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**Reply from the Slovak Republic  
to the Questionnaire for the evaluation of the implementation  
of the Council of Europe Convention on Action against  
Trafficking in Human Beings by the Parties**

**Second evaluation round  
(Reply submitted on 15 October 2014)**

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The Slovak authorities have agreed to the publication of this reply.

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

Based on police statistic data on Trafficking on Human Beings (hereinafter referred to as "THB") and on data about THB victims included in the Program of support and protection of THB victims (hereinafter referred to as "National Program"), the SR (hereinafter referred to as "SR") is considered to be a country of origin, or source country, and not that much a destination country. SR is a source country especially for the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the "United Kingdom"), Austria, Federal Republic of Germany, Belgium, Italy, the Czech Republic and some other member states of the European Union. Information of operative police units combating THB suggests that those transiting the SR on their way to the countries of Western Europe are mostly citizens of Ukraine, Moldavia, and Vietnam. However, if these victims are caught, they cannot be statistically reported in criminal procedures and are not included among the victims included in the Program of support and protection of THB victims. The SR is a destination country mostly for citizens of Ukraine and some African countries.

Cases investigated in years 2011 – 2013 show that apart from sexual and forced labour, since 2013 there has been a rising number of cases when damaged persons were attracted to travel abroad (mostly to the United Kingdom) to conclude a forced marriage with citizens of third countries (Pakistan, India). Often, these cases are linked to sexual exploitation. The overview of victims included in the National Program for 2011 – 2013 reflects the trends seen in investigated cases. Besides a stable share of cases of sexual exploitation, the number of forced marriages increased, and cases of THB for forced begging rose slightly. From the viewpoint of development of the situation in the field of THB, we expect increasing shares of forced marriages and forced labour on the total exploitations in the future.

Recently, changes of the modus operandi of the THB criminal activities have appeared gradually as well. Step by step, offenders are developing increasingly sophisticated methods of committing the criminal activity. From the original violent forms of forcing, threatening and intimidation (restriction of personal liberty, physical violence, removal of travel documents), they move to more subtle forms (abuse of necessity, lack of knowledge of language, local conditions etc.). Traffickers often use deceiving activities and lies to procure their victims. They make the victim believe that they have well-paid work for them abroad. After arrival to the country, they force the victim to perform various types of work by force, threatening, or blackmailing. An important role is played by electronic communication means, especially mobile telephones and internet that are increasingly used for committing these criminal activities.

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

The public prevalingly believes that THB relates mostly to women that are forced to prostitution. In the recent years, this presumption has not been confirmed; with increasing frequency, victims are men who, due to unemployment or low financial income from employment, are easily attracted by traffickers to perform a well-paid job abroad. Traffickers know that when looking for victims, it is good to focus on areas with high unemployment and people in poor social conditions. Thus, the most endangered group are persons from Roma settlements as these are believed to be uneducated and easy to be influenced by a promise of high earnings. Traffickers act very persuasively, are well dressed and able to persuade people by their appearance and behaviour that they also earned a lot abroad, substantially improving their living standard. Cases have been reported when traffickers paid out an advance payment for temporary support of the family (approx. for 1 week), promising that soon, they will be able to send earned money back home.

School graduates are also a vulnerable group. They are attracted by the opportunity to travel to abroad to various part-time jobs from which they could obtain money. They usually

respond to offers of work agencies, media but fail to verify the credibility of the agency subsequently.

THB forms:

**Sexual exploitation** – one of the most prevalent forms of exploitation of victims, e.g. for work in erotic clubs, street prostitution, production of pornography. Victims may enter the environment of sexual business voluntarily. They are aware of being hired to work as prostitutes, but unaware of the working conditions and/or have agreed on different work conditions. Victims may enter the environment involuntarily as well, by fraud or physical and/or psychic violence. More often, traffickers exercise psychological pressure as it leaves no visible traces on the victim. Traces of beating and bad behaviour basically degrade the “goods” and degraded goods do not sell well. This is why traffickers use psychological pressure, threats of possible violence to relatives; victims are often drugged, have restricted freedom of movement and are thereby forced to subdue to the requirements of the traffickers. In addition, traffickers deduct high amounts as living costs, increasing their debts and in the end, making it impossible to pay them up.

**Forced Labour** – in different forms, such as work in households, in factories, forced street sales. Unlike sexual exploitation, the victims are often men trying to get a well-paid job abroad. The fundamentals of forced labour may result from the creation of a fictitious debt relationship with the victim. The earnings of the victim are usually retained due to an alleged payment of debt. Alleged debts, however, highly exceed the costs of travelling and intermediation of employment. Traffickers find their victims especially among the unemployed, in the countryside, in settlements lacking opportunities to verify information, e.g. about agencies. Recruiters come to areas with high unemployment and offer well-paid jobs abroad to people. The unemployed see the offer as an opportunity to improve the financial situation of their entire family. The victims are usually in a time stress, traffickers force them to decide about acceptance of the offer immediately. They force them to go pack hastily, collect their travel documents and leave immediately. Victims have no opportunities to check the credibility of the offers and get caught by the traffickers. They then find themselves abroad, often unaware of which country they are in and unable to speak the language. Similarly to victims of sexual exploitation, the victims of forced labour are usually poorly treated. They are exposed to physical and psychological pressure, have limited freedom of movement, work for free or for a minimum wage, their travel documents are retained, and they live in very poor conditions. Traffickers have developed various methods to break human personalities. Victims are not always aware from the beginning that they will work illegally. However, for the trafficker, this serves as a reason to threaten the victim that they will be reported to the relevant authorities due to performing the illegal work. Another practice of the traffickers is to build a relationship with one of the victims of forced labour; they pay this person better and the person works as an “informer” for them, enabling them to control the situation among the victims.

**Forced marriage** – a trafficker forces a citizen of the Schengen territory, for example a Slovak citizen, to marry a citizen of a third country, i.e. a citizen from outside the Schengen territory, for a financial compensation, enables the citizen of the third country to move within the entire Schengen territory for free. In 2013 and 2014, we have seen increasing number of cases of THB for the purposes of forced and purpose-made marriages. Women mostly from east Slovakian Roma settlements are deceived by favorable work in the United Kingdom; then they are further sold to other citizens from third countries for the purposes of marriage legalizing their residence. In numerous cases, these women are forced to work as prostitutes in the United Kingdom.

**Exploitation of criminal activities** – this form of THB is discovered just sporadically in the SR.

**Forced begging** – usually, persons with disabilities and persons with neglectful appearance, often homeless, are traded by traffickers abroad for this purpose.

Statistical outputs related to THB victims included in the National Program indicate a phenomenon of multipurpose exploitation, i.e. combinations of several purposes of exploitation.

In the SR, risky sectors in the field of THB traditionally include construction, agriculture, food processing, and restaurant and catering services. Abroad, victims – citizens of the SR – are abused in the sexual industry, construction, agriculture, food processing and households.

- any changes in your country's laws and regulations relevant to action against THB;

On 25 June 2013, the National Council of the Slovak Republic approved the law (the Act No. 204/2013 Coll.), changing and supplementing the Act No. 300/2005 Coll., the Criminal Code, as subsequently amended, changing and supplementing some acts, with effect from 1 August 2013. The law is implementing the transposition Parliament and Council Directive 2011/36 / EU of 5 April 2011 on preventing trafficking in human beings and combating trafficking and protecting its victims, and replacing Council Framework Decision 2002/629 / JHA into Slovak law. The proposal is ensuring legal compliance with the requirements under Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 16 5 2005 - ref .. no. 487/2008 Coll.) that were proposed to the Slovak Republic by the Group of Experts on Action against Trafficking in Human Beings - GRETA.

The Act no. 204 dated 25 June 2013 amending the Act no. 300/2005 Coll. the Criminal Code as amended and amending other acts (hereinafter referred to as the "Criminal Code") also amended the provision related to the criminal offence of THB stipulated in Article 179 of the Criminal Code. In section (1), instruments of THB also include abduction, the purposes of exploitation include, apart of forced service, also begging, and new purposes have been added, such as forced marriage and exploitation of criminal activities.

Qualified merits of the criminal offence of THB are specified in sections (2) to (5). Section (2) related to commitment of the criminal offense of trafficking in humans younger than 18 years of age has been fully substituted, and section (3) includes new letters b) and c).

Also, the Act change of the regulation of the criminal offence of pimping, resulting from the recommendation of the Evaluation Report of the Government of the United States of America on THB in 2012, recommending the SR to adopt legal changes so that child victims participating in prostitution are seen as victims of THB rather than pimping.

The above mentioned Act also amended the Criminal Procedure Code (Act no. 301/2005 Coll. the Criminal Procedure Code as amended) (hereinafter referred to as Criminal Procedure Code). Article 215(2)(d) has been changed with regard to the transposition of Article 8 of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and Art. 14 of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, obliging member states to adopt the necessary measures to ensure that their relevant national authorities are authorized not to prosecute victims of THB, sexual abuse and sexual exploitation and to punish them for participating in criminal activities if they were forced to commit these activities in direct relation to being subject to any of the acts mentioned in the directives. In this regard, special regulation enabling prosecutors to terminate criminal proceedings has been adopted.

The most significant change in this area, however, is the amendment to Article 58 of the Criminal Code stating in section 2 that if a court punishes an offender, inter alia, for the criminal offence of trafficking in human beings under Article 179, the court shall also impose a sanction of forfeiture of property if the offender acquired property, at least to a substantial extent, by criminal activities or using income from criminal activities.

Compensation for persons injured by intentional violent crimes is governed by Act No. 255/1998 Coll. as amended by Act No. 422/2002 Coll. (as long as the violent crime was committed from 01.01.1999 to 30.04.2006), respectively Act No. 215/2006 Coll. as amended by Act No. 79/2008 Coll. (as long as the violent crime was committed from 01.05.2006 until 30.6.2013), respectively Act No. 146/2013 Coll. (as long as the violent crime was committed after 1.7.2013, including)

- victim can apply at The Ministry of Justice of the Slovak Republic only if the damage has not been compensated different way.
  - a) within a period of 18 months from the date of committing a violent crime or if a judgment or other equivalent recognition of the offender guilty of committing an offence was issued after the expiry of that period, compensation is to be applied from the date of entry into effect of the decision within six months (the time limit shall apply to the cases where a violent crime was committed prior to 1 July 2013), or
  - b) within six months from the date of the judgment or order to which the offender is guilty of a criminal offence, which was damaged due to the injury to health, or judgment, in which the defendant was acquitted, because it is not criminally responsible from indictment to stand trial, or within six months from the date of the validity of the decisions of the authority of law enforcement or court in the cases if the offender is not known or is staying at an undisclosed location abroad, his prosecution hinders the legal hurdle, the last Act (set out deadlines for cases where a violent crime was committed after 1 July 2013 (including)).
- the person eligible for compensation in cases of death is the surviving spouse or the surviving child. If there is no spouse or child, then the person eligible for compensation is surviving parent. If there is no surviving parent, then the person eligible for compensation is the one to whom the victim had maintenance obligation ((if a violent crime is committed from 01.01.1999 to 30.04.2006, such eligible survivors, which are provided or was obliged to provide nutrition for the person whose death was caused by a criminal offence).
- the total amount of compensation granted, under the above cited law must not exceed 50 times the minimum wage
- the amount of compensation for the injury shall be determined on the basis of medical opinion, issued pursuant to the law NR SR No. 420/2004 Coll. on compensation for the pain and on compensation for loss of social standing (as far as damage to health occurred after 01.08.2004), or according to the Decree No. 32/1965 Coll. on compensation of pain and more social applications, as amended (if damage to health to 31.07.2004)
- an application form for compensation can be downloaded from the "services for citizens" section of the MS SR in the part relating to the "compensation to citizens" (<http://www.justice.gov.sk/Stranky/Nase-sluzby/Trestne-pravo/Informacie-pre-obete-trestnych-cinov.aspx>)
- the Ministry of Justice of the Slovak Republic is obliged to decide on the application within six months from the date of its filing. Applications for compensation must be addressed to the Ministry of Justice of the Slovak Republic, Department of rehabilitation and compensation, Zupne square 13, 813 11 Bratislava

The National strategy of protection of children against violence (hereinafter referred to as the "National Strategy") has been approved by the resolution of the Government of the SR no. 24/2014 dated 15 January 2014,. The basic intention of the National Strategy is to achieve a qualitative change in the perception and solving of violence committed on children by thoroughly interconnecting and integrating partial policies into an efficient and functional mechanism for complex and systematic solving of violence on children. The draft of the National Strategy is based on the General Comment of the UN Committee on the Rights of the Child no. 13 (2011) and the Political Guideline of the Council of Europe for integrated national strategies of protection of children against violence. The general rules of the guideline (protection from violence, right to life and maximum opportunities of survival and development, non-discrimination, gender equality, participation of children, duties of states, duties and participation of other stakeholders, best interests of children) and operative rules underlining multidimensional nature of violence, integrated approach, cross-sectoral cooperation, and multilateral approach were reflected in the draft National Strategy. The National Strategy defines the strategic goals in the field of protection of children against violence on a national level so that the results manifest at local levels. On 01 January 2013, an amendment (Act no. 485/2013 Coll.) to the Social Services Act (hereinafter referred to as the "Social Services Act") entered into effect and introduced a whole new segment (independent group) of social services with a common goal and nature, specifically, provision of

crisis intervention. This term expresses, more generally, the scope and diversity of unfavorable social situations that are to be solved by said social services, including services to cover necessary conditions to satisfy basic life needs. Social services of crisis intervention contain unfavorable social situations for which the crisis intervention services are designed. This indirectly defined the group of clients to which these services are provided. Social services of crisis intervention are also provided to I persons endangered by behavior of other persons. This term also includes trafficking in human beings. Social services of crisis intervention may be of a low-threshold nature.

These persons are also provided with field social service of crisis intervention provided in unfavorable social situation and consisting of activities aimed at searching for these I persons, specialized activities, service activities and other activities aimed mostly at performance of preventive activities (professional activities aimed at prevention of risk behavior of persons, families and communities and at prevention of risk situations and overcoming and/or solving thereof), provision of social advising (basic social advising and specialized social advising), social rehabilitation, assistance in exercise of interests protected by law and creating conditions for receiving ready-made food or foodstuffs.

The Social Services Act provides and declares the satisfying of needs of victims of THB in the field of social services, especially by providing accommodation and providing specific forms of aid. This relates specifically, to the secure housing facilities for which the group of I persons to whom this social service can be provided has been redefined (compared to the wording valid until 31 December 2013). Since 01 January 2014, secure housing facilities engage solely in provision of assistance to persons that are victims of domestic violence and/or gender-related violence or that is a victim of a crime, victim of THB, or endangered by these situations.

Secure housing facilities provide accommodation for a certain period, social advising, assistance with exercise of rights and legally protected interests; they also create conditions for preparing of meals, distribution of meals and/or foodstuffs, performance of necessary basic personal hygiene, washing, ironing and maintenance of clothes and laundry, spare time activities.

Pursuant to Article 53 of the Social Services Act, I persons that are victims of THB can also be provided with crisis assistance provided by telecommunication technologies (telephone, fax, internet).

The field of THB is also included in the Act no. 544/2010 Coll. on Subsidies in the Scope of Powers of the Ministry of Labour, Social Affairs, and Family of the SR as amended by the Act no. 393/2012 Coll. Subsidies can be provided to support development of social services in secure housing facilities in which social services are provided also to persons that are victims of THB under Article 29 of the Social Services Act.

The current integration policy of the SR, approved by the Government of the SR by its resolution no. 45 dated 29 January 2014 acknowledges the need for introduction and application of special measures mitigating disadvantages that the most vulnerable groups face in the integration process, especially seekers of international protection, persons provided with international protection (including, asylum and supplementary protection), children, including unaccompanied minors (hereinafter referred to as the "NRF") UNM, women, elderly persons, victims of violence, victims of crimes including THB and exploitation, persons with health disabilities and other vulnerable groups.

The purpose of the integration policy is, above all, to stimulate territorial self-administration bodies to perceive migration as a complicated and complex phenomenon. The integration also brought a requirement not to include foreigners generally in the strategic plans of support of marginalized groups but to see them as a special category of inhabitants and to consider their specific needs. However, the integration policy also stands on the need to provide suitable accommodation to foreigners that can be considered vulnerable, especially: those identified as victims of THB, asylum holders, foreigners with supplementary protection, unaccompanied minors, especially in unavoidable cases when these persons wholly depend on assistance.

