
- ILO (2014), [Profits and Poverty: The Economics of Forced Labour](#)
- European Commission (2013): [Guidelines for the identification of victims of trafficking in human beings](#)
- European Commission (2012), [EU Strategy towards the eradication of trafficking in human beings 2012-2016](#)
- OHCHR (2010), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#)

### **Case law**

- European Court of Human Rights, V.C.L and A.N. v. The United Kingdom, Applications Nos. 77587/12 and 74603/12), 16 February 2021: <http://hudoc.echr.coe.int/fre?i=001-207927>
- Court of Justice of the European Union (Grand Chamber) of 21 December 2011. N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform. References for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) - United Kingdom and High Court of Ireland - Ireland.
- European Court of Human Rights, Rantsev v. Cyprus and Russia, Application No.25965/04, 10 May 2010: <https://rm.coe.int/16806ebd5e>

## **8 AVAILABLE STATISTICS**

This study builds on the study on data collection on trafficking in human beings in the EU which provides for an in-depth analysis of criminal justice statistical data for years 2017 and 2018.<sup>90</sup>

Information is checked against the EMN Annual Report on Migration and Asylum 2020 (ARM): to facilitate data collection, the EMN Service Provider provides the relevant datasheets on trafficking for each Member State, prepared since 2016, as part of the Statistical Report of the EMN Annual Report on Migration and Asylum.

## **9 METHODOLOGICAL CONSIDERATIONS**

As with all EMN Studies, the National Reports should be primarily based on secondary sources. These may be supplemented by expert interviews. For example, experts working in the field (e.g. national authorities, service provider, civil society organisations, and international organisations) could be consulted to identify key challenges and good practices in the Member States in the detection,

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<sup>90</sup> European Commission, Data collection on trafficking in human beings in the EU, 2020, [https://ec.europa.eu/anti-trafficking/sites/default/files/study\\_on\\_data\\_collection\\_on\\_trafficking\\_in\\_human\\_beings\\_in\\_the\\_eu.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf), last accessed on 8 May 2021.



identification and protection of (presumed) third-country national victims of trafficking in human beings.

## 10 ADVISORY GROUP

The Core Advisory Group (AG) for this study is composed by: FR, IE, LU, NL, PL EMN NCPs, ICF (EMN Service Provider), DG HOME. Together with the following EMN NCPs (BE, CZ, EE, ES, FI, HU, LT, LV, MT, PL, SE, SI, SK, GE, MD), EASO and EUROPOL, they form the wider AG for this study.

## 11 TIMETABLE

The following tentative timetable has been proposed for the development of the common template for this study:

Date	Action	By whom
<b>20 April</b>	AG meeting	Lead EMN NCPs, wider AG, COM, EMN Service Provider
<b>29 April</b>	Draft version 2 common template to be shared with core AG members (1-week deadline)	Core AG EMN NCPs (FR, IE, LU, NL, PL NCPs), Odysseus experts
<b>19 May</b>	Draft version 3 to be shared the wider AG and COM for comments (1-week deadline)	All EMN NCPs to review
<b>9 June</b>	Core AG meeting to discuss comments	Core AG EMN NCPs (FR, IE, LU, NL, PL NCPs), EMN Service Provider
<b>17 June</b>	Consolidated final draft to be shared with COM	EMN Service Provider
<b>25 June</b>	Launch of common template	EMN Service Provider
<b>25 October</b>	Submission of common templates	All EMN NCPs

## 12 TEMPLATE FOR NATIONAL CONTRIBUTIONS

The template provided below outlines the information that should be included in the National Contributions of EMN NCPs to this Study. The indicative number of pages to be covered by each section is provided in the guidance note. For National Contributions, the total number of pages should not exceed 40 pages, including the questions and excluding the introduction of the study. A limit of 30 pages will also apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

### Common template of EMN study 2021

## Detection, identification and protection of third-country national victims of trafficking in human beings

National contribution from *Member State*<sup>91</sup>

*Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.*

### Top-line factsheet [max. 1 page]

*The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policymakers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.*

*Please provide a concise summary of the main findings of Sections 1-5:*

### Detection

Every two years, the Interdepartmental Working Group for Combating Trafficking in Human Beings adopts an action plan approved by the Government of the Republic of Slovenia, which sets out measures in the field of prevention, assistance and protection of victims. Based on the action plan, awareness-raising of general public and target risk groups as well as training of the professional public are carried out on a regular basis. The purpose of these trainings is to facilitate the detection of indicators of victims of trafficking. An important document in this field is the Manual on Identification, Assistance to and Protection of Victims of Trafficking in Human Beings adopted in 2016 (hereinafter referred as: the Manual) which contains indicators which serve as a basic tool for detecting all forms of trafficking in human beings. At the same time, the Manual represents the basic material in training for state authorities that encounter such issues in the course of their work. Moreover, the project of informing applicants for international protection about the risks of THB has been carried out in Asylum center since 2004.

An important part of raising awareness among the general public and and risk gropus are also brochures on the rights of victims of trafficking in human beings with relevant contacts which are available at all state border police stations, social work centers, asylum centers, center for foreigners as well as consular and

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<sup>91</sup> Replace highlighted text with your **Member State** name here.

diplomatic missions abroad. An individual can also report a suspicion of human trafficking via an anonymous telephone or anonymous e-mail.

### Identification

In the Republic of Slovenia, victims of trafficking in human beings can be detected by competent governmental institutions as well as non-governmental organizations, while the official identification of victims of trafficking in human beings can only be made by the Police. The identification procedure is specified in the Manual and the measures apply to all victims of THB regardless of their nationality or type of the procedure (migration, asylum, vulnerable persons).

