**Input by Slovenia for the report of the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls**

1. Provide examples of the hidden forms of prostitution, and explain to what extent they are recognized and dealt with as such?

Prostitution as such is decriminalized in Slovenia, so only exploitation through prostitution it is defined as a criminal offence.

Article 175 of the Criminal Code[[1]](#footnote-1) (hereinafter: CC-1) determines that whoever participates for exploitative purposes in the prostitution of another or instructs, obtains or encourages another to engage in prostitution with force, threats or deception shall be given a prison sentence of between three months and five years. Whoever participates, for the purpose of exploitation, in the prostitution of a minor, or uses the prostitution of a minor, or whoever instructs, obtains or encourages a minor to prostitution by force, threat, deception, recruitment or solicitation shall be sentenced to between one and ten years in prison. If the above-stated offences were committed against several persons or within a criminal association, the perpetrator shall be sentenced to between one and twelve years in prison.

The purpose of prostitution or another form of sexual exploitation is also a part of the criminal offence of trafficking in human beings according to Article 113 of the CC-1. For the principal criminal offence, a prison sentence of between one and ten years and a fine are prescribed, for the aggravated forms of criminal offence a prison sentence of between three and fifteen years and a fine are prescribed. According to Article 113 of the CC-1 also the person who knows that another person is a victim of human trafficking and uses his or her services is penalised by imprisonment for not more than three years and punished with a fine.

Most common forms of prostitution in Slovenia, due to the way it is regulated, are apartment prostitution, prostitution in night clubs (hidden behind striptease) and hotel prostitution. The distance of prostitution from the public eye makes those, who are exploited for prostitution, more vulnerable to violence and abuse. Prostitution in apartments is the most hidden and the most difficult to prove in Slovenia. It is also advertised on online platforms and harder to track. Prostitution in nightclubs comes second.

As for other prostitution venues, massage parlours top the list, with wellness and spa clubs also becoming more popular recently. The businesses offering these services are registered as providing traditional massages. To protect themselves from prosecution, the owners provide their workers with masseuse certificates, most often from abroad. These services are usually advertised on internet platforms, Slovenian and foreign ones.

1. Describe the profile of women and girls affected by prostitution in your country, and provide disaggregated data, where possible.

Victims of trafficking in human beings who are exploited for prostitution and who are identified in Slovenia most often come from economically disadvantaged countries, mainly from the Balkan. The most common forms of victims' vulnerability are unemployment, poor job prospects, poor level of education, extremely low earnings, indebtedness, obligation to support minors, disabled or unemployed partners, obligation to support extended family, serious illnesses in the family, cognitive simplicity, and war. Eventually, criminal organisation members have such a financial grip on the victims that they persist and remain in the relationship.

Typically, victims have a certain degree of personal freedom, they have personal documents, they are allowed to use telephones and the internet, they have some money of their own, they voluntarily enter into relationships with the organisation, and they often have legal permits to live and work in Slovenia. The victims of these crimes are almost always foreigners, usually women, and exceptionally minors.

In 2022, the police investigated 3 victims of trafficking in human beings under Article 113 of the CC-1 who were exploited for prostitution. In addition, in 2022, the police investigated 4 offences of exploitation of prostitution under Article 175 of the CC-1, where three persons, citizens of Croatia, Slovenia and Serbia, were identified as victims of exploitation of prostitution.

A general profile of women or girls involved in prostitution, based on detected offences, shows that 40% of women and girls involved in prostitution in Slovenia come from the Balkan countries, 10% are Slovenian, 10% are from Ukraine and around 30% come from South America. In most cases, women and girls choose to engage in prostitution because of economically disadvantaged status, study costs, indebtedness, dependence on various substances and other circumstances. The age range of prostituted women in Slovenia is from 18 to 65 years.

1. Describe the profile of those who solicit women in prostitution and whether such relations are regulated, and provide supporting data, where possible.

