Every country in the world is affected by human trafficking, whether as a country of origin, transit, or destination for victims. In 2000, the United Nations General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the “Palermo Protocol”). Its definition of human trafficking contains three elements:

1. The Act: the recruitment, transportation, transfer, harbouring or receipt of persons;
2. The Means: by threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or by giving payment or benefits to a person in control of the victim;
3. The Purpose: to exploit the prostitution of others or other forms of sexual exploitation, forced labour, slavery or similar practices, servitude or the removal of organs.

Over 110 States have signed and ratified the Palermo Protocol, however, the United Nations Office on Drugs and Crime recently reported that “[v]ery few criminals are convicted and most victims are probably never identified or assisted”.

In 2002, the U.N. based Office of the High Commissioner for Human Rights noted the need to harmonize legal definitions, procedures and cooperation at the national and regional levels consistent with international instruments like the Palermo Protocol. The purpose of this questionnaire is to explore the extent to which member countries have implemented domestic anti-trafficking legislation and whether that legislation is effective in addressing these concerns.

Question 1: Has your country signed and ratified the Palermo Protocol? If yes, on what date?

**Palermo Protocol has been ratified in the Republic of Slovenia on 21 April 2004.**

Question 2: Does your country have special legislation for the criminal prosecution of human trafficking? If yes, please answer Questions 3 to 10. If no, is there any such legislation presently under consideration?

Yes, we have special legislation regarding human trafficking in the Criminal Code (CC).

Question 3: How is human trafficking defined in your country’s legislation?

**Human trafficking is defined in the Paragraph 1 of the Article 113 of the CC that states that “Whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or uses them in any other way, or acts as a broker in such operations, for the purpose of prostitution or another form of sexual exploitation, forced labour, enslavement, service or trafficking in organs, human tissue or blood shall be given a prison sentence of between one and ten years.”**

Question 4: Does the legislation criminalize:
a) Attempts to commit a trafficking offence?
Yes, according to Article 34 of the CC that states "(1) Any person, who intentionally initiated a criminal offence but did not complete it, shall be punished for the criminal attempt, provided that such an attempt involved a criminal offence, for which the sentence of three years’ imprisonment or heavier sentence may be imposed under the statute; attempts involving any other criminal offences shall be punishable only so expressly stipulate by the statute. (2) Against the perpetrator, who attempted to commit a criminal offence, the sentence shall be applied within the limits prescribed for such an offence or it may be reduced."

b) Participation as an accomplice or party in a trafficking offence?

Yes, according to Article 20 of the CC participation as an accomplice is punishable while perpetrator of criminal offence is considered to be any person who commits it personally or by using and directing the actions of another person (indirect perpetrator). Perpetrator is also any person who together with the other person commits a criminal offence by willfully collaborating in the execution thereof or in any other way decisively contributes thereto (the accomplice).

c) Organizing or directing others to commit a trafficking offence?

Yes, according to Article 37 and Article 38 of the CC any person who intentionally solicits another person or intentionally supports another person to commit or in the committing of a criminal offence shall be punished as if he himself had committed it.

In the Paragraph 3 of the cited Article 113 of the CC is also special provision which determines that "whoever carries out an offence from paragraphs 1 and 2 of this Article as a member of a criminal organisation to commit such offences, or if a large pecuniary benefit was gained through committing the offence, the perpetrator shall be subject to the same punishment as specified in the preceding paragraph."

Question 5: Can corporations be charged with human trafficking along with natural persons (i.e. employment agencies, travel agencies, escort services)?

Yes, according to the Criminal Liability of Legal Entities Act.

Question 6: Does the legislation contain special provisions regarding the trafficking in children? If yes, please describe.

Yes, the Paragraph 2 of Article 113 of the CC states "If an offence from the preceding paragraph was committed against a minor or with force, threats, deception, kidnapping or exploitation of a subordinate or dependent position, or in order to force a victim to become pregnant or be artificially inseminated, shall be given a prison sentence of between three and fifteen years."

This means that in case when minor (under age of 18) is involved in such an offence it is considered as an aggravated offence for which much more severe sanction is prescribed.
Question 7: What are the penalties for human trafficking offences? Do they include deportation/extradition? Do they include confiscation of instruments of trafficking and proceeds of trafficking?

See above for answers.

For the basic way of commitment of the criminal offence of human trafficking the prison sentence of between one and ten years is prescribed, but if this kind of offence is committed against a minor or as part of a criminal organisation, the perpetrator shall be given a prison sentence of between three and fifteen years.

Confiscation of instruments of trafficking and confiscation proceeds of trafficking are possible according to general rules of the CC determined in Article 73 of the CC.

Question 8: Are there statistics available on the number of prosecutions and rates of conviction in your country for human trafficking offences since its antitrafficking legislation was adopted? If yes, please provide.

The available statistics for recent years for human trafficking and for criminal offences which are mostly connected with these offences are as follows:
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Question 9: To what extent does your country permit (through legislation or protocols) the pursuit of anti-trafficking investigations in cooperation with foreign intelligence or police services?

*Police services of Republic of Slovenia cooperate with foreign services through INTERPOL, EUROPOL, SECI, EUROJUST, JOINT INVESTIGATIVE TEAMS and on the basis of bilateral agreements.*

*It has to be stressed that in EU were adopted in recent years several legal acts which enable more close and direct cooperation in the field of the criminal law among EU countries, which means among police and judicial institutions.*

Question 10: Are there provisions protecting trafficked persons from being prosecuted or punished for their illegal entry or residence in your country as a result of having been the victims of human trafficking? Are there provisions preventing their deportation where there are grounds to believe that their return to their country of origin presents a significant security risk to them or their family members?

*There are no special provisions protecting trafficked persons from being prosecuted or punished for their illegal entry or residence in our country as a result of having been the victims of human trafficking.*

*On the other hand there are several provisions in the Alien Act (AA) aimed to protect their status and their rights in our country. For example it is not allowed their expulsion or deportation in the country where their life or liberty would be endangered because of their race, religion, nationality, belonging to the special social group or political orientation, or in the country where these persons should be exposed to torture, humiliation or punishment (Article 51 of the AA).*

*The victim of human traffic is entitled to get the residence permit in case of their decision to cooperate as witness in the criminal procedure against the perpetrators of the human traffic offence. The residence permit should be issued for the period of no less then six month and no more then one year, but should renewed in case of need of criminal proceeding (Article 38 a) of the AA).*

*Damijan Florjancic*