with regard to the letter of Special rapporteur on trafficking in persons, especially women and children, Ms Mullally, dated 14 December 2020 below please find a short information concerning the implementation of the non-punishment provision in the context of THB in the Republic of Slovenia.

In Slovenia, the principle of non-punishment of victims of trafficking in human beings is complied with on the basis of Article 23 of the Criminal Code, which stipulates that “any offence committed under influence of coercion, which the perpetrator was not able to withstand, shall not constitute a criminal offence.” Other general provisions of the Criminal Code, such as Article 32 (necessity) and Article 33 (limits of punishability), as well as the possibility for a prosecutor to abstain from starting a prosecution or to discontinue a prosecution pursuant to Article 163 of the Criminal Procedure Act, can also be applied in cases where victims of THB have committed offences while being trafficked.

To this day, no cases have been reported of victims of THB being prosecuted, tried or penalised in Slovenia. The Specialised State Prosecutor's Office team competent for THB cases and judges are sufficiently familiar with the topic and therefore no specific guidance is needed. Nevertheless, we plan to include this provision into the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings which is currently in the process of being revised.

In this regard, we would like to mention the case of THB dealt with in 2017 which involved a new form of exploitation - an exploitation of victims for the commission of criminal offences.  In the investigation it was established that since November 2015 there had been eight call centres in Slovenia in which foreign nationals were performing telephone scams. The criminal group members provided the victims with the equipment they needed, gave them a list of people they had to call, told them how and when to work and constantly controlled them. The modus operandi of the fraud was to deceive individuals over the phone or internet to transfer money from their accounts into a fake “secure” account for which they claimed that it was owned by the Ministry of Justice. In this way they defrauded several individuals and acquired more than € 370,000 of monetary benefit.  In the concrete case Police found 32 foreign nationals which were accomodated in the call center in Ljubljana. Slovenian authorities treated them as victims of THB from the very beginning and therefore provided them with assistance and support as defined in the Manual on the identification, assistance and protection of victims of trafficking in human beings. They have not been penalised or prosecuted for the criminal offences they commited and have all been safely returned back to their home country. On the other hand, all six defendants have been convicted for the criminal offence of THB.

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