### Protection

When the victim of trafficking is identified, the victim is informed of his or her rights and protection programmes. The victim is first offered a crisis accommodation (30 days) and after that he/she is transferred to the safe accommodation program. The project of (re)Integration of victims of human trafficking is a logical continuation of the previously mentioned programmes, representing a step towards the victim's independent life. Assistance and support is offered to all victims regardless of their nationality or any other circumstances and are not conditional on the victim's willingness to participate in pre-trial and criminal proceedings. Special attention is paid to all vulnerable groups. In Slovenia, the principle of non-refoulement stands as one of the key prerequisite in possible return cases. According to the national legislation the THB victims have the right to stay in Slovenia for up to 90 days in order to decide whether to participate in criminal proceedings. The temporary residence permit is issued if the victim is willing to participate as a witness in criminal proceedings or in the event of personal circumstances justifying her residence in the Republic of Slovenia.

### International cooperation

Slovenia puts combating human trafficking at the forefront of international cooperation, whereas, special attention is dedicated to South-East Europe. Slovenia cooperates in the informal Network of National Anti-Trafficking Coordinators of South-East Europe (NATC SEE), founded upon Slovenia's initiative in 2010. The cooperation of NATCs particularly promotes exchanging of experiences and good practices among countries, identifying common issues of interest and defining joint actions.

Voluntary return of THB victims is carried out in line with existing agreements with relevant third countries in the field of police cooperation, which regulate also the area of voluntary return of persons to the country of origin. The Government of the Republic of Slovenia is currently preparing agreements on cooperation in the fight against trafficking in human beings and child abuse with the Government of the Republic of Serbia, the Government of the Republic of Bosnia and Hercegovina, the Government of the Republic of Montenegro and the Government of the Republic of Northern Macedonia. The agreements aim is to improve countries' prevention, identification, protection, referral and participation in criminal and other proceedings, and mutual assistance in the voluntary return of victims and potential victims of trafficking.

### Challenges

The Republic of Slovenia needs to seek improvements in terms of comprehensive and sustainable assistance and support for children victims human trafficking, including exploring the options for the establishment of special accommodation for such child victims. For several years, the Interdepartmental Working Group for Combating Trafficking in Human Beings has been drawing attention to the preparation of an amendment to the Compensation for Victims of Crime Act, which will provide access to national compensation schemes for all victims of trafficking, regardless of their citizenship. More attention should also be paid to the identification of victims of forced labor, new technologies and cooperation with the private sector.

## Introduction:

National situation with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (2015-2020)

**Q1.** Please describe the main policy developments and debates that have occurred in the reference period 2015-2020 with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (e.g., parliamentary debates, policy reforms, draft/adopted legislation, media coverage, awareness-campaigns, relevant publications).

The Interdepartmental Working Group for Combating Trafficking in Human Beings (IWG THB) has prepared Action Plans for the periods 2017-2018, 2019-2020 and 2021-2022, which envisage the implementation of basic activities to prevent and combat trafficking in human beings. The set of activities is intended for the competent state bodies as well as for the involvement of non-governmental and humanitarian organizations in various preventive activities and assistance to victims of trafficking in human beings.

As per the long-standing recommendations of the GRETA supervisory mechanism, **the Anti-Trafficking Service** was established on 26 November 2018 under the auspices of the Ministry of the Interior. The relevant service provides expert support to the national coordinator combating human trafficking and when drafting proposals to enhance the efficiency of policies and measures to fight against trafficking in human beings, periodical reports for the Government of the Republic of Slovenia, action plans and other strategic documents in this field and monitors the implementation of the measures planned. The service ensures inter-ministerial cooperation and harmonisation of activities relating to the prevention of human trafficking and fight against it at the level of the entire country. It cooperates with EU institutions and international organisations combating trafficking in human beings and ensures the realisation of requests and recommendations of various relevant international supervisory mechanisms.

On 15<sup>th</sup> and 16<sup>th</sup> of March 2018 a meeting of informal network of national coordinators for the fight against trafficking in human beings in South-Eastern Europe (NATC SEE) was held at Brdo pri Kranju, Slovenia. Furthermore, the informal network was given the political support for continued work at the seventh Informal Conference of Interior Ministers of the Brdo Process, which was held on 16<sup>th</sup> of March. The ministers also endorsed a joint declaration to this end.

On 3 March 2020, a meeting of informal network of national coordinators for the fight against trafficking in human beings in South-Eastern Europe (NATC SEE) was held in Ljubljana. In the light of the tenth anniversary of the NATC SEE, which was established at the Brdo Process Ministerial Conference 2010, 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 prevention activities, raising the awareness of the general public and at-risk target groups is an established practice; awareness-raising projects focusing on human trafficking are co-funded by the Slovenian Government and implemented by non-governmental and humanitarian organisations. The prevention activities defined in the action plans on trafficking in human beings include expert training programmes for investigators, prosecutors, judges, labour inspectors, official decision-makers in international proceedings, employees of the Financial Administration and Social Work Centres. These regular training programmes are designed to help experts identify forms of trafficking in human beings and its victims. Special attention is also devoted to the training of diplomats and consular agents of the Republic of Slovenia on potential dangers and warning signs of human trafficking. The Ministry of Foreign Affairs participates in the identification of, and reporting on, human trafficking through the network of Slovenian diplomatic and consular posts.

Information material informing target risk groups on human trafficking is also prepared in languages understandable to them (available at diplomatic and consular missions, border crossings and administrative units, NGOs as well as in the asylum home and the center for foreigners).

### **Important legislative changes:**

On 9 July 2015, the National Assembly of the Republic of Slovenia adopted the Act amending the Criminal Code (KZ-1C), which amended Article 113 (Trafficking in Human Beings) and added a new Article 132a (Entering into a Forced Marriage or Setting up a Similar Community).