Further, integration policy emphasizes the focus on the field of forced labour and on strengthening of legal and institutional frameworks for the cases of forced labour of migrants; these do not necessarily need to fulfil the definition of the criminal offence of THB. In the framework of measures of integration policy, it is important to protect the rights of victims of exploitation and to provide them with adequate support in the sense of protection of their human rights and possibility to provide tolerated residence to foreigners that have been illegally employed under especially exploiting conditions.

- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialized in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

The procedure for identifying victims of human trafficking in the Slovak Republic and potential victims including in the Program of Support and Protection for Victims of Human Trafficking is defined in the National Reference Framework. This material contains the structure of cooperating entities through which the governmental authorities fulfil their obligations in terms of protection and enforcement of human rights for individuals who became victims of human trafficking, while coordinating their efforts as part of strategic partnership with civil society. Its main aim is to ensure respect for the human rights of victims of human trafficking and provide them with effective and accessible services. Secondly, the national reference mechanism can help to develop national policies and procedures regarding victims of human trafficking, such as legal provision in the area of legalization of their stay and resettlement, compensation and protection.

Any entity within the environment of governmental authorities and non-governmental organizations, as well as those from abroad can identify a potential victim of human trafficking. Thus, members of various services of the Police Corps, Prosecution Office, employees of the Migration Office, employees of Offices of Labor, Social Affairs and Family, healthcare staff, employees of the Ministry of Education of the Slovak Republic, social workers in the field, employees of consular offices of the Slovak Republic abroad, non-governmental and international organizations working in Slovakia or abroad, as well as the victims of human trafficking themselves or their family members can initiate identification of victims of human trafficking through the National Helpline for Victims of Human Trafficking at 0800 800 818. Detected potential victims of human trafficking in the territory of the Slovak Republic or abroad are referred to the care of non-governmental organizations or of the International Organization for Migration (IOM) in Slovakia that initiate the procedure for identifying potential victims of human trafficking based on the above-mentioned impulses through the identification questionnaire, personal record of the client based on the definition of human trafficking from the Palermo protocols.

In the constitution forming the annex to the Order of the Minister of the Interior of the Slovak Republic No.126/2012 on the Group of Experts on Action against Trafficking in Human Beings of 24 September 2012, the position and mission of the Group of Experts was defined with clear specification of its tasks, determination of obligations of the individual ministries resulting from the membership in the Group of Experts as well as with imposing responsibilities on the individual ministries/members for meeting its resolutions, including allocation of appropriate personnel and financial resources for their meeting.

The Information Centre for combating trafficking in human beings and crime prevention (hereinafter referred to as the "Information Centre"), as a facility of the Ministry of Interior of the SR combating of trafficking in human beings, performs, apart from being the sponsor of the National program, also the tasks of a national rapporteur or equivalent mechanism, providing for international cooperation in the European Union.

Until 30 November 2012, the field of combating THB was, incorporated into the organizational structure of the Bureau of Combating organized crime of the Police Force Presidium



(hereinafter referred to as the “PFP”). In the period from 01 December 2012 to 30 June 2013, the area was organizationally included in the Criminal Police Bureau of the PFP. From 01 July 2013, it has been included in the structure of National Unit for combating illegal migration of the Office of the Border and Alien Police of the PFP (hereinafter referred to as the “OBAP PFP”) (hereinafter referred to as the “National Unit”), where a sub-department of combating trafficking in human beings has been created. Members of the National Unit collaborate with foreign partner units when discovering and investigating of criminal activities of THB, becoming familiar with their methods and procedures during the criminal proceedings in individual cases. Police units performing the identification of the criminal offence of THB have, for a long time, collaborated through the Office of International Police Collaboration of the PFP with international institutions such as Europol, Interpol, as well as through police assigns sent to perform their state service abroad. In relation to operative discovering of criminal offences of THB, intense collaboration among the partner units of involved countries exists. This relates to requests to perform operative investigation from destination countries in relation to Slovak citizens identified as victims of THB or suspected of commitment of the criminal offence of THB. Operative information is provided about persons and/or locations and is input into the Europol information system established to collect data on THB crimes. When investigating the cases, the possibility to request legal assistance of involved countries, or to hand over a criminal case abroad under the Criminal Procedure Code is used. Also, to simplify the investigation and criminal prosecution of cases of THB, joint investigation teams (hereinafter referred to as the “JIT”). are used in the framework of international cooperation. On 26 September 2013, a JIT of the United Kingdom and the General Prosecution Authority of the SR has been established by an agreement – the SVANETIA operation focusing on forced marriages and sexual violence. Three Slovak citizens have been indicted in the United Kingdom and sentenced to 10 years, 3 years, and 16 months of imprisonment in December 2013. In March 2014, another two suspects were arrested in Slovakia, with a third suspect detained in the United Kingdom.

In the area of the Ministry of Justice of the SR, international cooperation is performed through the judicial cooperation in criminal matters in the framework of legal contact with abroad – legal assistance, extradition of persons, delivery of sentenced persons, exercise of decisions of others, etc.

At the General Prosecution Authority of the SR, the field of THB is covered by prosecutors of the department of violent and general crime of the criminal division and the international department in the field of performance of requests for legal assistance and of extraditions. District prosecution authorities with territorial jurisdiction perform supervision of adherence to law in specific criminal cases. The collaboration of the substitute representative in the European Unit for Judicial Collaboration – Eurojust, being a prosecutor of the international department, is also used.

- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

The aim of the National Program on the Fight Against Human Trafficking (hereinafter referred to as “National Program”) is to secure a complex and effective national strategy for the fight against human trafficking (hereinafter referred to as “national strategy”) supporting the establishment of mutual understanding and coordination of the activities of all participating entities as part of eliminating risks and preventing criminal activities involving human trafficking, as well as creating conditions for providing support and help to victims of human trafficking and ensuring protection of their human rights and dignity. The National Strategy has been completed by upholding the principles of active participation on the part of the government and civil society, respect for human rights, interdepartmental cooperation and sustainability.

## **B. Cross-cutting questions**

**Gender equality** (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

- Equality of men and women (gender equality) belongs to the basic values of democratic countries and is perceived as an expression of a socially equitable democratic society. The European Union (hereinafter referred to as the “EU”) has equality of men and women as one of the basic principles and obliges the member states to apply measures strengthening it in all policies.

- In 2013, the SR has continued in the activities of the worldwide COMMIT campaign to terminate violence on women. The COMMIT campaign is a support initiative of the UNITE global campaign of the UN Secretary General to terminate violence on women. UN WOMEN has started the campaign on the occasion of the International Day for the Elimination of Violence against Women (25 November). The Ministry of Labour, Social Affairs, and Family of the SR has expressed its support to the campaign with specific commitments of the ministry. The commitments are published at the UNWOMEN web page and they have been presented at the 57th meeting of the Commission for Position of Women on 04 March 2013 in New York where the initiative culminated.

- At its session on 18 December 2013, the Government of the SR has approved the new National Action Plan to prevent and eliminate violence against women for years 2014-2019 (hereinafter referred to as the “NAP”), aimed at creating, implementing and coordinating complex nationwide policy for the field of prevention and elimination of violence against women.

- Despite a continuous fulfilment of tasks from previous action plans (2005-2008; 2009-2012) and undisputable shift in the field of violence against women over the past years, it is necessary to conclude that Slovakia lacks a systematic approach and a coordinated provision of both assistance to women suffering from violence as well as systematic primary prevention, i.e. prevention of violence; the goal of the new NAP therefore is to create, implement, and coordinate a complex nationwide policy for the field of prevention and elimination of violence against women. NAP contains specific proposals, such as preparation of act on domestic violence and violence against women, creation of coordination and methodology center, but also support of services, education, and edification in the area.

- Amendment to the Social Services Act that came into effect on 01 January 2014 introduced the term “gender-related violence” as a type of crisis social situation, i.e. endangerment of life and/or health of a person and of a family that requires an immediate solution by a social service. At the same time, the amendment regulates the possibility to provide the social service in a secure housing facility and to provide the service solely for a certain selected target group (e.g. for clients with domestic violence, gender-related violence, or victims of violent crimes). To protect life and health, persons in secure housing facilities are provided with secrecy of location and anonymity. The valid legal regulation permits the provision of specialized social counselling and provision of services in the secure housing facility also for specific target groups, including women endangered by violence;

- In the area of measures, an important one helping abused women is “secret accommodation” or stay of the women that was or has been subject to violence, in an intervention facility that will provide her with necessary and professional aid;

- Websites [www.gender.gov.sk](http://www.gender.gov.sk) and [www.zastavmenasilie.sk](http://www.zastavmenasilie.sk) include contact data of facilities in which assistance for abused women and their children is available;

- In the framework of implementation of structural funds for the 2007 – 2013 programming period in the framework of the Equality of Opportunities horizontal priority that has been coordinated by the Ministry of Labour, Social Affairs, and Family, goals aimed at combating THB have been adhered to as well;

- The National Labour Inspectorate performs supervision over adherence to regulations in the field of gender equality, related to the area of labour law relations that are regulated in the Act no. 311/2001 Coll. Labour Code as amended (hereinafter referred to as the Labour Code);

- The Labour Code provides women and men with right to equal treatment in access to employment, remuneration, promotion, expert training and job offers. The right to equal treatment related to employees as well as jobseekers. The rules of equal treatment are based in law in the Act on Equal Treatment in Certain Areas and on Protection from Discrimination;

- In labour law relations, discrimination of employees for sex and gender reasons (apart from others) is prohibited;
- Labour inspections performed by labour inspectorates have until now identified no cases of THB or suspicions of such trafficking.

### **Non-discrimination (Article 3)**

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

The ban on damage, disadvantaging or advantaging for any reasons is, above all, based in the Constitution of the SR – its Article 12. The Constitution of the SR established freedom and equality in dignity and in rights to all and ensures basic rights and freedoms in the territory of the SR to all, irrespective of sex, race, skin color, language, creed and religion, political or other thought, national or social origin, membership in a national or an ethnic group, property, parentage, or another position.

The Act no. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection from Discrimination (hereinafter referred to as the “Antidiscrimination Act”), valid from 01 July 2004, determines the rules of equal treatment in certain areas and determines the legal instruments in case of violation of the equal treatment principle. By adopting the Antidiscrimination Act, several other acts have also been amended to include a provision related to the obligation to adhere to the principle of equal treatment. This was made e.g. in the Act no. 461/2003 Coll. on Social Insurance, Act no. 29/1984 Coll. on the System of Elementary and Secondary Schools, Act no. 5/2004 Coll. on Employment Services, Act no. 455/1991 Coll. on Trade Licensing, Act no. 634/1992 Coll. on Consumer Protection, and others.

In its Article 2, the Antidiscrimination Act defines that the adhering to the principle of equal treatment consists not only of the ban on discrimination for any reasons when exercising rights and duties in line with good manners, but also emphasizes the need to adopt measures to protect from discrimination. The duty to adopt measures to remove discrimination is limited by certain means. When applying the duty, specific circumstances and opportunities of the person obliged to adhere to the principle shall be considered.

#### § 2

- (1) Adherence to the principle of equal treatment contains the ban on discrimination due to sex, creed or faith, race, nationality or ethnic group, disability, age, sexual orientation, marital status and family status, skin color, language, political or other thought, national or social origin, property, parentage or other position.
- (2) When adhering to the equal treatment principle, it is necessary to respect good manners for the purposes of extension of the protection from discrimination.
- (3) Adherence to the equal treatment principle also involves adoption of measures to protect from discrimination.

The SR, using campaigns to increase the awareness of the public about the field of THB, provides and distributes also information on possibilities of assistance to victims of THB.

An amendment to a decree of the Minister of Interior of the SR on provision of Program performed an update of the national reference framework. Based on collaboration agreements between the Ministry of Interior of the SR and partner organizations, secure protected accommodation is also available for men.

Pursuant to Article 49 of the Criminal Procedure Code, law enforcement authorities are obliged, upon first contact with an injured person, to provide them, in writing, with information about their rights in criminal proceedings and on organizations providing aid to injured persons, including the services offered by the organization. The injured is also authorized to be represented by a

representative that can also be a representative of an organization providing assistance to the injured; this right is specified in the information together with authorities of the authorized person.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

The Act no. 5/2004 Coll. on Employment Services regulates, in Chapter Five, the employment of citizens of third countries in the territory of the SR. The Act no. 495/2013 Coll. that amended the Act no. 480/2002 Coll. on Asylum and as amended also modified the Employment Services Act as of 01 January 2014. In the framework of these changes, in cases of employment of third country citizens, the permission to employ (Art. 23a (2) of the Act on Employment Services) is no longer required and the situation at the labour market prior to hiring the foreigner is not reviewed. Employers intending to employ citizens of third countries listed in this group in line with Article 23b(2) and (6) Act on Employment Services after 01 January 2014 must notify the Labour, Social Affairs, and Family Authority (hereinafter referred to as "SLPC") about start of employment and end of employment of the worker.

This includes the following groups of migrating workers:

- Those whose tolerated residence has been prolonged due to being a victim of THB (pursuant to Art. 58(2)(c) and Art. 59(1) of the Act no. 404/2011 Coll. on Residence of Foreigners).
- Those who received tolerated residence permits to respect their private and family lives (pursuant to Article 58(2)(b) of the Act no. 404/2011 Coll. on Residence of Foreigners).
- Those who received tolerated residence permits due to illegal employment under especially exploiting working conditions if their presence is required for the purposes of criminal proceedings (pursuant to Article 58(3) of the Act no. 404/2011 Coll. on Residence of Foreigners).

Employees of Labour, Social Affairs, and Family Authorities in the employment services section are regularly instructed at working meetings and methodical days on possibilities of prevention, identification, and restraining from the cases of THB in cases of illegal employment, forced labour and services, exploiting and practices similar to slavery and servitude and forms of collaboration on discovering, solving and sanctioning them.

In order to provide for a multidisciplinary approach to identify victims of THB also among migrants, the Police performs, in collaboration with the National Labour Inspectorate, inspections of entrepreneurs aimed at detection of cases of illegal employment and illegal residence of citizens of third countries and at detection of victims of THB. Collaborative inspections have been performed since 2012. Up to now, no persons with illegal residence in the SR and no victims of THB among migrants have been detected during these inspections.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

Human rights are protected by legal norms of various types. Depending on the intensity of intervention, they may belong to criminal law (criminal offences), administrative law (minor offences), or civil law (protection of personality, compensation for damage, etc.), but also constitutional law. The Constitution of the SR guarantees, generally, protection of human rights, in the form of right to court and other legal protection (criminal procedure and civil litigation). Other legal protection shall mean, procedure at administrative bodies when resolving minor offences or other administrative law delinquencies (this is purely one of many examples). Concerning the instruments that may be used for the purposes of protection of human rights, it is necessary to distinguish under which legal standards the intervention to human rights is considered. Everyone is authorized to claim protection of their rights and freedoms in an impartial and independent court.

The Slovak law system provides a wide spectre coverage of protection of human rights related to THB (criminal law aspect, compensation for victims, assistance to victims even if they refuse to provide testimony in criminal procedure, assistance when returning from abroad, etc.). Above all,

the Criminal Code defines the merits of the criminal offence of THB in Article 179. In the criminal procedure, conditions are created in relation to victims of THB that ensure adherence to principles of treatment of victims of trafficking, respect to their human rights, respect of age and sex, non-discrimination, etc.

### **Training of relevant professionals (Articles 10 and 29)**

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

In accordance with the task 2.2 "Education" as agreed in actual National Action Plan to combat THB for 2011-2014, which is part of the National Program for the Combat against THB for years 2011- 2014 under the "prevention" were in the period of issue THB performed following activities:

a) Increasing the professionalism of representatives of state and non-state entities working with "at risk" groups in terms of human trafficking for the purposes of forced labour throughout the trainings activities for:

1. training for selected members of the Police Corps as well as trainings for employees of selected departments of the Ministry of Interior of the Slovak Republic, educators and psychological counsellors in secondary vocational schools of the Police Corps and the Police Corps Academy in Bratislava.
2. training for selected healthcare sector staff.
3. training for selected education sector staff.
4. training for selected employees of Offices of Labour, Social Affairs and Family and for social workers, including labour inspectorates.
5. training for selected foreign affairs sector staff in connection with their work in consular units of representative offices of the Slovak Republic abroad.
6. training for selected employees of the sector of culture.
7. training for selected representatives of registered churches in Slovakia.
8. training for selected members of municipal police.
9. for staff of foster homes, crisis centers, re-socialisation centers, social workers from townships, towns and self-governing units – social affairs department and social workers at emergency accommodation or other facilities active in human trafficking.

b) Increasing information awareness among specific professional categories of citizens – officers of the Police Corps and Armed Forces who are sent abroad to serve in peacekeeping missions throughout the trainings activities for members of armed forces active in international missions on the issue of human trafficking.