Based on the detected offences, women are solicited by those who benefit from it, i.e. take their earnings. Perpetrators mostly come from the Balkan countries and some are Slovenian citizens.

1. What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?

In the past, such offences were committed against a background of physical violence, restrictions on personal liberty, and illegal residence and work of the victims in the country. However, in contrast, the cases dealt with in recent years are characterised by the fact that the members of the group no longer have to resort to violence and coercive methods in the commission of the offences.

1. Who is responsible for the perpetration of violence against women and girls in prostitution?
2. Describe the linkages, if any, between prostitution and the violation of the human rights of women and girls.

Human rights abuses are certainly part of exploitation in prostitution. Women and girls, who are exploited for prostitution, are often subjected to restrictions of movement, threats to their lives, offences against sexual integrity, constant control, all forms of violence, deprivation of dignity etc.

1. What links are there between pornography and/or other forms of sexual exploitation and prostitution?
2. How is the issue of consent dealt with? Is it possible to speak about meaningful consent for prostituted women and girls?

The consent of an adult is relevant if there are no circumstances that constitute a criminal act under Article 175 of the CC-1 (more in response to Question 1).

According to Article 173 of the CC-1 a sexual intercourse or any lewd act with a person under the age of fifteen years is a criminal offence, which means that such a person can not give a meaningful consent to prostitution.

According to Paragraph 1 of Article 113 of the CC-1 the trafficking in human beings (for the purpose of prostitution or another form of sexual exploitation) is a criminal offence regardless of possible consent by trafficked person be given.

According to the available information, traffickers lure victims of trafficking for the purpose of sexual exploitation into entering into voluntary business arrangements whereby they agree to prostitution and to hand over part of their earnings in exchange for protection and assistance in administrative matters. People in this situation do not necessarily perceive themselves as victims. They often feign ignorance, are ashamed and often justify, accept, minimise or deny the actions of perpetrators.

1. How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?

Prostitution is decriminalised in Slovenia for those who offer sexual services independently, i.e. without intermediaries (pimps) and without coercion or exploitation. Soliciting or offering sexual services in an intrusive manner remains a minor offence against public order, as provided for in the Protection of Public Order Act. Organisation of prostitution is not punishable in our country, but the Criminal Code punishes with imprisonment "exploitation of prostitution", which is defined in Article 175 of the CC-1 (more in response to question 1). Similarly, the use of prostitution services is not punishable, except in cases where the person knows that he or she is using the services of a trafficked person.

1. What measures are in place to collect and analyse data at the national level with a view to better understanding the impact that prostitution has on the rights of women and girls?

There are no special measures in place to collect and analyse data on the impact that prostitution has on the rights of women and girls.

Employees of social work centres are regularly trained in recognition of trafficking in human beings, with training focused on helping victims of trafficking in human beings, while at the same time offering tools for recognizing the phenomenon when working with individuals from socially disadvantaged groups. Between 2016 and 2022, 350 professional workers or professional associates of social work centres attended the training.

1. What measures are in place to assist and support women and girls who wish to leave prostitution?

Under health protection and promotion programmes a project to support people in prostitution and those leaving it has been funded until 2023, It focused on providing various forms of support to people who are not (yet) ready or able to leave prostitution and/or are not willing to share information about the abuse they have experienced with law enforcement authorities. The persons were thus involved in continuous individual and group counselling activities. The programme targeted women, children and other persons in prostitution.

Biennial action plans drafted by the Inter-Ministerial Working Group on Combating Trafficking in Human Beings since 2004 are the foundation of activities in the field of trafficking prevention, prosecution of criminal offences and assistance to victims of trafficking in human beings. Over the years, as well as in the last year, the government co-finances the project Victim Trafficking in Human Beings – Crisis Accommodation, which is carried out by a (humanitarian) organisation selected in a public call. It is aimed at all victims of trafficking in human beings, including women and girls victims in prostitution. It provides comprehensive care for victims of trafficking in human beings (adults and children) who need immediate withdrawal from the environment. Persons placed in a crisis room are provided with accommodation, meals, first psychosocial assistance, emergency medical care, counselling, familiarisation with their legal rights, interpretation, advocacy, social/social activities, social, escort, safety assurance, repatriation assistance and material assistance. People in crisis placement are accompanied 24 hours a day by professionals and trained volunteers. The project also includes informing and raising awareness among children, young people and educational staff and possible other target populations about the dangers and pitfalls of trafficking in human beings.