Paragraph one, two and five of the new Article 113 were amended with the introduction of a mandatory financial penalty (in addition to the prison sentence). The new paragraph three implemented Article 20 of the Council of Europe Convention on Action against Trafficking in Human Beings by criminalizing the previous preparatory act of retaining, removing, concealing, damaging or destroying a public document used to prove the identity of a victim of trafficking in human beings. Such acts are criminalized in accordance with the proposal based on practice. The new paragraph four followed the provisions of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims (Article 18, paragraph four) and therefore provides for the punishment of users of services provided by victims of trafficking in human beings with the knowledge that the services are provided by victims of trafficking in human beings.

The new Article 132a of the Criminal Code (KZ-1C) implements Article 37 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which stipulates that parties to the Convention should take the necessary measures to ensure that forcing an adult or a child to enter into a marriage is criminalized. A one to two year prison sentence was proposed for the basic form of the criminal offence. For the aggravated form defined in paragraph two, which includes the protection of minors and other vulnerable persons defined as helpless persons, a one-to three-year prison sentence is prescribed. This act is thus additionally criminalized, as this was not completely covered by Article 132 of the Criminal Code KZ-1 (Criminal Coercion).

In addition to the amendments to the Criminal Code, the new Employment, Self-Employment and Work of Aliens Act entered into force in September 2015, replacing the previous Employment and Work of Aliens Act, according to which all victims of trafficking in human beings who reside in the Republic of Slovenia on the basis of a temporary residence permit are entitled to free access to labor market.

Manual on the Identification of, Assistance to and Protection of Victims of Trafficking in Human Beings (hereinafter referred as: the Manual) was approved by the Government of the Republic of Slovenia on 5 May 2016. The manual defines the term trafficking in human beings, the role and tasks of state authorities, bodies exercising public powers, public service providers, bodies of self-governing local communities and non-governmental and humanitarian organizations in dealing with trafficking in human beings, and determines victim assistance and protection measures.

Added to that, the manual contains indicators for recognizing victims of trafficking also with regard to the form of exploitation. These indicators serve as a basic tool for detecting other forms of trafficking in human beings, such as labor exploitation, forced labor and trafficking in children. At the same time, the manual



represents the basic material in training for state authorities that encounter such issues in the course of their work.

In 2017, the Act Amending the Foreigners Act (ZTuj-2E) was adopted which amended also Article 50 concerning conditions for issuing a temporary residence permit to victims of trafficking. Namely, the condition that the victim's testimony must be relevant was deleted, and a new reason for refusal was added - "there must be a reasonable suspicion that the victim's criminal complaint is guilty, or a conclusion that victim's participation is false". The rejection reason for the existence of a danger to public health has also been deleted.

In December 2018, the Government of the Republic of Slovenia signed the Council of Europe Convention against Trafficking in Human Organs adopted in Santiago de Compostela on 25 March 2015. The purpose of the Convention is to prevent and combat trafficking in human organs with criminalisation of certain deeds, protect the rights of victims of criminal offences defined in accordance with the Convention and enable cooperation at the national and international levels when taking action against trafficking in human organs.

On 26 March 2019, the National Assembly of the Republic of Slovenia adopted the Act Amending the Criminal Procedure Act (ZKP-N) that entered into force on 20 April 2019 and started to apply fully on 20 October 2019. The main purpose of the amendment is the implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. With this amendment, new legislative solutions were introduced into the Slovenian legal order that provide the victims of criminal offences with a wide range of rights in pre-trial and criminal proceedings regarding the protection, support, and compensation for victims.

In March 2021, the National Assembly of the Republic of Slovenia adopted the Act Amending the Residence Registration Act. In Article 19, which regulates the determination of legal residence, a new fifth paragraph was added. According to this paragraph registering a legal residence only on the basis of the consent of the social work centre is possible thus enabling faster decision-making in the registration procedure, as in this case no additional proof will be required.

In March 2021, an amendment to the Foreigners Act (ZTuj-2F) was also prepared, according to which the amendment to the first paragraph of Article 50 introduces a new reason on the basis of which the police may allow a victim of trafficking in human beings (and a victim of domestic violence) to stay for 90 days. It is the reason for the existence of personal circumstances justifying the victim's residence in the Republic of Slovenia, thus transposing the provisions of the Istanbul Convention and the provisions of the first paragraph of Article 14 of the Convention of the Council of Europe on Action against Trafficking in Human Beings into Slovenian law.

**Q2.** Please elaborate on the characteristics of detected, identified and protected (presumed) third-country national victims of human trafficking (including age, gender, country of origin, migration status), trafficking purposes (e.g. sexual exploitation, including forced prostitution, forced labour or services, slavery and servitude related practices, as well as the removal of vital organs), latest patterns and trends in the reference period 2015-2020.

In 2015, 33 adult (women) victims of trafficking in human beings were identified. Victims of trafficking were sexually exploited. Depending on the country of origin, the victims were from Macedonia (3), Serbia (11), Ukraine (17), Dominican Republic (1) and Unknown (1).

In 2016, 22 adult victims were identified, of which 20 were women and 2 were men. Female victims of trafficking have been sexually exploited (20) or exploited for the purpose of slavery or slavery-like

conditions, begging (2). According to the country of origin, victims from Bosnia and Herzegovina (1), Moldova (7), Serbia (4), Ukraine (4), Unknown (6) were identified.

In 2017, 30 adult victims (women) were identified. Minors or children were not identified. Victims of trafficking were sexually exploited. Depending on the country of origin, the victims were from Bosnia and Herzegovina (2), Dominican Republic (10), Philippines (2), Kazakhstan (1), Kosovo (2), Moldova (4) and Serbia (9).

In 2018, 47 adult victims were identified, of which 19 were women and 28 were men. Victims of trafficking have been exploited to commit crimes and forced begging. Depending on the country of origin, the victims were from the Dominican Republic (3), China (32), Madagascar (1) Ukraine (10) and Venezuela (1).