At the OBAP PFP, two specialists – national experts – trainers of trainers – currently work as instructors of combating THB; since 2008, they have actively participated as instructors and trainers when performing and preparing trainings and instructions in the SR, collaborating with the national coordinator for the field of combating THB and with the Department of Crime Prevention of the Office of the Minister of Interior of the SR, IC, UNODC, ICMPD, NGOs. In years 2011 – 2012, both experts, in collaboration with the European Agency for External Borders FRONTEX, participated on creation of a manual – Combating THB for border police, designed for performance of first-level and second-level inspection at external borders of Schengen, aimed at identification of potential victims of THB and potential offenders committing THB.

When creating the "THB identification" training module, instructions and case studies from the "THB Victim Identification among Migrants in SR" manual, IOM, 2009, were used. The contents of individual activities changes depending on THB trends and goals of the training.

For the purpose of training activities has been developed training module "Identification of THB", which contains the following parts:

- 1 General information about the THB,
- 2 statistics on trafficked persons released (ILO, OSCE),
- 3 institutional support in the fight against THB in SR,
- 4 NRM and cooperating third sector,
- 5 Information about the Program for support and protect of victims of THB and statistical outputs,
- 6 definition of THB,
- 7 Indicators of THB,
- 8 factors affecting THB,
- 9 THB mechanism,
- 10 recognition and differentiation of THB from other crimes
- 11 questions/interview to help the identification of a potential victim of THB,
- 12 practical information before traveling abroad.

Each part of training has a theoretical part in the form of presentation with basic information. Each presentation is followed by practical part consisting of activities involving the participants in the training. Methods used include individual and group work, case studies and brainstorming. To achieve the set goals, the training module also includes documentaries with stories and testimonies of THB victims. Selection and inclusion of specific practical activities depends especially on the target group. In cases of trainings for members of the Police, lectures of a representative of the National Unit are also included; the National Unit is the unit with subject matter relevance in cases of the criminal offence of THB; these focus on police procedures when detecting, verifying and investigating THB cases and specific case studies. A simplified training module is used for lecturing activities at various types of schools.

I. In 2011, a total of 151 persons were trained according to the schedule of trainings; these included representatives of the Ministry of Education, Science, Research, and Sport of the SR, representatives of courts and prosecution authorities, and selected police officers. Also, lectures were given at various types of schools to a total of 1285 students.

The field of THB prevention and increasing THB awareness was incorporated in the education sector in the Educational and Organizational Instructions for the Academic Year 2011/2012 in part 1.6.12. Security, prevention. The Ministry of Education, Science, Research, and Sport of the SR supports, through its department of youth and community programs, the work of information centres for youth that provide relevant information for secondary school and university students about work and work opportunities at home and abroad.

In 2012, a total of 508 persons were trained according to the schedule of trainings and training project activities; these included members of the Police, especially those from OBAP PFP and other police units – regional crime prevention coordinators, specialists in working with Roma communities, specialized unit with material relevance to the criminal offence of THB, as well as employees of children homes, employees of Labour, Social Affairs, and Family Authorities, labour inspectors, field social workers, as well as consuls from the Ministry of Foreign and European Affairs of SR in the framework of their pre-departure training. In 2012, lecturing activities were also performed at 7 various schools in the SR. In November 2012, a training of national trainers took place in cooperation with the European Agency for External Borders FRONTEX; these trained 25 members of the border police service in 2013 and those will transfer their experience to other policemen of the border police service, substantially contributing to efficient discovery of these criminal activities during border controls.

In 2013, a total of 380 persons were trained according to the training schedule, focusing on target groups of employees of leisure time centres, representatives of the Roman Catholic Church, pastoral centres, Slovak Catholic Charity (hereinafter referred to as the "SKCH"), IOM,

representatives of municipalities, municipal offices/police, field social workers, employees of the Migration Office of the Ministry of Interior of the SR, selected health care employees, members of the Police working at the National Unit, selected members of the Police – specialized officers working with Roma communities and members of the Police included in the staff database of policemen trained to act in international missions. In 2012, lecturing activities were also performed at 2 schools in the SR.

Within the collaboration with NGO/IO, lectures organized by partner NGO/IO were continuously made at schools.

NGOS/IO:

- SKCH

In the framework of preventive lectures and education the identification of victims of THB, SKCH handed out preventive materials and the number of the National helpline for youth in schools, dorm and pastoral centers.

Together participants in 2011: 1607

Together participants in 2012: 2044

Total number of participants in the r.: 2013: 1288.

#### PREVENTION ACTIVITIES IN ROMA COMMUNITIES

-2012:

-elementary school and the pastoral Center – together 140 participants,

-2013:

-3 civil associations, 2 elementary schools, 1 kindergarten, 1 middle school, and pastoral Center.

Number of participants: 338

#### PREVENTION ACTIVITIES IN ORPHANAGES, IN THE CHILDREN'S HOMES FOR UNACCOMPANIED MINORS AND EMERGENCY HOUSING

– 2012, 2013:

-Home social services for young people from orphanages, children's homes, shelter, children's home for 4 MBS – the upper Nut and Medzilaborce – in both established and trained professional staff cooperation project was to search for potential victims of the OSL' and implementation of Bakhita preventive activities for unaccompanied minors; The upper Nut – prevention activities.

Total participants: 122

#### PREVENTION AND THE SEARCH FOR VICTIMS IN THE FACILITIES FOR ASYLUM SEEKERS

-2012, 2013:

-trapping, Subsistence camps Opatovská Nová Ves and Humenné camp Rohovce, Police Services in assurance and Medveďove – were carried out 42 visits Sečovce with activities, which was attended by foreigners 375.

#### PREVENTIVE ACTIVITIES IN THE HOMES OF HALF WAY

-2013:

- House of St. Klara Liptovský Mikuláš
- Home Learning Center Dunajská Lužná

Number of participants: 17

#### PREVENTION ACTIVITIES IN HIGHER EDUCATION

-2013:

- Catholic University of Ružomberok
- Theological Faculty of Bratislava, Trnava University

Number of participants: 50

- THE IOM

-2011:

-training of catechists in the field of prevention in the city of Košice (28 participants).

-training for staff members of Roma communities in the field of prevention (12 participants). and the identification of victims of THB (14 participants).

-training staff awareness-raising centers, where they are supplied with 25 information about the national line.

-training of 20 experts in the topic, how can I use the film in the prevention of OSL.

-2013:

-The IOM in 2013 on the initiative of the Centre – psychological counselling and prevention, organized lecture for high school students in Detva.

In 2011 – 2013, a total of 1039 persons from entities participating in the national NRF have been trained.

In 2012, the Manual of the European Agency for External Borders FRONTEX was published, in 2013, members of the border police were re-trained – the first and second level control; up to now, 25 policemen were re-trained.

In the monitored period, 4 persons from the SR participated in the following courses organized abroad by the CEPOL framework and aimed at THB: - year 2011 – “THB”, year 2012 – “THB”, year 2013 – “Position of the European Union to THB”, and in 2013 – “THB – Prevention Mechanism with Specific Focus on Demand Reduction”.

Several thousands of participants have been to lectures for various categories, such as pupils and students of various types of schools, foreigners, children from children homes, in the monitored period.

### **Special measures concerning children** (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

The Act no. 204 dated 25 June 2013 modifying and amending the Act no. 300/2005 Coll. the Criminal Code as amended and amending other acts also amended the provision related to the criminal offence of THB regulated in Article 179 of the Criminal Code.

#### § 179

(1) Whoever with the application of fraudulent conduct, deception, restriction of personal freedom, kidnapping, violence, threat of violence, threat of another grievous harm or other forms of coercion, by accepting or providing monetary fulfilment or other benefits in order to gain a person's consent on whom another person is dependent, or the abuse of their position or vulnerability or otherwise vulnerable position, entices, harbours, transmits, or accepts another person, even with their consent, for the purpose of prostitution or another form of sexual exploitation, including pornography, forced labour or forced service including begging, slavery or slavery-like practices, servitude, forced marriage, exploitation of criminal activities, removal of organs, tissues or cells or other forms of exploitation, shall be punished by a prison sentence of four to ten years.

(2) As in paragraph 1, he/she shall be punished who deceives, transports, keeps, gives or takes a child, even with its consent, for the purpose of child prostitution or other forms of sexual exploitation, including child pornography, forced labour or forced services including begging, slavery or practices similar to slavery, servitude, forced marriage, exploitation of criminal activities, illegal adoption, removal of organs, tissues or cells, or other forms of exploitation.

When investigating THB crimes under Article 179 of the Criminal Code, police authorities proceed in line with the best practice manual for investigators “THB” prepared and updated by the INTERPOL working group for THB. The manual is accessible to police investigators at the intranet



site of the Ministry of Interior of the SR. A part of the manual focuses on child victims and child victims – witnesses, covering the field of identification of child victims of THB, presenting proposed methods of treatment of children during interrogation if they agree to testify, providing for their safety,

In February 2012, all affected organizational units were informed about the publishing of a methodical tool aimed at procedure of all involved parties in cases of provision of assistance to victims of THB, with special focus on specific procedures in cases of THB victims being foreigners and in cases of minor victims of THB; the tool was published on the intranet website of the Ministry of Interior of the SR in the “Methodical Instructions” section with a request to be studied by all policemen working at individual units and with a request to proceed strictly according to the document. In reaction thereto, it can be concluded that all these policemen are thoroughly informed about the manual and apply it in practice.

If the victim of THB is a minor child, the Centre of Labour, Social Affairs, and Family and the SLPC, in collaboration with a partner organization of the Ministry of Interior, will make sure that the minor is included in the Program and that it is provided with assistance and protection in a secure facility operated by contract organizations. To provide for care for minor victims of THB, they are provided with due protection and care by the Topolčany Children Home. If necessary, the SLPC will perform measures or provide for performance of measures in collaboration with entities active in the region and specifically targeting protection and assistance to victims of THB or provide activities to enforce court decisions on the basis of accreditation granted, or perform measures in collaboration with accredited entities; the SLPC will act as a coordinator. For the purposes of crisis intervention, employees of a SLPC body can be reached 24/7 without interruption. Victims of THB (minors as well as adults) are provided mostly with expert social advising and assistance.

The procedures of employees of the SLPC are regulated in the internal regulation 068/2010 “Performance of Measures of Social Law Protection of Children and Social Case for Victims of Trafficking in Human Beings” defining the procedures for provision of efficient protection and assistance to children or adults who became victims of THB.

8. What practical measures are taken to reduce children’s vulnerability to trafficking and create a protective environment<sup>1</sup> for them, including through:

- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;
- b. raising awareness of THB through education;
- c. training professionals working with children.

Expert training of social workers of SLPC is provided in collaboration with the Ministry of Interior. In 2011 – 2013, a plan of participation of employees of SLPC and Labour Inspectorates on the training program organized by the Ministry of Interior of the SR was prepared, focusing on identification of victims of THB, work and provision of care for victims of trafficking. In line with the education plan, working meetings organized within the project “Strengthening of joint measures in the prevention of forced labour of Roma community and the development of reference mechanism”, focusing on addressed prevention for most risky groups of inhabitants, especially in marginalized Roma communities, against exploitation, especially forced labour and other forms of exploitation.

<sup>1</sup> The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children’s rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children’s rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children’s life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

On the basis of the results of the monitoring and analysis of involvement of state and non-state foster homes, crisis and re-socializing centres in the field of prevention of THB, it can be concluded that seven foster homes have trained experts in the field of prevention of THB; these educate children and young adults living in facilities for performance of SLPC measures.

Discussions and workshops for children in foster homes and diagnostic centers ran continuously.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

In accordance with Article 111(6) of the Act on Residence of Foreigners, a citizen of a third country that declares himself to be a UNM is obliged to undergo a medical examination to determine their age; that does not apply if it is obvious that the person is a minor. Under Article 127 of the Act on Residence of Foreigners, if a citizen of a third country refuses to undergo a medical examination, they shall be considered to be an adult for the purposes of this Act; if they undergo the medical examination, they shall be considered adult until the results of the medical examination to identify their age. Determination of age is done by a specialized medical examination in which a doctor (specialist in the relevant field) determines the age of the citizen of the third country by an expert statement. Shall it be impossible to identify whether the person is adult or minor by a medical examination, the persons will be considered minor for the purposes of procedure under the Act on Residence of Foreigners. The police unit is obliged to instruct the citizen of the third country about their authority to order the medical examination to identify their age, the method of performance thereof and the consequences of examination to the procedure under this Act, as well as on the consequences of refusal of the examination.

A citizen of a third country that is a minor found in the territory of the SR will be granted tolerated residence by the police unless legal reasons to reject their request exist. Under the Act on Residence of Foreigners, it is impossible to detain a minor without a legal representative. Such a person can be subject to administrative expelling only if it is in their interest.

Concerning further care for minors, the Act on Residence of Foreigners further obliges police units to notify the finding of minor citizens of third countries in the territory of the SR without delay to a SLPC in order to ensure that procedure under a special law is performed (Act no. 305/2005 Coll. on Social Law Protection of Children and Social Guardianship as amended).

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests<sup>2</sup> are duly taken into consideration, in particular when it comes to:

a. identification of child victims of trafficking;

Shall the OBAP find out after retaining the foreigner and verifying their identity that an UNM was found, or is accompanied by a family member that is not their legal representative, they will notify the finding of a UNM and deliver the minor child to the office in whose territory the UNM was found without delay (Art. 80a of the Act on Residence of Foreigners).

Under Article 49(5) of the Act on Residence of Foreigners, a foreigner that declares himself to be a UNM is obliged to undergo a medical examination to determine their age; that does not apply if it is obvious that the foreigner is a minor.

If there is any suspicion that the child is a victim of trafficking, the SLPC will provide the minor victim, its parents or the person providing personal care for the child with social advising and information about bodies and organizations active in the field (about availability of health services,

<sup>2</sup> "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

social services, and other help to ensure due protection and assistance); the procedure of the SLPC and the performance of SLPC measures are coordinated by the Central Office.

In this area, social work requires timely and precise diagnostics. The further level of assistance is provided by the Office of Psychological Counselling Services that provides:

a) Psychological assessment: - impact of event to psychical condition and behavior of the victim of trafficking – protective mechanisms and coping mechanisms; - functioning relations in the family of the victim of trafficking and in wider social network; - opportunities and risks of adaptation and reintegration into family and wider social network;

b) Psychological and supporting counselling: for victim of trafficking to cope with impacts of traumatic events and in the framework of adaptation in family and wider social environment; - for members of the family of the victim of trafficking to cope with the impact of the events; - psychological assistance during interrogation of the victim of trafficking.

Based on overall anamnesis of the case, the SLPC will prepare a plan of social work with the child, its parents or person providing personal care for the child and will propose the solution of the situation of the child by SLPC measures. Depending on the severity of the case, the SLPC will ensure due protection of the child by SLPC measures.

If the child is in danger in its own family environment and it is impossible to provide for its education in a wider family, the SLPC will provide for education and care for the minor victim of THB on the basis of a court decision in a facility for performance of court decisions (Art. 53(4)(c/3) of the SLPC Act). Care for minor victims of THB is provided by the Children Home in Topolčany.

In case of suspicion of THB, the SLPC notifies the facts to law enforcement authorities. During the investigation of the criminal offence of THB, the SLPC collaborates with the police, court, prosecutor, school, school facility, municipality, higher self-administration unit, accredited entity, health care facility as well as other legal entities and natural persons active in the field of the SLPC (Art. 94(2) of the Act no. 305/2005 Coll. on SLPC). Mutual informing of all involved parties (with regard to child protection) about individual steps and achieved results is necessary.

b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;

Courts are obliged to make sure that tutors are appointed for persons that must have a tutor by law (Article 192(1) of the Civil Procedure Code). Under Article 60(1) of the Act no. 36/2005 Coll. the Family Act and on as amended other acts, courts will appoint tutors to minor children even if it is necessary for other reasons and it is in the interest of minor children. In the case of UNM, it is necessary that a court appoints a tutor:

c. locating the child's family;

In line with the provision of Article 29 of the Act no. 305/2005 Coll. on Social Law Protection of Children and on Social Guardianship as amended, SLPC participate on searching for parents and/or other family members to reunite them, propose reunion to embassy in which the UNM does not have a permanent residence and in which a parent or a person providing personal care for the child resides, and notify measures adopted for the purposes of such reunion.

