

OSCE
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The role of business community in the anti – trafficking

Slovenia is sharing common views emphasized at the preparatory seminars with the European Union.

International economy in recent years is becoming more and more negatively affected by the presence of gray economy, corruptive practices and money laundering. Legal economic activity often facilitates the illegal trade or transport of illegal financial means and commodities. The transportation companies in many cases serve as means of trafficking of human beings, drugs or small and light weapons. Numerous legal business operations can be infiltrated by exploiters of human labor. The consequences, that we face, are corruption, loss of productivity and increased crime rate.

Permanent attention should be paid to what extent the illegal economy is infiltrated into the economy; how can enterprises protect themselves from the negative impact of trafficking in human beings, drugs and small arms and light weapons and also how can governments assist the business sector in combating trafficking. Constant review of registration and licensing of the business companies can prevent their involvement in trafficking. The accountability and the flourishing of the private sector of states in transition should be enhanced and endeavors to attract foreign investments and new opportunities for enterprises are inevitable to establish a business friendly environment. The economic situation of the people in any given country should be improved, since there is a strong and direct link between poverty and illegal activities. A better co-operation, transparency and sharing of information is needed between countries of origin, transit and destination to be more active and committed in the fight against trafficking. Effective legislation and policies coupled with strict enforcement procedures are essential to combat trafficking. We should ensure that all OSCE participating States have an article in the Criminal Code that allows courts to seize and redirect assets of convicted traffickers into social and community services to compensate victims and benefit potential victims of trafficking.

The role of the governments and anti-trafficking

Important policy frameworks have been set out in the international organizations. The work in the framework of the UN Convention on Organized Crime and its protocols has been a major stepping stone in the discussion on how to combat international organized crime and trafficking. But despite the efforts to translate international agreements and guidelines into national policies, and despite the many efforts to translate national laws and legislation into

concrete know-how, training and awareness of the public, the combat still appears insufficient.

Security and stability of the state and its individuals together with the availability of basic services and public participation in decision-making as well as strengthening the institutions are necessary for the good governance. Governments can assist the private sector in avoiding involvement in trafficking activities. OSCE Field Missions, employing the platform concept, could organize workshops and information exchanges with main stakeholders: NGO's, police, government agencies and ministries, journalists to raise awareness about trafficking and needed solutions.

Trafficking in small arms and light weapons

Member states should examine, if the existing financial and transport legislation suffices for detecting and preventing trafficking in SALW. Member states should also increase cooperation in border control and customs OSCE should assist governments in establishing adequate export control policies on SALW and call upon the national governments to ratify the UN Firearms Protocol. National programs for the destruction of SALW surplus should be set up and implemented and the information on that publicly available.

Trafficking in human beings

More in depth and long term research is needed to complete and analyze the picture on the root causes, demand and supply, the trafficking networks and the economic consequences of the various kinds of trafficking in human beings, in all participating States. Participating states are advised to take measures to improve data collection on trafficking in human beings. OSCE should help member states to develop legal mechanisms to combat discrimination against women with respect to economic and educational opportunities. Efforts should be directed to maximize chances of local employment and minimize chances of being lured abroad. We should establish the legal status of the victims of trafficking, their protection and rights in order to distinguish them from illegal workers and migrants. Anti-trafficking policies with clear protocols, avoiding re-victimization, should be developed for victims of trafficking who return to their country of origin.

Trafficking in drugs

The national social and political institutions should be strengthened in order to operate better and to form an essential framework for the fight against drug trafficking.

OSCE Organization and the anti-trafficking - Current state in Slovenia

1. Trafficking in drugs

The estimations in Slovenia show that problems affecting illicit drug is increasing. So called synthetic drugs are spreading. An increase is registered in discovered criminal acts in the area of illicit drugs between 10 and 25 % a year, the number of the discovered offences of illegal possession is augmenting around 25% a year. Slovenia is a consumer of the illicit drugs as well as transit state.