In 2019, 6 adult victims were identified, of which 5 were women and 1 was a man. Victims of trafficking were sexually exploited and placed in domestic servitude. Depending on the country of origin, the victims were from Vietnam (4), Madagascar (1) and China (1).

In 2020, 26 adult victims were identified, all of them women. Victims of trafficking were sexually exploited. Depending on the country of origin, the victims were from Ukraine (24) and Moldova (2).

## Section 1: Detection of third-country nationals (presumed) victims of trafficking in human beings

**Q3.** Please describe the national procedures to detect (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

**a)** Are there measures in place to detect (presumed) third-country national victims of trafficking in human beings?  Yes  No

If so, please further elaborate in the table below.

Measures in place to detect (presumed) third-country national victims of trafficking in human beings	Details
Self-reporting	Rarely
Awareness raising campaigns	Continuous awareness-raising of the general public and vulnerable groups
Collection of indicators	Police, Labor Inspectorate, Financial Administration, Social Work Centers, NGOs
Intelligence gathering by investigative services (e.g. police, labour inspectorate)	Police, Labor inspectors, Financial inspectors
Proactive screening in asylum procedures	PATS project. Interviews with asylum seekers are being conducted to identify possible victims of trafficking.
Proactive screening in migration procedures	Border Police - uses the Frontex guidelines and the list of indicators for the identification of victims from the Manual to detect victims of trafficking in human beings as part of border control procedures.
Other	NGOs

**b.** What measures are in place to promote and facilitate self-reporting by (presumed) third-country national victims of trafficking in human beings?

- Anonymous e-report and telephone number for reporting cases of human trafficking (Police).
- Information materials (bochure, leaflet) prepared by NGOs on trafficking in human beings which are distributed at border crossing points, social work centres, crisis youth centers, maternity homes, administrative units and diplomatic and consular missions of the Republic of Slovenia abroad.
- In the framework of all formal procedures.

c. Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to detect (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	PATS project. Officials are adequately trained to detect signs of human trafficking.
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	From 2015 til 2020 the Government Communication Office co-financed different projects by non-governmental and humanitarian organisations that were aimed at vulnerable groups, namely children and youth, potential victims of labour exploitation and forced labour, refugees and migrants, and particularly unaccompanied minors.
who are voluntary returnees	/
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	From 2015 til 2020 the Government Communication Office co-financed different projects by non-governmental and humanitarian organisations that were aimed at vulnerable groups, namely children and youth, refugees and migrants, and particularly unaccompanied minors. Since 2017 special attention is given also to raising the awareness of the adolescents living in the Roma communities.
who are in an irregular situation	/

d. What procedural safeguards exist for each category presented above?

Entry to, and residence in, Slovenia are governed by the Foreigners Act which, in accordance with European legislation, guarantees fair treatment of foreigners lawfully residing in the country. As far as possible, the rights of foreigners are comparable to those enjoyed by Slovenian citizens.

As regards asylum policy, Article 48 of the Constitution stipulates that, within the limits of the law, foreign nationals and stateless persons subject to persecution for their commitment to human rights and fundamental freedoms have the right to asylum. International Protection Act adopted in 2016 systemically regulates international protection in Slovenia and also specifies procedures for the implementation of the Dublin Regulation and the EURODAC Regulation.

Vulnerable persons with special needs are afforded special care and treatment. The material reception conditions, medical and psychological counselling and care are adapted to applicants with special needs in the course of their reception. Applicants in need of special guarantees in the procedure are provided with appropriate support in order to allow them to enjoy the rights and comply with the obligations in the procedure for international protection, which means refugee status and subsidiary protection status.

For legal migration it is considered, in accordance with the provisions of the Foreigners Act, that a victim of trafficking in human beings:

- who resides illegally in the Republic of Slovenia, is allowed to stay for a period of 90 days in order to decide whether to participate as a witness in criminal proceedings for the purpose of the crime of trafficking in human beings and also in cases where the victim proves the existence of personal circumstances justifying their stay in the Republic of Slovenia.
- for justified reasons, the stay may be extended for up to 90 days.
- during the period of permitted stay, ensurance of the rights guaranteed to foreigners with permitted temporary stay and the right to free translation and interpretation. The police and non-governmental organisations must inform them of the possibility and conditions for obtaining a residence permit,
- notwithstanding other, legally determined conditions for issuing a residence permit, the state may issue a temporary residence permit if the victim is willing to participate as a witness in criminal proceedings and in the event of personal circumstances, justifying the residence of the victim in the Republic of Slovenia.
- who has no means of subsistence, is exempted from paying the administrative fee in the procedure of issuing a temporary residence permit, the payment of printed matter and the costs of interpretation and translation.
- who has been issued a temporary residence permit and has no means of subsistence, is entitled to emergency medical care and to the payment of financial assistance,
- during the period of validity of the temporary residence permit, they may be employed or work in the Republic of Slovenia.

Vulnerable categories:

- all the procedural guarantees mentioned above
- in the event a victim of trafficking in human beings is an unaccompanied minor (not an applicant for international protection), state authorities and non-governmental organizations shall take all necessary steps to contact his or her family as soon as possible.

Asylum procedure:

- a victim of trafficking in human beings is defined in the asylum procedure as a vulnerable person with special needs who needs special guarantees in order to be able to exercise rights and fulfil reception obligations, who due to personal circumstances cannot fully enjoy rights and fulfil obligations under the international protection procedure.
- Special care, attention and treatment is provided.
- Regarding reception conditions, the material conditions, medical and psychological counselling and care are adjusted.
- If they need special guarantees in the proceedings, adequate support is provided to enable them to enjoy their rights and fulfil their obligations under the international protection procedure.
- Minors have a special status as a vulnerable category and receive additional attention, always taking into account the principle of the best interests of the child. Minors who have been victims of any kind of abuse, neglect, exploitation, torture or cruel, inhuman or degrading treatment or have suffered as a result of an armed conflict, should be given access to rehabilitation and should be provided with appropriate psychological treatment and professional advice if necessary. An unaccompanied minor is always assigned a legal representative.