The process of searching for parents of the child or for relatives must be started soon enough subject to that procedure causing no risk to the members of the family of the child located in the country of its residence. When looking for the family, the United Nations Commission on Human Rights (hereinafter referred to as the "UNHCR"), Ministry of Interior of SR, and IOM can be asked for collaboration. It is necessary to inform the UNM duly about the searching process. If suitable, the child should be provided with regular contact with the family.

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- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;

Under Article 96 of the Act no. 305/2005 Coll. on Social Law Protection of Children and Social Guardianship and as amended, employees of relevant bodies of SLPC, municipality, or higher self-administration unit, accredited entity, performing the tasks set by this law, is obliged to remain silent about the facts that they learned in relation to performance of measures under this act unless otherwise specified by the Act (i.e. in specifically defined situations by a specific entity for a specific purpose). Information is only provided if failure to disclose would endanger the life or health of children and adults or if such an obligation exists by special law – Criminal Code.

Personal data of the affected children and/or persons can be made accessible by the SLPC only if, without limitation, Article 10 and Article 14(c) of the Act no. 122/2013 Coll. on Personal Data Protection and as amended are adhered to, as implied by the amendment made by the Act no. 84/2014. Protection and care for the victims of trafficking are currently provided in the Foster Home in Topoľčany. In all acts related to minor children, pursuant to Article 3 of the UN Convention about Rights of Child, the criterion is the best interest of the child.

- e. access to appropriate and secure accommodation, education and health care;

Protection and care for victims of trafficking is currently secured in orphanages Topoľčany.

Relating to minors within the meaning of Art.3 of the UN Convention on the Rights of the Child criterion child's best interest.

- f. issuing residence permits for child victims of trafficking;

A citizen of a third country that is a minor found in the territory of the SR will be granted tolerated residence by the police unless legal reasons to reject their request exist. Under the Act on Residence of Foreigners, it is impossible to detain a minor without a legal representative. Such a person can be subject to administrative expelling only if it is in their interest.

- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;

If the victim is an UNM, an interpreter must be provided for the child for the performance of due tasks, The foster home for UNM is obliged to find out, if possible considering the age of the child and its mental maturity, opinions of the child on all facts related thereto, especially the opinions of the child on its relocation, reunion with family, return to country of origin, granting asylum or provision of supplementary protection, and to do so already before the performance of tasks for the purposes of relocation, reunion of family, return to country of origin, or prior to filing a declaration asking for asylum or for provision of supplementary protection. For the purposes of learning the opinion of the child under the first sentence, the foster home procures interpreting for the UNM into a language the child understands.

- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

To protect the rights and legally protected interests of the child, the SR is a party to several conventions in the area of international legal protection of children under which each child located in the territory of the SR has a guaranteed right to protection of rights and legally protected interests, to be provided with necessary aid when looking for their parents or relatives, and even to provide for reunion with own family or assistance with entry into an asylum procedure. According to international agreements on human rights and basic freedoms that the SR undertook to adhere to, especially , the Convention about Rights of Child and relevant generally binding law, UNM have universal rights such as other citizens, and in addition, they have the rights of children and special rights as asylum seekers, with regard to their current social position of separation.

- i. special protection measures for children.

The interest of the child is the primary aspect for all activities related to children, irrespective of whether provided in public or private facilities, by courts, administrative bodies or a legislative body. The best interest of the child is the primary criterion for application of all measures of SLPC.

Under the Labour Code, the capacity of a person to have rights and duties of employees in labour law relations and the capacity to acquire their rights by own acts and to assume the duties arises, unless otherwise specified later, on the day when the person reaches the age of 15 years; however, an employer must not agree the day of start of work to precede the day when the I person ends their mandatory school education.

Work of I persons aged less than 15 years and work of persons older than 15 years but prior to termination of their mandatory school education is prohibited. These I persons may perform easy works with nature and scope not endangering their health, safety, further development, or school attendance, only when:

- a) performing or co-performing at cultural events and artistic performances;
- b) at sports events;
- c) during advertising activities.

The performance of easy works specified in the previous section is permitted, upon application of the employer, by the relevant labour inspectorate after agreement with the relevant state administration body in the area of public health.

In 2013, no breach of ban on work of natural persons aged less than 15 years and/or work of 1 persons older than 15 years prior to termination of mandatory school education was found. easy works of these persons as performers or co-performers at cultural events, artistic events, sports events and advertising activities have been permitted in 18 cases in 2013 by labour inspectors after agreement with the relevant public health care authority.

The interest of the child is also regulated in the following documents:

- Act no. 576/2004 Coll. on Health Care, services related to provision of health care and on modification and amendment of other acts;
- Act no. 578/2004 Coll. on Providers of Health Care, health care professionals, chambers in health care and on modification and amendment of other acts;
- Expert Guideline of the Ministry of Health Care of the SRSR on symptoms and diagnosis of negligence, maltreatment or abuse of minor and on procedures of providers of health care when notifying suspicion of negligence, maltreatment or abuse of minors (Journal of the Ministry of Health Care of the SR, December 2012, section 39-60, normative part no. 43);
- National Action Plan for Children for years 2013-2017, National Strategy of the SRSR for youth for years 2014-2020, National Strategy of Protection of Children against Violence.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

Practical measures to identify victims of THB between foreign unaccompanied minor asylum seekers include a specifically made interview in the presence of a court-appointed tutor. The questions and responses are made fully in line with the Instruction of the Director of the Migration Office of the Ministry of Interior of the SR no. 13/2012 issuing the methodical guideline to identify potential victims of THB, Art. 2(2).

SKCH participates in the UNM project; in its framework, it performs seeking for THB victims – foreigners: children. This seeking is performed mostly by discussions with a psychologist who, in the framework of her work, informs these UNM about THB and provides useful advice prior to travelling abroad.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

In the Foster Home (DeD) Topolčany, in the past period, care was provided in a specialized group for victims of THB to two victims of organized crime, with suspicion of THB.

With regard to their interest, age, and mental maturity, the SLPC and the foster home decide to return these victims, once of legal age, to their biological family that seemed to be the most suitable for their further development.

During the stay of the child as well as now, the SLPC keeps actively collaborating with the victims and the family.

Care is also provided by crisis centres of SKCH in Liptovský Mikuláš and in Banská Bystrica.

## C. Questions related to specific articles

### Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

The police keeps detecting new cases of THB for the purposes of forced labour, fulfilling the merits of the crime under Article 179 of the Criminal Code. Due to the latency of this criminal offence, collecting evidence is demanding in practice, even after beginning of criminal proceedings.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

The term "vulnerable person" is not defined in the Criminal Code of the SR; generally, in relation to the criminal offence of THB, such a person is a person that comes from socially weaker conditions (inhabitants of Roma settlements, the homeless, and persons without permanent employment), persons with disabilities. These persons are more willing to be attracted to work abroad by traffickers promising better living conditions and income.

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

Act no. 204 of 25 June 2013 amending and supplementing Law no. 300/2005 Coll. Penal Code, as amended, and amending and supplementing certain laws was amended § 179 to paragraph. 1 have been added opportunities purpose of trafficking and "begging", "forced marriage" and "the exploitation of criminal activities". Such purposes have been added to the paragraph. 2 of §179. Illegal adoption is governed by § 180 and §181.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

Yes, "forced begging" was added between the purposes of trafficking.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

Yes," the exploitation of criminal activities "was added between the purposes of trafficking.

### Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

In the field of preventive measures, in the past period, the Central Office in collaboration with the Ministry of Labour, Social Affairs, and Family of SR have distributed to all Labour, Social Affairs, and Family Offices (hereinafter referred as LSAF offices) DVD copies of a movie "It Will never happen to me" that were subsequently shown on fluidboxes; other information and promotion materials were also provided within a promotion campaign titled "Public awareness of the existence of problem of THB and risks predefining a potential victim of THB"

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

In the framework of cooperation of the Police Academy in Bratislava and the Ministry of Interior of the SR, in the monitored period, conditions were created to perform research related to THB for the purposes of forced labour, forced begging, demand side of THB, public awareness and analysis of situation in the area of prostitution in the SR, including demand side. Informative material with an overview of begging and forced begging as one of the forms of THB is available in downloadable documents at the website of the Ministry of Interior of the SR ([www.minv.sk](http://www.minv.sk)) in the THB section. A research focusing on the analysis of situation in the area of prostitution in the SR, including demand side, administered by the Ministry of Interior of the SR, was discussed by the Group of Experts and is available at the internet site of the Ministry of Interior of SR [www.minv.sk](http://www.minv.sk) in the section THB. The research is financed either from the budget of the Ministry of Interior of the SR or from the funds of the European Commission.

Research to analyze the situation of prostitution in the Slovak Republic, including demand side managed by the Ministry of Interior was discussed by the Expert Group and is available on the website of the Ministry of Interior [www.minv.sk](http://www.minv.sk) section Trafficking.

Research is carried out either by the Ministry of Interior budget or from the European Commission.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

In a wider context with Article 5 of the Council of Europe Convention on action against trafficking that aims on prevention of THB, several social policy measures aimed at a wider group of people endangered by poverty and/or social exclusion were adopted; in this framework, measures in relation to risk groups of inhabitants in the trafficking aspect are performed. These focus mostly on increasing the quality of life and to create conditions for effective help and protection for risky groups of inhabitants to avoid situations that could potentially lead to THB. It is poverty and bad social situation that are often the cause of trafficking.

In 2013, the Ministry of Labour, Social Affairs, and Family re-evaluated the entire system of state social support for families with children and of the system of aid in material need. The analysis resulted in specific legal modifications of provision of contributions upon birth of a child, child benefits and parental benefits, as well as benefits in material need and contributions to these benefits. Legal changes related to support to families, in effect from the beginning of 2014, focus, above all, on elimination of insufficiencies in care of parents for minor children and on increasing the interest of parents in responsible approach to the needs of children and to their education. Stricter conditions reflect, for example, in providing the child benefit, by a more stringent application of the special recipient of the child benefit if the child fails to adhere to mandatory school attendance, if it committed a minor offense, or if an educational measure was imposed onto it. Changes related to parental benefits mean that no benefit will be provided to parents from whom an older child aged up to three years was removed or up to six years if the child has had an unfavorable long time health condition and if the LSAF offices already provides a parental benefit for the care for the child to a person to whom the child has been farmed out. The Labour, Social Affairs, and Family Office may ensure that the parental benefit is used meaningfully by appointing a special recipient of the parental benefit even if a special recipient of aid in material need or of a child benefit has already been appointed in the family due to a parent failing to use the child benefit for its intended purpose.

In the past year, the system of aid in material need has been reassessed as well and a new act was elaborated that entered into effect on 01 January 2014. Legal relations when providing aid in material need are regulated by the Act no. 417/2013 Coll. on Aid in Material Need and on as amended. Material need is a situation when the income of members of the household fails to reach the amounts of subsistence minimum determined by a special law and members of the household



are unable or cannot procure or increase their income by work, exercise of ownership right or another right to property or by exercise of legal claims. Aid in material need does not substitute for the income of a citizen; it is a preventive measure and a temporary solution for those unable to procure income by own work. The act is based on a civil principle; this means that when providing aid in material need, everyone will be approached in the same way, irrespective of race, religion, political belief and ethnicity. This act applies to citizens of the SR with permanent residence in the territory of the SR and to foreigners residing in the territory of the SR in line with a special law (Act no. 480/2002 Coll. on Asylum as amended and Act no. 404/2011 Coll. on Residence of Foreigners as amended) or with an international treaty by which the SR is bound. Subject to fulfilment of conditions, the aid provided to citizens and I persons assessed in material need jointly consists of a benefit in material need and of contribution to the benefit. Contributions include: protective contribution, contribution for housing, activation contribution, and contribution for minor children. Contributions are not provided separately, they are individual claims that form the total resulting amount of provided financial aid in material need together with the benefit in material need. The amount of aid in material need is determined as the difference between the income and the claims to which the citizen is entitled by law.

The new act introduced an obligation to participate on activities specified in the act; this is to activate the citizen in material need and to increase their responsibility for solving their situation and the situation of the family. This relates, above all, to citizens who make no use of the opportunities of active participation in programs of employment services or on activation works and stay, passively and for a long time, on the benefit in material need without effort to acquire knowledge, skills and abilities that would help them improve their situation at the labour market and thus get out of material need. Adult employable citizen will be entitled to the benefit in material need (individual) or a part thereof (families with children) only subject to performing 32 hours a month minor municipal services, volunteer activities or works on prevention and removal of consequences of natural disasters, accidents, catastrophes, etc. at the time when an emergency situation has been declared. However, the basic presumption of this condition will be that this activity must be offered to the citizen. The citizen will be able to participate on the above forms of activities on the basis of agreement between a Labour, Social Affairs, and Family Office and an organizer of activation activities. Authorities may also provide for participation of citizens in material need and will provide assistance in organizing, management, and control of participation thereof. For this purpose, activation centres will be established at offices, especially in districts with high unemployment and high share of citizens in material need. If a citizen refuses to participate on the performance of activities offered to him, they will fail to fulfil the conditions of entitlement to a benefit in material need in the amount of EUR 61.60. The provision relates solely to persons without objective obstacles (illness, high age, and care for a dependent member of the family for performance of activities for the benefit and well-being of the public, i.e. solely small municipal services, works during emergency situations (floods, etc.), volunteer activities. The law specifically says to whom the provision shall not be applied. The Act on Aid in Material Need also permits performance of volunteer work subject to the relevant provisions of the Act no. 406/2011 Coll. on Volunteerism.

Citizens receiving benefits in material need may also receive a one-off benefit in material need. The provision of the said one-off benefit belongs to the material competence of district and/or municipal offices. A one-off benefit in material need can be provided to pay for extraordinary costs; these include, for example, costs of necessary clothing, shoes, basic furnishing, fuel, etc.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorizing centres for living donation;

- Act no. 576/2004 Coll. on Health Care, services related to provision of health care and on modification and amendment of other acts;
  - Act no. 578/2004 Coll. on Providers of Health Care, health care professionals, chambers in health care and on modification and amendment of other acts;
  - Decree of the Government of the SR no. 20/2007 Coll. on Details on Sampling, Donors of Tissues and Cells, Criteria of Selection of Donors of Tissues and Cells, Laboratory Tests Required for Donors of Tissues and Cells, and Procedures of Taking Cells or Tissues and of Receipt Thereof by Health Care Providers;
  - Decree of the Ministry of Health of the SR no. S09229-OL-2012 dated 17 December 2012 Defining Details on Organ and Donor Characteristic, Marking of Transport Containers, Records of Organs Taken and Records of Organs Transplanted.
- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;

The Ministry of Health is the founder of the national transplant organization that:

- a) Maintains a national transplant register, including
  1. Waiting lists for transplants of all organs,
  2. Register of live donors,
  3. Register of other donors,
  4. Register of persons who, during their life, withdrew consent to have organs, tissues and cells removed after death,
- b) Maintains records of activities of providers performing removal and records on activities of transplant centres including total numbers of live and deceased donors, types and numbers of organs, tissues and cells removed, organs transplanted, tissues and cells transferred and organs, tissues, and cells liquidated,
- c) Coordinates, at a national level, the activities related to performance of organ transplants,
- d) Administers a transplant information system,
- e) Supervises exchanges of organs with other member states of the European Union and with third countries,
- f) Prepares an annual report on activities specified under b) and discloses it to the public,
- g) Maintains an updated list of providers performing removals and an updated list of transplant centres and tissue facilities,
- h) Is obliged to create a system of traceability of all organs removed, assigned, and transplanted in the territory of the SR from a donor to a recipient and vice versa,
- i) Is obliged to create an identification system of donors and recipients, able to identify each donation and each organ and related recipient, as well as measures to ensure confidentiality and security of data, 20)
- j) Performs the activities of reference and control laboratory with nationwide coverage, examining human leukocyte antigens,
- k) Grants, on the basis of an application, written consent to export tissue or cell outside the territory of the SR, if
  1. The purpose of export is to transfer,
  2. There is no recipient in the territory of the SR; the details on consent to export a tissue or a cell outside the territory of the SR and a sample application for consent to export a tissue or a cell outside the territory of the SR will be set by the Ministry of Health by a generally binding law,
- l) Stores data for full traceability for at least 30 years from the donation; this data can be stored electronically,
- m) If serious adverse reactions and serious adverse events that can influence the quality and safety of organs and that can be attributed to testing, characteristics, removal, conserving, and transport of organs, and if any serious adverse reaction is observed during transplantation or after

it and the reaction may relate to these acts, it is obliged to act in a coordinated manner with the system of notification of serious adverse events and serious adverse reactions that may influence the quality and security of tissues and cells,

n) When exchanging organs with other member states of the European Union, receives and notifies information under Articles 39i and 39j of the Act no. 576/2004 Coll. without delay and receives and files reports under Article 39k of the Act no. 576/2004 Coll. to the relevant authority of another member state of the European Union under Article 39i to 39l of the Act no. 576/2004 Coll.