Slovenian police have in recent years dedicated special attention to preventing illegal trafficking of heroin, along so called "Balkan Route" destined for the EU. In the opposite direction, from Western Europe towards the areas of illicit heroin production, tones of chemicals are being smuggled. Recent arrests and convictions of Slovenian truck drivers in

UK have proven the increasing involvement of Slovenian groups in heroin smuggling towards Western Europe. The Harbor of Koper is still one of the transit harbors for transport of larger quantities of cannabis from Albania towards the Western Europe; the Netherlands, Germany; for smuggling heroin from Turkey and for smuggling cocaine from South American countries.

1. 1. Suggestions for the possible provisions

With the accession of Slovenia to the European Integrations, there will be increased supply of synthetic drugs on the Slovenian market. The transport of commodities through the European borders will augment due to liberalized Common European Market. Therewith will be also many cases of redirections of primary substances for the production of the illicit drugs along the Balkan Route. That is the reason why it is necessary to:

- provide more efficient control on the so called Schengen border and for that aim educate police and custom officers
- establish action plan for the fight against drugs for the period 2003-2004 within the national strategy proposal, which bases on four pillars:
 - o development of the information system in the field of drugs
 - o development of programs for lowering demand for drugs
 - o program of reducing drugs supply
 - o research, education and evaluation
- improve the expert level of the law enforcement authorities for discovery and criminal prosecution with specialized education and training of these authorities in the field of illicit drugs and precursors
- establishment of centrally managed approach to the work in the field of illicit drugs
- cooperate and harmonization between the central, regional and local level of Police
- comprehensively deal with criminal offences, establish reinforced measures for the control of the Balkan Route and prevent the rerouting of precursors in cooperation with other State bodies;
- take necessary measures for early identification of new synthetic drugs, take necessary measures for prevention of illicit manufacturing and trafficking of synthetic drugs
- stress the role of the national and international linkage of different government organizations as jurisdiction, police, customs and incorporation of the intergovernmental organizations in the combat against drug trafficking
- supervise activities of legal business, which can serve as a link in the drug trafficking
- direct endeavors for economic development of the states producers of natural drugs in programs and in drugs for diminishing drug demand, above all in developed states as driving force of drug trafficking

2. Trafficking in human beings

The phenomena of the trafficking with human beings in Slovenia are first of all perceived as trafficking with women for sexual abuse. Slovenia is according to the role of classification of states ranged in all three forms as a state of origin, transit and destination. There are between 70 and 80 night clubs recorded, which are supposed to be resorts for traded women from Eastern Europe. According to the migration streams in last ten years, the number of illegal immigrants, which transit Slovenia, is estimated to be from 2000 to 2500 mostly from Southeastern Europe. Slovenia is also the country of origin in illegal trafficking of human beings, although the numbers are relatively low, only several dozens between 1995 and 2000.

Trafficking in human beings is not diminishing. It is becoming even stronger. New forms of trafficking with children for sexual or other form of exploitation for begging, stealing, selling

of small things and smuggling of drugs are emerging and also spreading fast. 30% of all victims are teenagers between 15 and 17 years old.

Inter-ministerial working group and national coordinator for human trafficking was appointed in the year 2001. Its activities are directed to general and more targeted public awareness on drug trafficking.

In Republic Slovenia there are 8 shelters currently active, which are organized as public institutions. The activity of organizations such as women counseling house, clinic for people without health insurance, Slovenian Philanthropy, IOM, Police, etc. is placing the victim to the safe environment, ensuring medical care, psycho-social help and help with return to the state of origin.

Existing shelters in Slovenia still have some deficiencies, such as:

- security conditions of the existing shelters do not altogether satisfy
- professional workers are not trained enough for the specialized help
- shelters for victims of violence accept exclusively women with or without children and do not accept boys at all
- treating of men as victims of trafficking with human beings is also not sufficiently regulated.