**e.** What organisations / authorities are trained / competent to detect (presumed) third-country national victims of trafficking)?

Organisation / authorities	Trained to detect (presumed) third-country national victims of trafficking? Y/N	Competent to detect (presumed) third-country national victims of trafficking? Y/N	Details
Police	Yes	Yes	
Border guards	Yes	Yes	
Labour inspectors	Yes	Yes	
Migration services	Yes	Yes	
Asylum case officers	Yes	Yes	
General practitioners	Yes	No	
Other health workers	No	No	
Employers	No	No	
Trade unions	Yes	Yes	
Civil society organisations	Yes	Yes	
Others	/	/	

**f.** Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the detection of (presumed) third-country national victims of trafficking in human beings?



Until the adoption of the Manual in 2016, the national referral mechanism was not formally determined in Slovenia. The criteria for the identification of victims of THB was listed in guidelines prepared for various professionals (police officers, labour inspectors, etc.), as well as in contracts concluded with NGOs concerning assistance and accommodation of victims. The police used indicators for identification of victims from various EU documents/guidelines and instructions for the protection of THB victims developed in co-operation by the International Centre for Migration Policy Development (ICMPD).

The Manual defines the term trafficking in human beings, the role and tasks of state authorities, bodies exercising public powers, public service providers, bodies of self-governing local communities and non-governmental and humanitarian organizations in dealing with trafficking in human beings, and determines victim assistance and protection measures. Added to that, the manual contains indicators for recognizing victims of trafficking also with regard to the form of exploitation. These indicators serve as a basic tool for detecting other forms of trafficking in human beings, such as labor exploitation, forced labor and trafficking in children. At the same time, the manual represents the basic material in training for state authorities that encounter such issues in the course of their work.

Moreover, the Slovenian authorities have taken steps to identify victims of THB also among applicants for international protection. The Project on fighting trafficking in persons and sexual violence (PATS), implemented by the Asylum Centre since 2004, establishes mechanisms to inform applicants for asylum in Slovenia about the risks of THB, interview them with a view to identifying possible victims of THB and inform them about the assistance.

## Section 2: Identification of (presumed) third-country national victims of trafficking in human beings

**Q4.** Please describe the national procedures to identify (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

**a)** What organisations / authorities are competent to identify (presumed) third-country national victims of trafficking?

Organisation / authorities	Competent to identify (presumed) third-country national victims of trafficking? Y/N	Details
Police	Yes	Criminal Police Directorate
Border guards	No	
Labour inspectors	No	
Migration services	No	
Asylum case officers	No	
Civil society organisations	No	
Others	/	

**b)** Are there specific measures in place to identify (presumed) third-country national victims of trafficking in human beings?  Yes  No

If so, please elaborate.

In Slovenia, the police is the only authority responsible for official identification of victim of human trafficking. The identification measures are the same for all victims, regardless of their nationality or any other circumstance.

c) Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to identify (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	/
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	/
who are voluntary returnees	/
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	/
who are in an irregular situation	/

d) Does a (presumed) third-country national victim have to be formally identified by a competent authority in order to apply for / be granted a reflection period / residence permit / protection status?  Yes  No

e) Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the identification of (presumed) third-country national victims of trafficking in human beings?

See answer under Q3)f.

### Section 3: Protection of (presumed) third-country national victims of trafficking in human beings

Q5. In line with the Anti-trafficking Directive, please describe in the table below what kind of assistance, support and protection (presumed) third-country national victims of trafficking in human beings are given access to in your Member State who are in the reflection period, in the Dublin III procedure, in the asylum procedure or who have a valid authorization to stay (residence permit, short term visa or visa-free stay) respectively. Please also indicate, for each type of assistance the competent authority that can trigger its provision.

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/visa-free stay
Information on risks and protection mechanisms	Yes	Yes	Yes	Yes	Yes
Appropriate and safe accommodation	Yes	Yes	Yes	Yes	Yes

Necessary medical treatment	Yes	Yes	Yes	Yes	Yes
Counselling and information	Yes	Yes	Yes	Yes	Yes
Legal assistance	Yes	Yes	Yes	Yes	Yes
Translation and interpretation	Yes	Yes	Yes	Yes	Yes
Psychological assistance	Yes	Yes	Yes	Yes	Yes
Subsistence (material assistance)	Yes	Yes	Yes	Yes	Yes
Social and economic integration	Yes	Yes	Yes	Yes	Yes
Protection against re-victimisation	Yes	Yes	Yes	Yes	Yes
Other	/	/	/	/	/

The Manual does not define specific measures for third-country national victims or the type of formal procedures, as the provisions of the Manual treat all victims equally, regardless of their gender, nationality or any other circumstance.

Identified victims of trafficking in human beings are given access to all type of assistance in all formal procedures (the Dublin III procedure, the asylum procedure or who have a valid authorization to stay).

**Q6.** How does your Member State apply the principle of non-refoulement for victims of trafficking in human beings? Please indicate whether (and in what way) specific measures differ from general practice.

In general, the measures do not differ from the general practice in this regard. The principle of non-refoulement stands as one of the key prerequisite in possible return cases. If the conditions in this regard are not fulfilled, return is not applicable. Nevertheless, victims of trafficking in human beings are not likely to be returned. It is much more likely that the status of the victim would be the ground for the residence permit. Even in cases when return is applicable, there is some additional attention to the principle of non-refoulement. It is more likely that the victim would fit the principle and return is not applicable. It is more likely that the victim would fit the principle and return is not applicable.