- d. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

The area of prevention of THB for the purposes of removal of organs, notification of cases, identification of victims and provision of assistance is contained in further education of health professionals. In 2013, the training took place in collaboration with the Ministry of Interior of the SR.

### **Measures to discourage the demand (Article 6)**

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

- a. educational programmes;
- b. information campaigns and involvement of the media;
- c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);
- d. involvement of the private sector.

In 2011, the Ministry of Interior of SR organized a press conference in Košice, dedicated to the starting media campaign “Without information You are becoming a slave”, focusing on forced labour and promoting the National Line of Assistance to victims of trafficking in humans 0800 800 818. Apart from presentation of the TV spot, posters with the visual of the media campaign and promotion materials were distributed as well. The presentation took place in parallel in the pedestrian zone of the regional centre, Prešov, showing the movie “It will never happen to me” and the TV spot of the media campaign was shown repeatedly. During the two-hour event, 100 occasional passers-by were asked three questions related to public awareness of the field of trafficking in human beings. In 2012, the Ministry of Interior of the SR performed the following activities: press conference, opening of the exhibition “Do you know what your child is doing now?” and a theatrical performance focused on THB for the purpose of sexual exploitation titled “Little bird”. In 2013, the Ministry of Interior of the SR prepared and published a press release on the field of combatting trafficking in human beings and provided interviews about the field for print, radio, and TV media and provided stories with proposals of preventive recommendations for the general public. The campaign “Without information You are becoming a slave” (28 October 2013 to 24 November 2013) took place on the internet site Azet.sk, focusing on increasing awareness of the general public about the problems of trafficking in humans not only for forced labour. The campaign was performed by 300x300 internet banners in the square format, with 10 million displays linked to a 30-second TV spot.

At the occasion of the European Day of Combating Trafficking in Human Beings, individual NGOs organized discussions in risky areas.

The Ministry of Education, Science, Research, and Sport of the SRSR, in its educational and organizational instructions for 2012/2013, recommended to schools to organize discussions about potential risks of work abroad and on prevention of THB.

In the evaluation period of 2011 to 2014, preventive activities about risks of work abroad and on possibilities of prevention of trafficking in human beings at schools and school facilities were made by employees of the Ministry of Interior of the SR (through an Information Centre that performs preventive information lectures for students of schools and school facilities, providing,

apart from useful advice and information, also prevention materials to students), as well as by partner organizations for some 4473 students of elementary and secondary schools. The problems of THB were also discussed in preventive projects performed by policemen from the prevention department of communication and prevention units of regional police directorates and prevention groups of internal units of district police directorates. A total of 175 lectures and discussions about the topic were performed.

The Ministry of Education, Science, Research, and Sport of the SR, in its Educational and organizational instructions for 2012/2013, in part 1.6.11. Security and prevention, in section 4. states the following recommendation: "Perform preventive campaigns and activities in the area of prevention of THB and discussions with expert employees of the Centre of Pedagogic and Psychological Counselling and Prevention (hereinafter referred to as "CPPPaP") about risks of work abroad and prevention of outrageous treatment and slavery". The entire text of the Educational and organizational instructions is available at the website of the Ministry – [www.minedu.sk](http://www.minedu.sk). The section of regional schools of the Ministry of Education, Science, Research, and Sport of the SR supported the project of Methodical – Pedagogic Centre – Regional branch in Prešov that created an internet site [www.bezpre.sk](http://www.bezpre.sk), offering a platform for introduction of good practice examples in prevention of risky behavior, prevention of unwanted social-pathologic phenomena and support of security at schools. This website also includes a methodical and informative material – "Prevention of trafficking of human beings at schools" by PhDr. Dana Rosová from CPPPaP in Košice. Annotation: Expert contribution focuses on trafficking in human beings as a new phenomenon of the present and shows opportunities of presentation of this current and urgent problem also by group work at schools.

In 2011 to 2013, a project titled "Prevention and Extended Harmonized Data Collection System of Trafficking in Human Beings" was implemented by the Ministry of Interior of SR. Since 01 January 2013, the Ministry of Interior of SR performs a project financed by the program of European Commission "Strengthening of joint measures in the prevention of forced labour of Roma community and the development of reference mechanism." Also, the Ministry of Interior of SR participated in the project "Prevention of trafficking in human beings and of forced marriages: multidisciplinary solution" as a partner, with the applicant for a European Commission grant in the project which is the Ministry of Interior of Latvia.

At its session dated 16 November 2011, the Government of the SRSR approved, by a resolution no. 717, the "Proposal to prepare a national strategy of protection and support of human rights in SR". The preparing of the strategy also counts on possible participation in international programs and projects related to protection and support of human rights, including prevention of trafficking in humans as a field closely related to human rights.

In the evaluation period, the Ministry of Interior of SR performed the following campaigns aimed at promotion of the National Line of Assistance to victims of trafficking in humans 0800 800 818 and forced labour and one of the forms of trafficking in humans:

- "Without information you are becoming a slave",
- "Not all trips to the world are from fairy tales".

Both campaigns had visuals and radio and TV spots subsequently broadcast on nationwide and regional channels as well as radio stations.

In 2012 to 2013, an exposition of works of students of secondary art schools, motivated by risk phenomena of trafficking in human beings, was installed in shopping centres all around Slovakia. Installation of individual expositions was accompanied by workshops about the field. The visual of the campaign "Do you know what your child is doing now?" was placed on 22 billboards around Slovakia.

At the same time, campaign about rights of foreigners (peaking in the month of September 2012) and promotion of the European Day of Combatting Trafficking in Human Beings (each year).

The Slovak Catholic Charity, in collaboration with the Ministry of Interior of the SRSR, started, in 2013, a campaign titled “People are not for sale – GIFT box Slovakia, performed also in collaboration with organizations STOP THE TRAFFIK and UN.GIFT. More information about the campaign can be found online at <http://www.obchodsludmi.sk/giftbox/>.

The Central Office of LSAF, in collaboration with the Ministry of LSAF, distributed to all LSAF offices DVD copies of the “It will never happen to me” movie that was shown on fluidboxes; other information and promotion materials were also provided, within a promotion campaign “Informing the public about the existence of problem with trafficking in humans and on risks predetermining potential victims of THB”.

Representatives of IOM have participated at the Bažant Pohoda festival (year 2013) where they also provided preventive and general information about THB. Leaflets and other promotion materials were available to the public. The preventive movie 0800 800 818 was also shown during the One World festival in: Žilina (01/2013), Malacky (02/2013), Poprad (03/2013).

In the framework of the European Commission-supported project titled “Strengthening of joint measures in the prevention of forced labour of Roma community and the development of reference mechanism” implemented by the Ministry of Interior of the SR in collaboration with Slovak partners Človek v tísní – Slovensko and Roma Media Centre MECEM and a United Kingdom partner Crossroads Youth and Community Association since 2013, a movie was made and also other promotional materials distributed not only within the SRSR but also to the United Kingdom as the most frequented destination country of THB victims.

The project includes a research performed in the months of May to August 2013 by a partner – Človek v tísní – Slovensko; the main goal of the research was to map the THB phenomenon and its causes, focusing on members of segregated Roma communities in Slovakia and in the United Kingdom.

Throughout 2013, all competent entities presented the field also by provided interviews for print, radio, and TV media that also provided proposals of preventive recommendations for the general public.

<b>Overview of promotional materials published on the issue of human trafficking used by the Ministry of Interior for the years 2011 - 2014</b>		
	<b>Title of the promotional materials</b>	<b>Number of copies</b>
1.	Without information, you are becoming slave brochure - reprinted	25000
2.	Comics “Nobody is for sale”	8000
3.	A5 leaflet about the compensation for persons injured by intentional violent crimes in(Slovak, English, Roma) language	4000
4.	Self-identification leaflet for potential victims of THB	10000
5.	Silicone bracelets imprinted with "DO NOT BECOME A SLAVE"	10000
6.	Lanyard imprinted with "SAY STOP human trafficking" and the National helpline for victims of trafficking 0800 800 818	10000
7.	Reflective pendant imprinted with "SAY STOP human trafficking"	1000
8.	Brochure” DO YOU KNOW WHAT YOUR CHILD IS DOING NOW?”	20000
9.	Keychain with LED light and whistle	10000
10.	Magnetic bookmarks	10000
11.	Microfiber cloth to protect and clean the screens, glasses	5000
12.	Microfiber Self-adhesive mobile screen cleaner	10000
13.	DVD duplicates of the film “0800 800 818”	2000
14.	A5 leaflet about the identification of THB victims	5000
15.	National Program for the Fight Against Human Trafficking for the Years 2011 – 2014 – English	200

16.	National Program for the Fight Against Human Trafficking for the Years 2011 – 2014 - Slovak	500
17.	Publication “Aspects of forced labour in the Slovak republic“	1300
18.	Methodological aid procedure aimed at all stakeholders in the provision of assistance to victims of human trafficking with special focus on the specifics of procedure in the case of victims of trafficking as well as foreigners in the case of minors, victims of trafficking	1000
19.	A3 posters with visuals campaigns on the rights of foreigners	100
20.	A5 posters with visuals campaigns on the rights of foreigners	500
21.	DVD media spot duplicates "Not all trips to the world are from fairy tales"	250
22.	DVD duplicates with VITA program to lead interviews with strangers	200
	DVD duplicates with media spot "Without information you are becoming a slave"	150
23.	A 2 format posters with the campaign visual "Without information you are becoming a slave"	500
24.	A 3 format posters with the campaign visual "Without information you are becoming a slave"	1000
25.	A 4 format posters with the campaign visual "Without information you are becoming a slave"	5000
26.	Cover for promotional and information materials for representation purposes	1000
27.	Final report of the scientific research tasks	300

Within the project “Strengthening of joint measures in the prevention of forced labour of Roma community and the development of reference mechanism”, in 2013 a booklet was prepared for employers in order to increase the awareness of this specific group of recipients about forced labour and consequences of use of services of victims of THB for the purposes of influencing the demand side of trafficking in humans as well.

In the evaluation period, preventive activities for socially excluded communities were performed for socially excluded communities throughout the territory of the SRSR by lectures and discussions with employees of the Ministry of Interior of the SR and of partner organizations, with a total of 666 persons participating. Also, within the project “Strengthening of joint measures in the prevention of forced labour of Roma community and the development of reference mechanism” a preventive movie was prepared as a tool to warn against using people for forced labour and other forms of THB, especially in Roma communities. Apart from that, preventive materials were made in several language mutations (Slovak, English, Roma), focusing on increasing awareness of risks implied from working abroad and promotion of the National Line of Assistance to victims of trafficking in humans 0800 800 818. In the call for proposals by the Council of Government of the SR for crime prevention, applications for subsidies from the state budget for projects aiming at assistance to disadvantaged groups of citizens were supported, specifically, by:

- civic association Chance for unwanted,
- civic association STORM,
- City Spišská Nová Ves,
- Roma media center.

By an amendment to the Criminal Code – the Act no. 262/2011 Coll., effective from 01 September 2011, a new crime was added to the Criminal Code – unauthorized employing (Article 251a of the Criminal Code). By introducing this crime into the Criminal Code, the lawmaker reacted to the growing trend of the so-called “illegal employees”; in this case, the person must be in the territory of SR illegally. Thus, this is illegal employing of various immigrants residing in the territory of the SRSR illegally. The qualified merits of this criminal offence also include a circumstance when the offender commits such a crime on a person that is a victim of THB. Unauthorized

employing of citizens of SR (employing without an employment contract or agreement to perform works outside employment) is not a criminal offence and can only be sanctioned by labour law regulations.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

On 13 April 2012, the Agreement on cooperation in performance of inspections of entrepreneurs allowing illegal work, concluded between the Ministry of Interior of SR and National Labour Inspectorate to identify the victims of trafficking in humans, entered into effect. According to the agreement, policemen from the THB unit of the Criminal Police Bureau of (until 01 July 2013 – since then, THB has been included in the organizational structure of the OBAP PFP) and the policemen of OBAP PFP have participated in inspections on behalf of the Ministry of Interior of SR. On behalf of the National Labour Inspectorate, workers of individual regional labour inspectorates according to the location of the inspection participated in the inspections. During the inspections of entrepreneurs, policemen focused on searching and identification of victims of the crime of THB under Article 179 of the Criminal Code and on seeking persons – foreigners with illegal residence in the SR and other violations of provisions of the Act no. 404/2011 Coll. on Residence of Foreigners as amended. Entrepreneurs to be inspected by the THB unit of the Criminal Police Department of the PFP and the OBAP PFP were proposed on the basis of operative information referring to suspected THB. The main goal of the inspection activities of the employees of labour inspectorates was to identify all forms of violation of ban on illegal employment according to the Act no. 82/2005 Coll., whether as use of dependent work of natural persons without concluding employment, without fulfilling the notification duty of employer to the Social Insurance Company in the register of insured persons, use of dependent work of citizens of third countries residing in the territory of the SRSR in contradiction to a special law (without a temporary residence permit for employment and/or without an employment permit), or use of labour of natural person that does not include the attributes of dependent work but is performed without concluding a contract under the Civil Code and/or the Commercial Code.

On the basis of the above agreement, a total of 12 joint inspections of entrepreneurs were performed in 2012. In total, during the performed inspections in 2012, 128 employees were inspected, including 20 foreigners from India, Afghanistan, Pakistan, France, Zimbabwe, Cameroon, China, Hungary, the Czech Republic and Bulgaria. No victims of THB have been identified.

In 2013, bodies performing inspections of entrepreneurs according to the agreement checked a total of 27 entrepreneurs. During the inspections, 202 employees were inspected, of those, 37 foreigners from Vietnam, the Czech Republic, Bulgaria, Romania, Lithuania, Ukraine, and South Korea. During the performance of the above inspections, 22 persons employed illegally were identified, including two foreigners (Vietnam, South Korea). No persons with illegal residence in the territory of the SRSR and no victims of THB have been identified.

In the first half of 2014, 46 entrepreneurs were inspected, with 88 citizens of the SRSR and 104 foreigners from the Republic of Korea, Vietnam, India, Ukraine, and the Czech Republic. No persons with illegal residence in the territory of the SRSR and no victims of THB have been identified. The agreement on collaboration during inspections of entrepreneurs allowing illegal work has been substituted, effective from 30 December 2013, by an agreement on performance of collaborative inspections of entrepreneurs.

Employees of LSAF Offices at EURES units provide prospective employees with information on living and working conditions in individual countries of the EU, contact points of the EURES network where prospects can obtain more detailed information in EU member states. Further, these employees inform the prospects what to be aware of before travelling to work abroad, provide advice on what to be careful about an agency, or even check the seriousness of the employment agency.

Data about illegal and/or forced labour, exploitation and practices similar to slavery and servitude are not monitored in the information systems belonging to the subject matter relevance of employment services. Inspections of illegal work and illegal employment are performed, under the Act no. 82/2005 Coll. on Illegal Work and Illegal Employment, by labour inspectorates, inspection departments of LSAF Offices and the inspection department of the Centre of LSAF that in this year registered one citizen of China with employment in the territory of the SRSR to whom tolerated residence was granted due to illegal employment under especially exploiting work conditions if his presence is necessary for criminal procedure.