In general, NGOs help women and girls, who want to leave prostitution in a variety of ways (stay in a crisis shelter and/or in a safe shelter, support programmes, psychosocial counselling, therapeutic workshops, (re)integration programme).

1. What are the obstacles faced by organizations and frontline service providers in their mission to support victims and survivors of prostitution?

An obstacle that organisations face, when working with people in prostitution, is their identification, as they are usually hidden from the public eye. This is where the work of the police in identifying potential victims of trafficking and persons exploited in prostitution is important. Another challenge is to work with users of prostitution for the purpose of demand reduction, as there is a lack of programmes of this kind addressing this issue.

1. What are some of the lessons learned about what works and what does not when it comes to stemming any negative human rights consequences from the prostitution of women and girls?

The important experience NGOs have gained in the field of good practices is in the importance of prevention, which addresses girls and women in terms of the physical and mental consequences (post-traumatic stress disorder, anxiety, insomnia, social isolation). Inclusion in the counselling and therapeutic process is crucial.

Furthermore, the obstacles faced by organisations and providers of assistance services in their work with victims and survivors of prostitution, which prevent them from providing assistance and support for prostitution, are:

* victims are often not recognised as victims,
* they refuse the assistance offered or deny that they need it,
* fear of "retaliation of punitive measures" by the pimp/criminal organisations (and in this respect do not participate in pre-trial/criminal proceedings below),
* not to trust our police and the judiciary, as they have a negative experience of these authorities in their countries of origin,
* prostitution is decriminalised in Slovenia and takes place mainly in apartments/enclosed spaces, so there is no relevant information on the extent to which this phenomenon is actually widespread (specifically, how many women and girls engage in prostitution on their own initiative and for themselves),
* prostitution is "fairly hidden" from the eyes of the public and civil society, and consequently too little attention is paid to its existence,
* victims of prostitution (and prostitutes) are stigmatized in our public and people view them with too much prejudice.

Since legalization of prostitution is associated with the legal norms of the profession, with registers, mandatory medical tests, stamp in a work booklet, this discourages sex workers from reporting due to stigma.

1. Are frontline organizations and survivors' organisations sufficiently included in policymaking at the national and international level?

The Ministry of Justice is responsible for proposing substantial and procedural criminal legislation in the area under consideration, and in doing so cooperates or coordinates with organizations in question.

NGOs are part of the inter-governmental Working Group for Combating Trafficking in Human Beings and within the group they have a certain influence on the change of legislation in the field, preparation of action plans etc.

1. What recommendations do you have to prevent and end violence associated with the prostitution for women and girls?

In addition to general and special preventive effects, which results from the criminal procedures and appropriate punishment of the perpetrators of the considered criminal offences, public campaigns are very important, which can influence the public's attitude towards women and girls and towards criminal offences against sexual integrity.

Addressing potential users of prostitution and sensitizing them - in the sense of understanding that the use of prostitution is a form of violence and the expression of the need for gaining power and not the satisfaction of sexual desire. It is crucial to have preventive programs for educating young people about sex and sexuality, consent, negative consequences of prostitution and pornography. Education of the general public and society as a whole and, above all, the professional public (especially those employed in healthcare and justice system) is needed to create better practices and victim friendly procedures and to improve the understanding of the vulnerability of persons, especially women and girls in prostitution.

1. Official Gazette of the RS, Nos. 50/12 – Officially Consolidated Text-2, 54/15, 6/16 – Officially Consolidated Text-2corr, 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 – ZZNŠPP and 16/23. [↑](#footnote-ref-1)