**Q7.** How does your Member State implement Article 60 and 61 of the 'Istanbul Convention'?

The International Protection Act does not expressly provide for gender-based violence against women to be a form of persecution, which is the reason for granting asylum, but could identify possible persecution for belonging to a specific social group, as gender-related aspects need to be taken into account when determining a specific social group or defining its characteristics. In considering a request from an applicant alleging gender-based violence, the interpretation and guidelines as set out in the UNHCR Guidelines on gender related persecution would be taken into account in determining

justified persecution for belonging to a particular social group to which such a request would be placed. However, there are no specific national guidelines or explanations in terms of gender as a form of persecution in Slovenia.

In addition, as a part of the reception procedure, Standard Operating Procedures are in place to prevent and act in cases of sexual and gender-based violence against persons treated under the provisions of the International Protection Act. It is an agreement aimed at people who have experienced sexual and gender-based violence. The implementation of the agreement aims to ensure security, prevent escalation of violence, reduce and eliminate the consequences of violence and empower them. Such agreements are also recognised internationally as best practice for improving the coordination and quality of prevention and response measures in cases of sexual and gender-based violence. Persons who are treated in Slovenia under the International Protection Act and who are also victims of sexual or gender-based violence, are a particularly vulnerable group, for the treatment of which it is necessary to provide mechanisms that complement the existing national system, otherwise they will not be able to access adequate protection and assistance. Lack of knowledge of the language, new cultural and legal environment, exhaustion, consequences of trauma and isolation can make it difficult to access assistance that is otherwise intended for people with such an experience in the Republic of Slovenia. The agreement was created under the auspices of the Office of the Government Office for the Support and Integration of Migrants of the Republic of Slovenia, with the support of the UNHCR and non-governmental organisations. The other signatories are: Ministry of the Interior, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Police and Ministry of Justice. The support of these institutions shows that this is an area where it is important to work together in a coordinated way and to act in support of victims.

**Q8.** Please describe what typology(ies) of reflection periods, residence permit(s), protection status(es) and national programme(s) are available to protect (presumed) third-country national victims of trafficking, by answering the following questions.

**a)** What organisations / authorities are competent to trigger the request for a (presumed) victim to remain on the territory of your Member State? Please indicate if the organisations / authorities differ between cases of presumed and identified third-country national victims of trafficking in human beings.

Police, Labour Inspectorate, NGOs, Social Work Centres.

**b)** Can third-country national victims of trafficking in human beings submit a request for a reflection period themselves?  Yes  No

If so, to whom? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

Presumed victims who are from third-country nationals can submit a request for a reflection period, but as mentioned before, this can happen only after official identification of victim made by the police.

**c)** Does your Member State provide for a reflection period also for presumed third-country national victims of trafficking in human beings?  Yes  No

**d)** How long does the reflection period last to decide if presumed third-country national victims of trafficking in human beings want to cooperate with the authorities? Does it have the same duration in case it is provided to identified victims?

The reflection period is only provided for officially identified victims of human trafficking. According to the Manual the duration of the recovery and reflection period is 30 days.

e) Are (presumed) third-country national victims of trafficking in human beings expected to cooperate with the authorities during the reflection period?  Yes  No

If so, what is expected from them (e.g. report to the police, refer to support organisations, discontinue contact with traffickers)? Does cooperation differ between identified and presumed third-country national victims of trafficking in human beings?

f) What type of residence permit(s) are available specifically for (presumed) victims of trafficking in human beings in your Member State? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

In Slovenia, pursuant to Article 50 of the Foreigners Act, the police ex officio or upon the victim's request provides victims of THB whose stay in the country is irregular with the right to remain in Slovenia for up to 90 days in order to decide whether to participate in criminal proceedings.

The law also stipulates that a victim of trafficking in human beings may be issued a temporary residence permit if she is willing to participate as a witness in criminal proceedings, and adds that a temporary residence permit may also be issued in the event of personal circumstances justifying her residence in the Republic of Slovenia. The amendment to the Foreigners Act has been in force since 26 May 2021.

The residence permit can be granted to a victim of THB for not less than six months and not more than one year. It may be extended upon the victim's request for a maximum of one year.

g) What are the conditions for getting these permit(s) granted? Do conditions differ between presumed and identified (i.e. not yet identified) third-country national victims of trafficking in human beings?

The residence permit is only granted to officially identified victims of human trafficking:

- who participate as a witness in criminal proceedings or,
- in the event of personal circumstances justifying her residence in the Republic of Slovenia.

h) Are other protection status(es) and national programme(s) offered to protect (presumed) third-country national victims of trafficking in human beings?  Yes  No

If so, please indicate the extent to which they differ between presumed and identified third-country national victims of trafficking in human beings.

In the Republic of Slovenia assistance to victims of trafficking in human beings is granted pursuant to the Act Ratifying the Council of Europe Convention on Action against Trafficking in Human Beings. In accordance with the Act, the Government of the Republic of Slovenia funds two assistance programmes which are carried out in practice by contracted NGOs selected through a public tender.

The first assistance programme entitled **»Care for victims of trafficking in human beings – crisis accommodation«** is financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. In the scope of the project, victims of trafficking in human beings are entitled to a 30-day recovery and reflection period to recuperate and rid themselves of the influence of human traffickers as well learn about voluntary forms for provision of continuous care in the scope of further programs, as well as options for cooperation with state authorities. Assistance in the scope of this programme includes adequate and safe

accommodation, food and care, psychological and social support, defence counsel and empowerment, assistance in gaining access to basic healthcare, provision of safety for the victim and staff working on individual cases, 24-hour availability of the service provider, translation and interpreting services when required, counselling and informing particularly regarding the victim's rights in the language he or she understands, assistance in arranging the victim's return to the country of origin, establishing contact with similar organisations in the country the victim is returning to and acquisition of feedback after the victim's return to his or her homeland.