As a transfer to a new information system occurred in 2011 – 2013, statistical data for the period are not available in the required structure. The above data is provided upon request by the department of IT and IT methodology and is preliminary as of to the date of processing as after the start of a new IS, the database is being consolidated and synchronized and the method of processing individual statistical indicators is being tuned up.

Labour inspectorates performed and regularly perform collaborative inspections aimed at inspection of adherence to ban on illegal employment together with the officers of the OBAP PFP. The inspections also include seeking for victims of THB.

Labour inspectorates also perform supervision over adherence to duties of agencies of temporary employment implied by labour law relations of their employees.

In 2013, the National Labour Inspectorate performed off the schedule Slovak-wide inspection focused at adherence to legal and other provisions in agencies of temporary employment in the area of labour law relations, in the area of temporary assignment to performance of work at a user employer and in the area of adherence to ban on illegal employment. The performed inspection did not identify employing of persons that could be identified as victims of trafficking in human beings. In case of intermediaries of employment for compensation, performing activities under Article 25 of the Act no. 5/2004 Coll. on Employment Services as amended, body authorized to perform supervision of adherence to their legal duties is the Central Office of Labour, Social Affairs, and Family and the relevant LSAF office. Labour inspectorates do not perform supervision of adherence to duties implied to intermediaries of employment by valid law.

Within the amendment to the Act no. 82/2005 Coll. on Illegal Work and Illegal Employment as amended, the inspection bodies performing inspections of illegal work and illegal employing (i.e. labour inspectorates, Centre of LSAF and LSAF offices) acquired competence – assess the risk of illegal employment and regularly identify the economic sectors where illegal employment concentrates. The National Labour Inspectorate has a duty to submit each year, by 01 July, to the European Commission, information for the previous calendar year about the number of inspections in individual risk sectors, percentage of inspected entities of the number of employers in each risky sector, and results of inspections. Inspection bodies are obliged to provide said information to the National Labour Inspectorate each year by 31 March. On the basis of said information, it will be possible to monitor and analyze the occurrence and trends in the area of illegal employment of citizens of third countries.

<b>Overview of the inspections conducted in subjects of paid employment department checks the Labour, Social Affairs and Family and departments, respectively. Papers of labor, social affairs and family</b>			
<b>YEAR</b>	<b>Number of Inspections</b>	<b>Number of penalties imposed</b>	<b>The amount of the penalties imposed in €</b>
<b>2011</b>	57	4	2 700,00
<b>2012</b>	25	3	2 150,00
<b>2013</b>	47	12	6 425,00



<b>2014 (until 30.06.2014)</b>	10	0	0
<b>Total</b>	<b>139</b>	<b>19</b>	<b>11 275,00</b>

### Analysis of the inspections of illegal employment for the years 2011-2014

Type of control: KNZ	Controls finished in the year of:				Total
	2011	2012	2013	2014 until 30.06.	
Number of controls	12 948	12 105	22 388	12 248	<b>59 689</b>
of which ÚKNZ			2 443	6 112	<b>8 555</b>
Number of subjects controlled	11 685	11 028	18 510	11 316	<b>52 539</b>
of which ÚKNZ			2 379	5 891	<b>8 270</b>
Number of persons controlled	43 170	41 537	58 080	29 704	<b>172 491</b>
of which ÚKNZ			6 348	13 497	<b>19 845</b>
Number of subject with NZ	474	359	675	580	<b>2 088</b>
of which ÚKNZ			174	326	<b>500</b>
Number of NZ persons	932	691	1 311	1 027	<b>3 961</b>
of which ÚKNZ			283	550	<b>833</b>
Number of lawful sanctions	405	300	236	451	<b>1 392</b>
of which ÚKNZ			9	65	<b>74</b>
The amount of final penalties (€)	871 330	674 550	528 349	1 250 450	<b>3 324 679</b>
of which ÚKNZ			18 000	165 150	<b>183 150</b>
Štáty NZ /countries of origin				Bulgaria, Czech Republic, China, Croatia, India, Vietnam, Hungary, Mexico, Romania, United States, Macedonia, Ukraine, Kosovo, Yugoslavia	
Of which ÚKNZ				Czech Republic, China, Mexico, Romania, United States	

Source: National Labour Inspectorate, Labour, Social Affairs and Family of the Slovak:

NZ- illegal employment  
 KNZ- control of illegal employment  
 ÚKNZ - control unit of illegal employment  
 Štáty NZ - countries of which were illegally employed persons

**Border measures (Article 7)**

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;
- b. identification of possible perpetrators of THB offences;
- c. gathering of first-line information from victims and perpetrators;
- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

Policemen of the border and alien police service make efforts, within profiling during border inspections, to identify potential victims of trafficking in human beings, identification of victims of criminal offences of trafficking in human beings and identification of vulnerable persons that need international protection among potential victims of trafficking in human beings.

The FRONTEX agency trained policemen of the Bureau of Border and Alien Police of the PFP in the SR as trainers in the field of combating trafficking in human beings for the border police. In February 2013, these policemen trained 25 border police officers, aiming at performance of first and second level checks. Trainings were performed according to the manual "Combating Trafficking in Human Beings for Border Police", prepared by FRONTEX in collaboration with experts from EU member states, NGOs and IOs. In 2014, another 60 policemen of border police were trained similarly, working at the border control at the Bratislava Airport.

The communication campaign included a simulated detention of foreigners, organized on 07 September 2012 in the fields nearby the border crossing point in Vyšné Nemecké, with more than 20 representatives of electronic and print media.

For the purposes of media campaign on rights of foreigners, CD media with the VITA software (UN.GIFT), simplifying primary communication with foreigners, were produced and distributed in 2012 and 2014 to all departments of OBAP PFP and to the foster homes in Horné Orechové and Medzilaborce that are designed for UNM.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

In 2013, the SKCH organized national workshops within the project "People are not for sale – GIFT box Slovakia", organized also in collaboration with STOP THE TRAFFIK and UN.GIFT with the support of the Ministry of Interior of SR. Also, it participated by presentation in the Red Ribbons project with a total of 311 participants. The travelling campaign was located at the Bratislava Airport.

In the week from 16 to 19 September 2014, policemen from the OBAP PFP performed typology of victims of trafficking in human beings at frequented flights to the United Kingdom of Great Britain and Northern Ireland as well as to Ireland, within the Archimedes operation. The countries were chosen as they were the most frequent destination countries where Slovak citizens are exploited. The goal was to eliminate risks related to trafficking in human beings.

At the same time, employees of the Information Centre and Crime Prevention Department of the Ministry of Interior of the SR (hereinafter referred to as the "CPD"), within the support of the Archimedes operation in the territory of the SR in priority area "Trafficking in Humans" performed in the departure hall of the Bratislava Airport a preventive action aimed at increasing awareness in the field of THB. The target groups were mostly travelers to the United Kingdom of Great Britain and Northern Ireland and the Republic of Ireland as these countries are a frequent destination of Slovak citizens who become victims of the criminal offense of trafficking in humans. Information

Centre and CPD employees actively approached travelers arriving at the security check at the airport and informed them about risks connected to travelling abroad in relation to THB. For this purpose, in the departure hall, there was an information kiosk under the auspices of the Ministry of Interior of the SR with promotion and information materials focused on combating trafficking in human beings. Travelers received informative materials “Without information You are becoming a slave” with information on THB, useful information before departure, contacts to helping organizations and embassies of the SRSR in destination countries and telephone number to the National Line of Assistance to victims of trafficking in humans 0800 800 818. Also, wristlets, ribbons and key tags with the number of National Line of Assistance to victims of trafficking in humans 0800 800 818 were given out. Important information for travelers was the availability of this national line not only from the SRSR but also from abroad. On the two days of the preventive action, Information Centre and CPD employees distributed 90 informative booklets “Without information you are becoming a slave”, 52 key tags, 42 ribbons and 101 wristlets. Most passengers perceived the preventive action positively and several persons were sincerely interested in the information, especially those travelling to work abroad.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

A key area of collaboration of the units of services of border and alien police with the financial administration at the outer Schengen border is the collaboration during performance of border and customs inspections at border crossing points, performed on a daily basis. Another activity is performance of joint patrols of the police and of the Customs Administration in the territory of the SRSR adjacent to the external border. (The Schengen action plan of the SRSR defines a task – increase the share of performance of joint and mixed patrols of police and Financial Directorate of the SR when performing border supervision and customs supervision at the external land border.)

#### **Identification of the victims (Article 10)**

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

The procedure for identifying victims of human trafficking in the Slovak Republic and potential victims including in the Program of Support and Protection for Victims of Human Trafficking is defined in the **National Reference Framework**. This material contains the structure of cooperating entities through which the governmental authorities fulfil their obligations in terms of protection and enforcement of human rights for individuals who became victims of human trafficking, while coordinating their efforts as part of strategic partnership with civil society. Its main aim is to ensure respect for the human rights of victims of human trafficking and provide them with effective and accessible services. Secondly, the national reference mechanism can help to develop national policies and procedures regarding victims of human trafficking, such as legal provision in the area of legalization of their stay and resettlement, compensation and protection.

Any entity within the environment of governmental authorities and non-governmental organizations, as well as those from abroad can identify a potential victim of human trafficking. Thus, members of various services of the Police Corps, Prosecution Office, employees of the Migration Office, employees of Offices of Labour, Social Affairs and Family, healthcare staff, employees of the Ministry of Education of the Slovak Republic, social workers in the field, employees of consular offices of the Slovak Republic abroad, non-governmental and international

organizations working in Slovakia or abroad, as well as the victims of human trafficking themselves or their family members can initiate identification of victims of human trafficking through the National Helpline for Victims of Human Trafficking at **0800 800 818**. Detected potential victims of human trafficking in the territory of the Slovak Republic or abroad are referred to the care of non-governmental organizations or of the International Organization for Migration (IOM) in Slovakia that initiate the procedure for identifying potential victims of human trafficking based on the above-mentioned impulses through the identification questionnaire, personal record of the client based on the definition of human trafficking from the Palermo protocols.

NRM in Slovakia are:

- National Coordinator for Combating Trafficking in Human Beings - State Secretary of the Ministry of Interior
- Information Centre to Combat Human Trafficking and Crime Prevention
- Expert Group for the field of combating trafficking in human beings
- Multidisciplinary working groups focused on the field of combating trafficking in human beings
- Office of International Police Cooperation
  - Europol national unit
  - Interpol National Central Bureau
  - The police attachés in embassies abroad SR
- Border and Alien Police of the Presidium of the Police Force
  - National Unit to Combat Illegal Migration
- Migration Office

NGOs and international organizations cooperating with authorities:

- International Organization for Migration IOM Bratislava
- Slovak Catholic Charity
- Slovak Crisis Centre DOTYK

28. Are there any formalized indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

During 2012, with participation of experts from OBAP PFP under the auspices of FRONTEX, a manual for performance of first and second level inspections was made, focusing on identification and detection of potential victims of THB, and/or traffickers in humans that will subsequently, with due training, be incorporated in the performance of first and second level inspections on the external border of the SRSR.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

Examples of indicators that suggest that a particular person **might be** a victim of human trafficking:

The basic features suggestive of the fact that it is a victim of human trafficking:

- person work or somewhere held against their will,
- person provides services at abnormally low prices compared to the normal market price,
- person does not have control over their own earnings, pays a high proportion of their income to the exploiters,
- person is under threat of corporal punishment or must daily earn a certain amount,
- all personal documents are taken away from the person,
- person is physically punished when they refuse to work or threatened respectively,

- if employer is present person is afraid to reach out and talk about your situation.

30. What measures are taken in your country to encourage self-identification of victims of THB?

The Ministry of Interior of the Slovak Republic in cooperation with the International Organization for Migration in Bratislava concluded an agreement on the establishment of the free National Helpline for Victims of Human Trafficking (phone number 0800 800 818). The National Helpline for Victims of Human Trafficking was established as of 1 July 2008 and it is primarily aimed at providing preventive information prior to travelling abroad, as well as for making first contact with potential victims of human trafficking and at mediating relevant help.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

In asylum facilities, at the procedural department and in locations of potential occurrence of victims, the Migration Office of the Ministry of Interior of SR, as well as at the units of police arrest for foreigners, there are leaflets and multi-language information brochures with self-identifying questions enabling potential victims to learn about their rights if they have been trafficked. Also, these facilities are regularly visited by employees of IOM and SKCH, organizing preventive and informative meetings for foreigners where foreign citizens receive full information about their rights and about the Program. A3 size posters, A5 size leaflets with text in 6 language mutations mentioning opportunities offered to victims of trafficking in human beings by the Program, as well as the CD media with the VITA software providing a simple opportunity of primary conversation with a foreigner in all existing language mutations were distributed to all organizational units of OBAP PFP.

### **Protection of private life (Article 11)**

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

Under Article 8 of the Labour Inspection Act:

(1) Employees of the National Labour Inspectorate and employees of the labour inspectorate are obliged to keep secret about motions to perform labour inspection, the contents thereof and entities that filed the motion and to keep secret about other facts related to labour inspection that they learned during the performance of labour inspection.

(2) The obligation of the employee of the National Labour Inspectorate and of the employee of labour inspectorate to keep secret under section 1 and the obligation to keep secret under special laws also applies if the employee is no longer an employee of the National Labour Inspectorate or of a labour inspectorate. These duties also apply to invited experts, even after the end of their activities for the labour inspectorate.

(3) Employees of National Labour Inspectorate, even if they ceased to be employees of the National Labour Inspectorate, can be released from the duty of secrecy in writing for serious reasons by the director general unless otherwise determined by a special law. Employees of labour inspectorate, even if they ceased to be employees of labour inspectorate, and invited experts, even after the end of their activities for the labour inspectorate, can be released from the duty of secrecy, in individual cases, in writing and for serious reasons, by the main labour inspector, unless otherwise determined by a special law.

(4) The obligation to keep secret under sections 1 and 2 does not apply to generalized information that makes it impossible to identify the natural person or the legal entity to which the information applies.

Under Article 7(10) of the Labour Inspection Act, labour inspectorate is obliged to notify law enforcement authorities of any facts identified during the performance of labour inspection that allege that a crime has been committed.

Up to now, the National Labour Inspectorate has never practically faced a conflict of interest related to findings of the labour inspection in the area of trafficking in human beings.

### **Assistance to victims (Article 12)**

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;
- b. victim's safety and protection;
- c. standards of assistance and their implementation in practice;
- d. access to medical treatment, psychological assistance, counselling and information;
- e. translation and interpretation, where appropriate?

The scope and quality of services provided to domestic and international victims of human trafficking are stipulated by the **Ministry of Interior of the Slovak Republic Decree on Ensuring the Program of Support and Protection for Victims of Human Trafficking** governing the functioning of the Program of Support and Protection for Victims of Human Trafficking.

For the purposes of this Decree **the victim** shall mean:

- a Slovak citizen if there is a reasonable suspicion, "reasonable grounds" that the person became a victim whether in the Slovak Republic or abroad,
- a citizen of the European Union if there is a reasonable suspicion, "reasonable grounds" that the person became a victim whether in the Slovak Republic or abroad
- third countries citizens if there is a reasonable suspicion, "reasonable grounds" that the person became a victim whether in the Slovak Republic or abroad,

Categories of victims on the basis of the principles of equality and non-discrimination are provided services according to their individual needs on the same level, while care for foreign victims considers more measures in terms of language barriers, legalization of the stay of an alien and voluntary return to country of origin.

The **inevitable crisis care** is provided for a period of 30 days. The victim included in the program has the opportunity to apply for voluntary assisted return.

Crisis care is provided after the expiry of **inevitable crisis care** to the victim who is:

- a) a citizen of the Slovak Republic , if there is a reasonable suspicion that he/she became a victim in the territory of the Slovak Republic or abroad
- (b) a citizen of the European Union , if there is a reasonable suspicion that he/she became a victim in the territory of the Slovak Republic or abroad
- (c) third-country citizen, if there is a reasonable suspicion that he/she became a victim in the territory of the Slovak Republic or abroad, and it's in the range of 30 days, which can be, where justified and on request of the subject of the program providing crisis care, extended by 30 days by the Information Center.

If the victim a) cooperates with law enforcement authorities, **crisis care** will be provided during criminal proceedings.

If the victim b) and c) cooperates with law enforcement authorities, crisis care will be provided during criminal proceedings, if his/he presence is necessary for the purposes of criminal proceedings in the Slovak Republic.