2. 1. Suggestions for the possible provisions

Since trafficking in human beings provides with bigger profits than trafficking with drugs, the states involved should:

- dedicate special attention to the causes of the problem and approach to a problem as a whole
- exchange practical experiences and information between the institutions and states
- form priorities for concrete activities in combating trafficking in children based upon the UNICEF guidelines
- form a working group for combating children trafficking, led by specialists or government and establish effective procedures for rapid identification of the victims of children trafficking
- attend to children-friendly placement of children victims of trafficking in a way, that their needs are met and implement policies of reintegration, based on children's best interest
- provide for national plans for combating trafficking
- establish programs for victims and witnesses protection, respect for their dignity during criminal proceedings and draw special attention to the status of victims in criminal proceedings, to avoid further traumas
- assure victims the right to refuse the testimony and if they agree to testify, they should do it in a friendly environment
- dispense temporary permit of residence independently from the option and preparedness to testify in criminal procedures and decree the time of sojourn for witnesses and victims with regard to the threats to their security, that is from one to three month with possible exceptions, which will depend on the case
- inform victims and enable them access to independent legal opinion
- legalize the status of victims of trafficking with human beings
- governments should redirect from exclusive approach of law implementation to approach, focused on the victim
- the victims and witnesses should be informed about the development of the investigation and judicial procedure, also about the release of the traffickers

- exclude the victims from criminal procedures and provide them with opportunity to present their point of view
- extend provisions for protection of victims in the states of origin and destination to their families and relatives, since the effective witness protection doesn't end with the termination of judicial procedure
- provide for the quota system in which member states could receive and protect certain number of witnesses
- assure responsible media reporting on illicit trafficking
- open smaller safe house or apartment, which would assure the current shelter, open telephone and in cooperation with project partners social and health services, legal and psycho-social help, security and voluntary return and help with victims reintegration
- ensure additional education of persons to work with victims in order to secure better protection or their physical and mental recovery, social reintegration and return to the homeland.

3. Trafficking in small arms and light weapons

Trafficking trends in RS show, that the weapons are smuggled regularly from the area of "Republika Srpska", in which the citizens of Bosnia and Herzegovina, Serbia and Montenegro, Croatia or Republic of Slovenia, employed in the EU member states prevail as the couriers. Weapons, smuggled from Croatia, are usually made in legal or illegal arms production facilities in Republic of Croatia. Trafficking channels lead from Republic of Croatia through Slovenia to Italy. There are many cases of weapon smuggling to Netherlands, where arms are usually paid with drugs and then through the same couriers taken back to Bosnia and Herzegovina and Croatia.

At the Sub-regional conference on the SALW, prepared by the UNO and OSCE in March 2003 in Slovenia it was suggested by the Slovenia to establish "Regional contact points for SALW" as a contribution to attempts of international community to implement supervision mechanism at the trade with SALW and also for the diminishing of the opportunities of illegal trafficking.

3.1. Suggestions for the possible provisions

In Slovenia there is a necessity to:

- raise the lowest limit of prison punishment
- include "offering for sale" in the criminal act indicators
- change the law on arms in terms of informing states signers of European Convention on control over SALW, stamping imported weapons and managing of unified evidence of all imported weapons – regulate and determine legal framework for operating, evidence and brokering business and enterprise registration
- prohibit production and circulation of weapons or exploding substances on the basis of the provisions stated in OSCE Document on Small Arms and Light Weapons and protocol on the illegal arms business within the framework of TOC Convention UNO should be harmonized and changed:
 - increase the lowest limit (1 year of prison) for these criminal acts and
 - incorporate military equipment, instead of expression of "military means"
 - arrange the cases of brokering or brokering with the arms businesses abroad, which are executed by some judicial persons and individuals from Slovenia
 - among the indicators of criminal acts incorporate also offering to sale as a criminal offence "Sui generis"

- change the existing Law in these points:
 - stigmatize the imported arms and maintain common AOP registers of all imported weapons
 - arrange and determine the legal framework for operating, evidence management and registration of the brokering business and enterprises.