Long-term assistance and accommodation in the framework of the second assistance project entitled **»Care for victims of trafficking in human beings – safe accommodation«** is financed by the Ministry of the Interior. This project is the continuation of the crisis accommodation project and is intended to all persons who were identified as victims of human trafficking requiring further integrated support and who are willing to cooperate with the law enforcement and prosecution bodies in criminal procedures. In addition to basic forms of assistance (accommodation, food, care, psychological assistance, translation services, counselling and informing, particularly on the subject of their rights), the project contractor must provide the victims with other measures in the sense of re-socialization (re-integration into society) and revitalization (providing the victim with education, training, enlargement of his or her social network and finally acquisition of profession, i.e., academic recognition of the victim's, if he or she is foreign national, education qualifications). Accommodation in the scope of this programme is voluntary and may last until the conclusion of the criminal procedures for third country nationals, whereas national legislation does not determine any deadlines for accommodation of victims who are nationals of other countries.

January 2019 saw the beginning of implementation of the two year **»(Re)Integration of victims of human trafficking«** programme, co-financed by the Ministry of the Interior through the EU Internal Security fund. The programme is a logical continuation of the previously mentioned programmes for care of victims of human trafficking, representing a step towards the victim's independent life without exploitation and violation of human rights. The project's general goal is to prevent re-victimisation of victims of trafficking in human beings through implementation of activities of integration of victims of human trafficking into the educational system, or the labour market, victims' acquisition and improvement of professional skills and qualifications as well as adequate care and reception into a family, i.e., relevant care institution (also applies to children). The project is intended for Slovenian nationals who were victims of trafficking in human beings abroad, as well as foreign nationals who were involved in pre-trial or court criminal procedures as victims of human trafficking in the Republic of Slovenia or those legally residing in the Republic of Slovenia.

## **Section 4: International cooperation between Member States and with third countries in addressing detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?**

**Q9.** Please describe how your Member State cooperates within the scope of the Dublin III Regulation:

**a)** How does your Member State deal with cases of (presumed) third-country national victims of trafficking in human beings that fall under the Dublin III Regulation?

There were no aforementioned cases in Slovenia. There are the same guarantees in place as in the asylum procedure/reception.

**b)** What is the national policy and practice regarding Dublin transfers of (presumed) third country national victims of trafficking in human beings?

In addition to common conditions (risk of inhumane treatment), partner country would be contacted. We would make sure and ensure that person would not fall (again) in trafficking in human beings.

**c)** How does identification and referral take place during the Dublin Procedure?

There is common identification and referral. Everything that is place for asylum procedure/reception is also applicable for Dublin Procedure.

**d)** Are presumed third country national victims of trafficking in human beings identified during the Dublin procedure entitled to a reflection period?  Yes  No

**e)** What, if any, are the situations in which Dublin transfers are halted for presumed third-country national victims of trafficking in human beings?

There were no aforementioned cases in Slovenia. In case it would be determined that a victim suffered severe consequences, discretionary clause would be used.

**f)** Has your Member State used the humanitarian and sovereignty clauses under Articles 3 and 17 of Dublin III Regulation for cases of trafficking in human beings?  Yes  No

**Q10.** What (other) intra-EU cooperation mechanisms are in place regarding detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

From the law enforcement perspective, the cooperation with EUROPOL is taking place. It deals with prevention and detection of possible cases, identification and protection of the victims and apprehension and gaining evidence about the perpetrators and their criminal acts.

**Q11.** What cooperation mechanisms with third countries, if any, are in place in your Member State regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

Slovenia puts combating human trafficking at the forefront of international cooperation, at the operational and strategic levels, whereas, special attention is dedicated to South-East Europe. Slovenia cooperates in the informal Network of National Anti-Trafficking Coordinators of South-East Europe (NATC SEE), founded upon Slovenia's initiative in 2010 at the ministerial conference within the scope of the Brdo Process. The cooperation of NATCs particularly promotes exchanging of experiences and good practices among countries, identifying common issues of interest and defining joint actions.

For more information see answer to Q1.

**Q12.** Does your Member States cooperate with third countries in the context of voluntary return of (presumed) third-country national victims of trafficking in human beings?  Yes  No

If so, in what way?

Voluntary return is carried out in line with existing agreements with relevant third countries in the field of police cooperation, which regulate also the area of voluntary return of persons to the country of origin.

In the light of further strengthening cooperation with the countries of South-Eastern Europe the Government of the Republic of Slovenia is currently preparing agreements on cooperation in the fight against trafficking in human beings and child abuse with the Government of the Republic of Serbia, the Government of the Republic of Bosnia and Hercegovina, the Government of the Republic of Montenegro and the Government of the Republic of Northern Macedonia. The agreements aim is to improve countries' prevention, identification, protection, referral and participation in criminal and other proceedings, and mutual assistance in the voluntary return of victims and potential victims of trafficking, while respecting fundamental human rights.

**Q13.** Is your Member State considering any future cooperation mechanisms with third countries and with other Member States regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?  Yes  No

If so, please explain.

Slovenia will participate in all activities planned in the Strategy Paper 2020 – 2024 of NATC SEE and cooperate with EU MS in line with EU strategy 2021-2025.





## Section 5: Key challenges and good practices in Member States, including in light of the COVID-19 pandemic.

<b>Q14a.</b> What are the key challenges faced in the i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings?  Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below. <b>Challenge</b> <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	<b>Stage</b>
<p><b>Please describe the challenge.</b></p> <ul style="list-style-type: none"> <li>We need new technology and more cooperation with the private sector (internet providers) <u>to detect</u> online sexual exploitation or other forms of THB. All over the world there has been a sharp rise in the exchange of online illegal material during the Covid-19 pandemic.</li> </ul> <p><b>Also</b> answer the following questions:</p> <p><b>a)</b> For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?  For policy-makers and competent authorities.</p> <p><b>b)</b> Why is it considered a challenge?  See answer above.</p> <p><b>c)</b> What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?  Based on the input from experts and annual reports of IWG THB.</p>	<input checked="" type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection
<p><b>Idem</b></p> <ul style="list-style-type: none"> <li>Victims of forced labour are very difficult <u>to identify</u>, therefore proactive functioning of all stakeholders must be ensured in this area. Currently, guidelines for the work of labor inspectors are under preparation with the aim to detect the crimes of trafficking in human beings more effectively.</li> </ul> <p><b>Also</b> answer the following questions:</p> <p><b>a)</b> For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?  For policy-makers and competent authorities.</p> <p><b>b)</b> Why is it considered a challenge?  No officially identified victims of forced labour so far.</p>	<input type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input type="checkbox"/> Protection

**c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?**

Based on the input from experts and annual reports of IWG THB.