The **reintegration or integration** is provided after the completion of both **inevitable and crisis care**; in justified cases, the IC may extend the care by 30 days, even repeatedly, up to a maximum period of 90 days. The integration of the victim during the process of asylum under a special regulation is provided by the MV SR.

The program for victims includes isolation from criminal environment, information on tolerated residence<sup>3</sup> in the territory of the SRSR and, if necessary, also information on potential provision of international protection<sup>4</sup>, if the victim is a citizen of third country, assistance to citizens of the SRSR during voluntary return to the SRSR, financial support, social assistance, psychosocial counselling, psychotherapist services, interpretation and translation services, legal advising, health care, re-qualification courses, opportunity to be included in the witness protection program under a special law<sup>5</sup>, possibility of one-off financial compensation under a special law,<sup>6</sup> assistance to citizens of the European Union and citizens of third countries during assisted voluntary return<sup>7</sup> into their countries of origin and intermediation of assistance of organizations active in the country of origin, as well as an opportunity of suitable and safe accommodation.

Statistical overview on victims integrated into the Program of Support and Protection for Victims of Human Trafficking		
Number of victims	Purpose of exploitation	Destination country
r. 2010		
<b>28</b>  of which  Men (14) Child (1) Women (14) Child (1)	Forced labour (10)	Great Britain (14)
	Sexual exploitation (11)	Czech republic (4)
	Forced begging (2)	Germany (3)
	Exploitation of criminal activities (4)	Italy (2)
		France (2)
		Slovak Republic (1)
		Denmark (1)
		Netherlands (1)
r. 2011		

<sup>3</sup> Art. 58(4)(d) of the Act no. 404/2011 Coll. as amended by the Act no. 75/2013 Coll.

<sup>4</sup> Act no. 480/2002 Coll. on Asylum as amended.

<sup>5</sup> For example, Act no. 256/1998 Coll. on Witness Protection and on modification as amended.

<sup>6</sup> Act no. 215/2006 Coll. on Compensations for Persons Injured by Violent Crimes as amended

<sup>7</sup> E.g. Article 2(1)(a) of the Act no. 404/2011 Coll. on Residence of Foreigners As amended

The voluntary return of victims corresponds with art. 16 (5) of Council of Europe Convention on Action against Trafficking in Human Beings. The victim of trafficking in human beings may decide voluntarily at any time that they wish to return to their country of origin or of last residence or to another third country that will accept the victim. The Ministry of Interior of the Slovak Republic concluded an agreement with IOM, the International Organization for Migration, Bratislava, to provide for assisted voluntary returns of unsuccessful asylum seekers and illegal migrants to their countries of origin; this agreement also provides for voluntary return of victims of trafficking in human beings into their countries of origin. Voluntary return is performed with due respect to rights, safety, and dignity of the victim of trafficking in human beings. In the repatriation and return of victims of THB, it is proceeded according to internationally standardized procedures that are binding for all IOM missions. In national law of the Slovak Republic, repatriation and returning of victims of trafficking in human beings are regulated as Voluntary returns under the Act no. 480/2002 Coll. on Asylum as amended and the Act no. 404/2011 Coll. on Residence of Foreigners as amended.

<b>31</b> of which Men ( 13 ) / Women ( 18 ) / Child ( 1 )	Forced labour ( 12 )	Great Britain (13)
	Sexual exploitation ( 12 )	Germany (9)
	Forced begging ( 2 )	Slovak Republic (4)
	Exploitation of criminal activities (4)	Czech republic (2)
	Forced marriage (2)	Austria (1)
		Sweden (1)
		Switzerland (1)
		Spain (1)
		Luxemburg (1)
		Poland(1)
	Hungary (1)	
r. 2012		
<b>22</b> of which Men ( 6 ) / Women ( 16 ) / Children ( 3 )	Sexual exploitation ( 15 )	Great Britain (9)
	Forced begging ( 5 )	Italy (3)
	Forced labour ( 3 )	Austria (2)
	Forced marriage (2)	Belgium (2)
		Slovak Republic (1)
		Ukraine (1)
		Germany (1)
		Hungary (1)
	Not specified (2)	
r. 2013		
<b>30</b> in that Men ( 15 ) / Women ( 10 ) / Children ( 1 )	Sexual exploitation (15)	Great Britain (15)
	Forced labour ( 10 )	Germany (5)
	Forced marriage (7)	Slovak Republic (3)
	Forced begging (2)	Sweden (2)
		Czech republic (2)
		Belgium (2)
		Hungary (1)
		Netherlands (1)
	Ireland (1)	
r. 2014 until 30.6.2014		
<b>19</b> Of which Men ( 6 ) / Women ( 13 )	Forced labour (8 )	Great Britain (13)
	Sexual exploitation (3)	Sweden (1)
	Forced marriage (7)	Czech republic (1)
	Forced begging ( 1 )	Netherlands (1)
		Denmark (1)
		Germany (1)
		Switzerland (1)
		Slovenia (1)

Note: person under 18 is considered a child

Source: Information Centre for Combating Trafficking in Human Beings and Crime Prevention of the Ministry of Interior of the Slovak Republic

For the table specified in Article 33, we state that in 2012, apart from the 22 victims identified by IOM providing care for victims included in the National Program, another 18 victims were identified as potential victims; these refused to enter into the I Program.

In the budgetary chapter, the Ministry of Interior of SR reserved funding to provide for tasks implied by the National Program for Combating Trafficking in Human Beings for years 2011 to 2014 in a total amount of EUR 875 123.89 (2011 – 2013) (including EC funding provided for the implementation of the supported project). Funds were reserved for implementation of projects of international and non-governmental organizations participating in the implementation of the Program, for participation at conferences about trafficking in humans, for promotion of the



European day of combating trafficking in human beings, publishing promotion materials, leaflets, training activities, co-financing or EC-supported projects, and fulfilment of other tasks in line with the tasks set in the National Action Plan for Combating Trafficking in Human Beings for 2011 – 2014.

On 01 January 2014, the amendment (Act no. 485/2013 Coll.) to Act no. 448/2008 Coll. on Social Services and on modification and amendment of Act no. 455/1991 Coll. on Trade Licensing (Trade Act) as amended (hereinafter referred to as the “Social Services Act”), introducing a complete new group (independent group) of social services with a common goal and nature, i.e. provision of crisis intervention, entered into effect. This term expresses, more generally, the scope and diversity of unfavourable social situations that are to be solved by said social services, including services to cover necessary conditions to satisfy basic life needs. Social services of crisis intervention are also provided to I persons endangered by behaviour of other persons or persons that became victims of behaviour of other I persons. This term also includes trafficking in humans.

Social services of crisis intervention may be of a low-threshold nature. These persons are also provided with crisis intervention as a field social service provided in unfavourable social situation and consisting of activities aimed at searching for these I persons, specialized activities, service activities and other activities aimed mostly at performance of preventive activities (professional activities aimed at prevention of risk behaviour of natural persons, families and communities and at prevention of risk situations and overcoming and/or solving thereof), provision of social advising (basic social advising and specialized social advising), social rehabilitation, assistance in exercise of interests protected by law and creating conditions for receiving ready-made food or foodstuffs.

The Social Services Act provides and declares the satisfying of needs of victims in the area of social services, especially by providing accommodation and providing specific forms of aid. This relates specifically, without limitation, to the distress housing facilities for which the group of persons to whom this social service can be provided has been redefined (compared to the wording valid until 31 December 2013). Since 01 January 2014, secure housing facilities engage solely in provision of assistance to I persons that are victims of domestic violence and/or gender-related violence or that is a victim of a crime, victim of THB, or endangered by these situations. The confidentiality of the location of provision of social service and anonymity of clients are retained, not only to protect their lives and health but also to protect their privacy and family lives.

Secure housing facilities provide accommodation for certain period of time, social advising, assistance with exercise of rights and legally protected interests; they also create conditions for preparing of meals, distribution of meals and/or foodstuffs, performance of necessary basic personal hygiene, washing, ironing and maintenance of clothes and laundry, spare time activities.

Pursuant to Article 53 of the Social Services Act, I persons that are victims of THB can also be provided with crisis assistance provided by telecommunication technologies (telephone, fax, and internet).

Prevention and protection is made by ensuring the confidentiality of the location of accommodation and anonymity of the person. The confidentiality of the location of provision of social service and anonymity of clients are retained, not only to protect their lives and health but also to protect their privacy. These facilities are not marked by classic identification boards to keep victims of trafficking in human beings anonymous and safe.

In 2010 to 2013, assistance to victims of trafficking in human beings was provided pursuant to the Act no. 448/2008 Coll. on Social Services in secure housing facilities (Article 29) where social services were provided to a wider group of persons – besides persons that were victims of trafficking in human beings also to persons that were victims of violence, lonely pregnant women and parents or parents with children that had no accommodation or could not use accommodation for serious reasons, and persons that reached the pension age or were dependent on assistance of other persons and had no accommodation or was unable to use their accommodation for

serious reasons. Serious reasons included, especially, natural disasters, fire, ecological accidents or industrial accidents.

Victims of trafficking in human beings are provided by social advising as an expert service (Article 19 of the Social Services Act) and assistance in exercise of rights and legally protected interests (Article 19 of the Social Services Act). Two levels are defined for provision of social advising. The first is the level of basic social advising, included in each social service and focusing on assessment of the nature of the problem, provision of basic information on possible solutions or recommendation and intermediation of other professional assistance. The second level is specialized social advising aimed at identifying the causes of origination, nature and scope of problem and at providing specific aid.

If the target group is an individual, social work is done in individual form. If the advisor works with a group, it is the group form.

Specialized social advising to victims of trafficking in human beings can be provided also by entities that received an accreditation by the Ministry of LSAF of the SR for performance of specialized social advising as an independent expert activity.

Assistance in exercise of right and legally protected interests is a professional activity performed with consent of an adult person, focused mostly on advising with procuring official affairs, assistance with getting personal documents, writing and filing written filings, filling in forms, written communication with authorities and other affairs in the interest of the person.

Assistance to victims under Article 12 of the Convention is provided by several standards. These include, especially, the Act no. 417/2013 Coll. on Assistance in Material Need and on modification and amendment of other acts. This assistance is designed for citizens of the SR with permanent residence in the SR and to foreigners present in the territory of the SR in line with a special law (the Act no. 480/2002 Coll. on Asylum and the Act no. 404/2011 Coll. on Residence of Foreigners. After fulfilling the conditions set by law, citizens are provided with assistance consisting of a benefit in material need and contributions to the benefit – housing contribution, protection contribution, activation contribution and contribution for a minor child. Contributions are not provided separately. They are individual entitlements that form the total amount of provided financial assistance together with the benefit in material need. The amount of aid in material need is determined as the difference between the income and the claims to which the citizen is entitled by law. Under this act, citizens receiving benefits in material need can also obtain a one-off benefit in material need belonging to the material relevance of municipal authorities to cover extraordinary costs (e.g. necessary clothing, shoes, basic household utensils, fuel, etc.). We stated more information above in the text.

Assistance to victims under Article 12 of the Convention can also be provided on the basis of the Act no. 544/2010 Coll. on Subsidies in the powers of the Ministry of Labour, Social Affairs, and Family of the SR as amended by the Act no. 393/2012 Coll. regulating the conditions and method of provision of various types of subsidies by the ministry. However, these subsidies are not claimable.

On the basis of the above act, a subsidy can be provided to support humanitarian assistance to applicants in extraordinarily critical life situations or in extraordinarily unfavourable social situations, to support the solving of the situation. Subsidies to support humanitarian assistance can be provided to applicants that are persons to support the solution of their unfavourable critical or social situations, or that are legal entities to support humanitarian activities that the entity provides, subject to the conditions set by law.

In the interest of healthy diet of children from families in material need, subsidy can be provided to support education to diet habits of children endangered by social exclusion. Subsidies to support education to diet habits of children endangered by social exclusion can be provided to applicants for each child attending a kindergarten or an elementary school if the kindergarten or

the elementary school has at least 50% of children from families receiving benefits in material need and additions to benefits; also for children attending kindergartens and elementary schools and living in families receiving benefits in material need and contributions or with average net monthly income for the last six months not higher than the living minimum. The subsidy is provided to procure lunch and other meal for each day on which the child attended education process in a kindergarten or in the elementary school and received a meal. The subsidy is provided for a child in the amount of no more than EUR 1 per day with meal.

The subsidy to support education to fulfilment of school duties of children endangered by social exclusion can be provided to pay for school needs necessary to prepare for education and for education in a kindergarten or at an elementary school. For the purposes of the subsidy, school needs include, especially, exercise books, stationery, necessary individual tools. The subsidy is provided in the relevant budget year in the amount of no more than EUR 33.20 per child. The applicant is the founder of the kindergarten or of the elementary school, apart from a regional schools authority; municipality or a civil association with members from parents or other representatives of children and supporters of school if the school is established by a regional schools authority.

According to the above Act on Subsidies in the scope of the Ministry of Labour, Social Affairs, and Family, other types of subsidies can be provided as well, such as a subsidy to support development of social services, subsidy to support performance of measures of social law protection of children and social guardianship, subsidy to ensure the performance of the special recipient, subsidy to support reconditioning activities, subsidy to support membership in an international organization in the social field, subsidy to support publishing activities, subsidy to support gender equality. Similarly, neither of these subsidies is claimable and they are provided on the basis of applications evaluated individually.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

Criminal law of the SR is generally based on the principle of officiality, thus law enforcement bodies are obliged to act on each of the offenses of which they are aware, no matter how they learned about their commission. Even if the assumed crime victim files criminal complaint in another country, or does not file a complaint at all, and despite this fact, the law enforcement bodies become aware of the presumed offense, these are required to act on it and then choose the manner prescribed by law.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

SKCH operates a network of helping facilities: shelters, hostels, shelters for different target groups. In all types there are specialist trained by the MV SR training programs focused on the issue of THB and social workers, who make personal assistance to victims.

There are the following facilities:

- Crisis accommodation- house - equipment SKCH
- A shelter for homeless people
- Centre for emergency housing for mothers with children
- Crisis Centre
- A shelter for girls
- Half way Home

Facilities are providing:

- Maintenance of confidentiality, protected housing
- Safety guaranties
- Temporary financial and material assistance
- Medical care
- Facilitating contact with family
- Facilitate contacts with organizations providing assistance abroad
- Facilitate assistance in contact with law enforcement proceedings
- Job search assistance, cheap accommodation
- Free retraining courses

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

Joining the Program is based on two conditions:

A person shall be placed in the program if they voluntarily

- a) suspend contact with the criminal environment
- b) are interested in joining the program by completing and signing the input statements

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

After the termination of inclusion in the program, there is a possibility to benefit from social assistance, secured sheltered workshops, retraining courses and psychotherapy

### **Recovery and reflection period (Article 13)**

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

Each country shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. All victims who entered the program are entitled to recover and reconsider their cooperation with law enforcement authorities within 60 days, thus exceeding the minimum period stipulated by the Convention.

Facts related to provision of period for rest to foreigners – victims of trafficking in human beings, as well as of granting of tolerated residence are legally regulated in the Act no. 404/2011 Coll. on Residence of Foreigners as amended, as well as in an internal instruction of the Ministry of Interior of the SR – Order of the director of OBAP PFP on procedures in affairs of residence of

foreigner in SR. Annexed to the order is the methodology of procedures of police units (Departments of Alien Police) when issuing residence permits to foreigners, registering residence of citizens of the European Economic Area, issuing documents for foreigners, preparing standpoints to granting nationality of the SR, performing inspections of legitimacy of residence, fulfilment of conditions of residence, adhering to duties by foreigners, adhering to duties by other natural persons and legal entities in relation to residence of foreigners in the territory of the SRSR. Facts implied from the said methodology are currently being applied in practice at all foreign police units.