**Q14b.** What are the specific challenges at any of the above stages concerning vulnerable persons or asylum applicants?

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<p><b><i>Please describe the challenge.</i></b></p> <ul style="list-style-type: none"> <li>Improvements must be sought in terms of comprehensive and sustainable assistance and support for children who suffered from human trafficking, including the establishment of special accommodation for such child victims. Assistance for child victims of trafficking is currently provided under crisis and safe accommodation programmes intended for victims of human trafficking. While imposing an obligation on providers to assist and protect child victims of trafficking, the programmes do not define any clear content or form of assistance that would ensure that the best interests of the child are taken into consideration.</li> <li>The Compensation to Victims of Crime Act provides compensation only for the citizens of the Republic of Slovenia and the European Union. Therefore, it is necessary to adopt measures to include all victims of trafficking in the scope of the Compensation to Victims of Crime Act, irrespective of their nationality.</li> </ul> <p><b>Also</b> answer the following questions:</p> <p><b>a)</b> For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?</p> <p>For policy-makers and competent authorities.</p> <p><b>b)</b> Why is it considered a challenge?</p> <p>Despite the IWG's continued efforts these two issues remain unresolved for several years.</p> <p><b>c)</b> What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Based on the input from experts and annual reports of IWG THB.</p>	<input type="checkbox"/> Detection <input type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection

**Q14c.** What are the specific challenges with regard to traffickers / criminal organisations involved in trafficking in human beings using asylum procedures for means other than intended? *(for example, to temporarily house victims in a reception centre before moving them to the intended country).*

The challenges are related to the abuse of the asylum systems. The perpetrators and consequently also the victims may abuse the system in order to reach the destination countries. The applicants can only be detained in very few cases upon the legal provisions. Their freedom of movement enables smooth travel to the countries of destination.

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

**Challenge** *(Please list in order of importance or chronological order as instructed under the first question)*

*Please describe the challenge.*

**Also** answer the following questions:

- a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?
- b) Why is it considered a challenge?
- c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

**Q15.** What are the consequences of COVID-19 pandemic on the detection, identification, and protection of (presumed) victims?

The COVID-19 crisis has changed the usual models of trafficking and exploitation. Criminal groups have been very quick to adapt their ways of working by intensifying the use of online communication and exploitation in homes (victims were pushed into further isolation).

At the same time, the lockdown has forced institutions and non-governmental organisations to deal with greater difficulties in prevention and support activities for victims.

**Q16.** What new patterns and / or trends in trafficking in human beings have emerged because of the COVID-19 pandemic?

Based on investigations into the criminal offences of Trafficking in Human Beings under Article 113 of Criminal Code and Abuse of Prostitution under Article 175 of Criminal Code, the police have found that offenders and criminal groups use specialised Internet sites both for **recruitment** of victims (through advertisements for work) and for **advertising the services of victims** (prostitution). Another method of recruitment is persuasion through advertising fraudulent jobs (e.g. nannies, massage workers, catering staff).

Online advertising and direct communication via online “apps” is an easy way used by perpetrators to reach potential victims anywhere in the world. The perpetrators are usually well aware in which area and in which country the victims will be most vulnerable to recruitment, and that is exactly what they take advantage of.

Online communication apps (Viber, WhatsApp etc.) are used **to control and monitor victims** (in addition to other forms of surveillance). In one specific case, for example, the perpetrators demanded that the victims continuously reported on the services they have provided. Victims were also required to report for other victims, so the perpetrators gained full control of the services delivered, even when they were not directly present.

**Q17.** How has your Member State adapted its policies and procedures due to the challenges of the COVID-19 pandemic?

/

**Q18.** Regarding the challenges identified above, does your Member State have concrete plans or proposals in place for improvements to deal with them?

Yes, concrete plans are defined in the Action plan for Combating Trafficking in Human Beings for the period 2021-2022.

**Q19.** In light of possible new trends and developments, is your Member State anticipating any new challenges in the near future?  Yes  No

If so, please explain.

**Q20.** What good practices in relation to i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings exist in your Member State?

Please include one good practice per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Good practice <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<p><b><i>Please describe the good practice.</i></b></p> <p>Excellent cooperation with NGOs - they always work with the Police in initial procedures with victims (identification). They also participate in preparation of all crucial documents of IWG THB in this field (annual report, actions plans,...).</p> <p>As an example of good practice we would also point the multidisciplinary teams (MDT) that are formed for each victim individually when they move from crisis to safe accomodation.</p> <p><b>Also</b> answer the following questions:</p> <p><b>a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</b></p> <p>Policy-makers, competent authorities and NGOs.</p> <p><b>b) Why is it considered a good practice?</b></p> <p>NGOs provide victims with psychological and social support and relevant information, particularly regarding the victim's rights in the language he or she understands.</p> <p>The meetings of MDTs are very important as they address all the specific requirements of each victim individually and ensure that a unanimous decision is taken on any additional measures and costs related the victim's needs.</p> <p><b>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</b></p> <p>Annual reports of IWG THB and evaluation reports (TIP report, Greta,..).</p>	<p><input type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>