### **Residence permit (Article 14)**

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

Under Article 58(2)(c) of the Act no. 404/2011 Coll. on Residence of as amended, a police unit shall grant tolerated residence to a national of a third country if no reasons exist to reject the application under Article 59(12)(b) if the person is a victim of trafficking in humans and they are at least 18 years old; the police unit or a person authorized by the Ministry of Interior will instruct the national of a third country about the possibilities and conditions of granting of tolerated residence for this reason and on the rights and duties implied. Under Article 58(4)(d) of the Act no. 404/2011 Coll., tolerated residence is a period of no more than 90 days during which the national of a third country that is a victim of trafficking in human beings and is at least 18 years old decides whether or not they will collaborate with law enforcement authorities in investigation of the criminal offence related to trafficking in human beings; this period can be extended by 30 days upon request of a person authorized by the Ministry of Interior. Under Article 59(6) of the Act no. 404/2011 Coll., a police unit shall grant tolerated residence under Article 58(2)(c) for at least 180 days, even repeatedly, if the presence of the national of a third country in the territory of the SR is necessary for the purposes of criminal proceedings; however, the police unit shall not grant tolerated residence if it is proven that the applicant failed to discontinue or willingly renewed the contact with persons suspected of commission of the criminal offence related to trafficking in human beings. Under Article 59(1) of the Act no. 404/2011 Coll., application for tolerated residence under Article 58(2)(c) and 58(3) is filed on behalf of the national of a third country by a law enforcement authority.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

Collaboration of victims of trafficking in human beings with law enforcement authorities is not specified in any document; generally, however, it consists of provision of information from the criminal environment in which the victim was exploited, both to individual suspects and to the methods of recruitment, transportation, form of exploitation. The victim is required to discontinue any contact with the criminal environment.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

Under Article 58(2)(c) of the Act no. 404/2011 Coll. on Residence of Foreigners as amended, a police unit shall grant tolerated residence to a national of a third country if no reasons exist to reject the application under Article 59(12)(b) if the person is a victim of trafficking in humans and they are at least 18 years old; the police unit or a person authorized by the Ministry of Interior will instruct the national of a third country about the possibilities and conditions of granting of tolerated residence for this reason and on the rights and duties implied. Criminal law of the SR is generally based on the principle of officiality, thus law enforcement bodies are obliged to act on

each of the offenses of which they are aware, no matter how they learned about their commission. Even if the assumed crime victim files criminal complaint in another country, or does not file a complaint at all, and despite this fact, the law enforcement bodies become aware of the presumed offense, these are required to act on it and then choose the manner prescribed by law.

### **Compensation and legal redress (Article 15)**

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:
- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;
  - b. access to free legal assistance and legal aid during investigations and court proceedings;
  - c. compensation from the perpetrator;
  - d. compensation from the state;
  - e. compensation for unpaid wages to victims of trafficking.

Please provide examples of compensation awarded and effectively provided to victims of THB.

Pursuant to Article 49 of the Criminal Procedure Code, law enforcement authorities are obliged, upon first contact with an injured person, to provide them, in writing, with information about their rights in criminal proceedings, including their entitlement to a compensation of damage. The request must be filed prior to end of investigation; the request must clearly state for what reasons and in what amount the entitlement to compensation is enforced. The injured is authorized to propose that the court shall, in a guilty sentence, impose a duty to the accused to compensate the damage caused by the criminal offence.

According to the data of the Ministry of Justice of the SR, in 2011, the agenda of compensations of persons injured by violent crime was seen according to the Act no. 255/1998 Coll. as amended and/or the Act no. 215/2006 Coll. as amended. In 2011, a total of 57 requests for compensation were filed, and the total number of settled compensation requests was 152 (including requests filed prior to 01 January 2011); of these 75 request were satisfied and 77 were not. The total amount of financial compensation granted was EUR 455 293.07. In 2012, a total of 87 requests for compensation were filed, the total number of settled requests was 83. Of these, 60 requests were upheld, 18 were dismissed, and 5 were settled in a different manner. The total amount of granted financial compensation: EUR 437 608.63. In 2013, 150 requests for compensation were filed and the total number of settled requests was 151 (including requests filed prior to 01 January 2013). Of those, 128 requests were granted financial compensation, 13 requests were dismissed, and 10 were solved otherwise. The total amount of granted financial compensation is EUR 594 828.32. Until 30 June 2014, a total of 107 requests for compensation were filed. In total, 102 requests were settled (including requests filed prior to 01 January 2014). Of these, 95 requests were upheld, 6 were dismissed, and 1 was settled in a different manner. In financial compensations, EUR 469 784.25 were granted until 30 June 2014. As a summary, it can be noted that a total of 401 requests were filed in 2011 to 30 June 2014. In the same period, 488 requests were settled, of which 358 were granted, 114 were dismissed, and 16 were settled otherwise. The total amount of financial compensations reached EUR 1 957 514.27. During the period, only one request was for a financial compensation for bodily injury caused in practising forced prostitution in Austria and Germany between 2000 and 2001. This application was examined by issuing the opinion not to grant financial compensation, because the application of the initial law on compensation of victims of violent crimes (Act No. 255/1998 Coll., As amended by Act No. 422/2002 Coll.) was applying to the compensation applied by the applicant, according to which, however, the compensation can be applied only if the damage to health occurred in the SR.

Labour inspectorates perform labour inspection under the Labour Inspection Act; labour inspection is (apart from others) a form of supervision of adhering to labour law conditions regulating labour law relations, wage conditions and working conditions of employees as well as laws defining ban of illegal work and illegal employing and responsibility for violation of regulations

in the area of inspection supervision. On the basis of results of the labour inspection and depending on the severity of the fact learned, the labour inspector is authorized to order rectifying the defects found, i.e. in the case of learning of a breach of the duty to provide a salary to the employee, to order the payment thereof. If the victim of trafficking in humans is a national of a third country residing in the SR in contradiction to a special law and performing dependent work, the employer commits illegal employment under Article 2(3) of the Act no. 82/2005 Coll. on Illegal Work and Illegal Employment and on modification and amendment of other acts as amended (hereinafter referred to as the Act on Illegal Work).

Under Article 7a of the Act on Illegal Work:

- (1) Legal entity or a natural person that was effectively sanctioned by a fine for violation of the ban on illegal employment under Article 2(3) is obliged to pay
  - a) The agreed salary in debt to the natural person that they illegally employed,
  - b) An additional payment equal to the advance for income tax, the income tax, tax arrears on income tax, premium for social insurance under a special law, mandatory contributions for old-age pension savings under a special law, contribution for supplementary pension savings under a special law and the premium for public health insurance under a special law that they would have to deduct if they employed the illegally employed person in a due manner, including relevant sanctions and fines according to special regulations,
  - c) Costs related to the delivery of the salary due under a) to the country to which the illegally employed natural person returned or was administratively expelled.
- (2) If the legal entity or a natural person that was effectively sanctioned by a fine for violation of the ban on illegal employment under Article 2(3) and the illegally employed natural person fail to prove otherwise, for the purposes of section 1, the agreed salary is the monthly minimum salary under a special regulation or the salary agreed in the collective agreement for a comparable employee if the collective agreement defines a more favourable salary than the monthly minimum salary.
- (3) If the legal entity or a natural person that was effectively sanctioned by a fine for violation of the ban on illegal employment under Article 2(3) and the illegally employed natural person fail to prove otherwise, for the purposes of section 1 it is assumed that the labour law relation lasted for three months.
- (4) The additional payment under section 1(b) is revenue of the state budget.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

Up to now, the legal system of the SR does not include an institute of "financial investigation" that a law enforcement authority (hereinafter referred to would have to start under clearly defined conditions. The Criminal Code And the Criminal Procedure Code currently use principles aimed at preventing transfer of property of offenders of criminal offences for the purposes of hampering or impeding of sanctioning them on their property; however, the currently valid law does not provide an efficient provision of determination of the property situation of the offender as an obligatory part of collection of evidence. However, at present, the legal process includes a proposal of amendment to the Criminal Procedure Code that will extend the collection of evidence not only from identification of personal situation of the offender but to the identification of property situation of the offender as well. The amendment is expected to enter into effect on 01 January 2015. Within criminal procedure, it is necessary to document income from criminal activities and personal situation of the offender. In relation to offenders committing the THB criminal offence, when investigation of circumstances of committing the crime requires time and expertise, insufficient legal regulation prevents timely and concurrent analysis of the property situation of the offender, being an equally time- and expertise-requiring process. Efficient removal of income from criminal activities in most serious forms of crimes is subject to timely and full seizure of income from criminal activities, including an opportunity to block the entire property of the perpetrator of the crime. The current wording of the provision of Article 425 of the Criminal

Procedure Code (ensuring the exercise of the penalty of forfeiture of property) substantially limits efficient and timely seizure of property of the perpetrator of the crime and the subsequent forfeiture thereof. It would be suitable to consider the creation of satisfactory legal and technical prerequisites, including a change of the relevant provisions of the Criminal Procedure Code that would provide for really efficient seizure of property acquired by criminal activities or of so-called supplementary values for the purposes of forfeiture of property (confiscation). Persons sentenced for such criminal offences can subsequently be sentenced to forfeiture of property of funds that are not proportionate to their current and/or past known income.

THB is an increasing source of illegal income, especially in relation to cash transactions and legalizing of profits. In the SR, each criminal offence generating revenue can be considered predicative offence to the crime of legalization of income from criminal activities. The complexity of documenting of legalization of income from criminal activities after documenting the predicative offence causes that with the complexity of documenting of the criminal offence of THB and convicting, other documentation of legalization income from criminal activities and imposing other types of sanctions apart from imprisonment do not appear in each procedure. The legal regulation in the SR provides for forfeiture of property in relation to certain types of serious criminal offences, including the criminal offence of THB. In the evaluated period, police authorities of the SR never performed an investigation of the criminal offence of THB in concurrence with legalizing income from criminal activities. In the past, some cases have been solved in this way, however, the law enforcement authority failed to submit sufficient evidence that would convict the perpetrators of legalization income from criminal activities and illegal acquisition of property. Seizure actions, e.g. seizure of funds and subsequent imposing of forfeiture of property (confiscation) are practically used in the SR also in THB cases.

The problem in the SR is the administration of certain types of seized values. For this purpose, it would be suitable to create legal and technical prerequisites for physical removal of seized property, including its subsequent administration by a relevant authority, for example, by creating a so-called Asset Management Office as foreseen by several laws of the European Union and the schedule of the Action Plan of Combating Tax Fraud for years 2012 – 2016, adopted by a resolution of the Government of the SR no. 235 dated 31 May 2012.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

Pursuant to Article 11 of Act no. 215/2006 Coll. on the Compensation of Victims of Violent Crimes, the citizen of the SR, the citizen of another EU Member State permanently residing in Slovakia or stateless person permanently residing in the territory of the SR or in the territory of another EU Member State, to whom bodily harm was caused by an offense committed in another EU Member State, may apply for compensation to the Slovak Ministry of Justice. In August 2011, there has been a meritorious examination of the application for compensation of the applicant with initials Ž.K. who has applied for a financial compensation for bodily injury caused in practising forced prostitution in Austria and Germany between 2000 and 2001. This application was examined by issuing the opinion not to grant financial compensation, because the application of the initial law on compensation of victims of violent crimes (Act No. 255/1998 Coll., as amended by Act No. 422/2002 Coll. ) was applying to the compensation applied by the applicant, according to which, however, the compensation can be applied only if the damage to health occurred in the SR. In the context of assistance to persons who are victims of THB, it was the only such case to be dealt with at the Ministry of Justice.

#### **Repatriation and return of victims (Article 16)**

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk



assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

Victims of THB are able to return to their country of origin, or another third country in the form of voluntary return. The voluntary return of victims corresponds with art. 16 (5) of Council of Europe Convention on Action against Trafficking in Human Beings.

Victim of THB can at any time during his tolerated stay, or after the expiry of the permit for tolerated stay, voluntarily decide that he wants to return voluntarily to his country of origin or last residence or to another third country which accepts him. Voluntary return shall be provided by IOM International Organization for Migration on the basis of a cooperation agreement between the Slovak Ministry of Interior and IOM, with due regard for the rights, safety and dignity of victims of THB. In the repatriation and return of victims of THB, IOM proceeds according to internationally standardized procedures that are binding for all IOM missions.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

We do not possess this kind of information.

#### **Corporate liability (Article 22)**

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

In August 2014 the Slovak Government was submitted an approval to the draft law on criminal liability of legal persons and on the amendment to some laws governing the criminal liability of legal persons in the form of a special law. The Slovak Government, during its meeting on August 20, 2014, interrupted discussions about the item on agenda without its approval.

Article 3 of the proposal regulating the catalogue of offenses for which there is criminal liability of legal persons, includes the offense of THB under Article 179 of the Criminal Code and pimping under Article 367 of the Criminal Code. Estimated force of the law is set on July 1, 2015. The current legislation of criminal liability of legal persons in the Criminal Code is replaced by the draft law. Based on current legislation no legal person involved in THB has yet been sentenced.

The issue of criminal liability of legal persons (also) in case of their involvement in the crime of THB is partially solved by imposition of safeguard measures - forfeiture of a sum of money under Art. 83a of the Criminal Code, or forfeiture of property under Art. 83b of the Criminal Code. Under these provisions the legal person can be imposed these kinds of protective measures if the offense was committed in relation to:

- a) Exercise of the power of representation of the legal person,
- b) Exercise of power to take decisions on behalf of the legal person,
- c) Exercise of power to carry out control within the legal person, or
- d) Negligence of oversight or significant care within the legal person.

The General Prosecution Authority (hereinafter referred to as "GP SR") currently does not record any case in which there would be an effective use of these legislative options in connection with the offense of THB. In particular it should be noted that the Slovak Ministry of Justice has prepared a special law on the criminal liability of legal persons over the past years, which should be approved and should preliminarily enter into force on 1 May 2015.

### **Aggravating circumstances (Article 24)**

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

We do not possess this kind of information.

### **Non-punishment provision (Article 26)**

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

National Council of the SR approved on 25 June 2013 a draft law amending and supplementing Act no. 300/2005 Coll. the Criminal Code, as amended with effect from 1 August 2013. The draft law made transposition of the Directive of the European Parliament and of the Council 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and its victims, replacing Council Framework Decision 2002/629/JHA into Slovak law. The draft also provides for legal alignment with the requirements implied by the Directive of the European Parliament and of the Council 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and its victims (Warsaw, 16 May 2005 – marked as 487/2008 Coll.) as implied by the evaluation of the SR the Group of Experts of the Council of Europe on action against trafficking in human beings – GRETA.

The above Act also amended the Criminal Procedure Code. Article 215(2)(d) has been changed with regard to the transposition of Article 8 of the Directive of the European Parliament and of the Council 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and its victims and Art. 14 of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, obliging member states to adopt the necessary measures to make sure that their relevant national authorities are authorized not to prosecute victims of THB, sexual abuse and sexual exploitation and to punish them for participating in criminal activities if they were forced to commit these activities in direct relation to being subject to any of the acts mentioned in the directives. In this regard, special regulation enabling prosecutors to terminate criminal proceedings has been adopted.

#### Article 215

##### Termination of Criminal Prosecution

(1) A prosecutor shall terminate a criminal prosecution if

- a) It is beyond doubt that the act being prosecuted never happened,
- b) The act is not a criminal offence and there are no reasons to assign the case,
- c) It is beyond doubt that the offence was not committed by the indicted,
- d) Criminal prosecution is inadmissible under section 9,
- e) The indicted was not criminally responsible at the time of act due to insanity,
- f) The indicted minor that did not exceed the age of fifteen at the time of the offence failed to achieve a level of mental and moral maturity to recognize the illegality and/or to control their behaviour,
- g) A settlement between the indicted and the injured is approved, or
- h) The criminality of the act expired.

(2) A prosecutor may terminate a criminal prosecution if

- a) The punishment to which the prosecution may lead is completely negligible compared to a punishment already finally imposed to the indicted for another act, or

- b) The act of the indicted has already been finally decided in a disciplinary manner by another body or by an authority competent to act on minor offences and/or other administrative delinquencies, by a foreign court or by other foreign body competent to act in the case of the crime, minor offence, or other administrative delinquency, and the decision can be considered sufficient,
- c) The act submitted to criminal prosecution to abroad was finally decided by a foreign court or another foreign body competent to act in the case of the crime, minor offence, or other administrative delinquency, and the decision can be considered sufficient,
- d) The act is a minor offence and it was committed by the person under pressure in direct relation to being a victim of the criminal offence of trafficking in humans, criminal offence of sexual abuse, or the criminal offence of production of child pornography.

**Ex parte and ex officio applications** (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

Criminal law of the SR is generally based on the principle of officiality, thus law enforcement bodies are obliged to act on each of the offenses of which they are aware, no matter how they learned about their commission. Even if the assumed crime victim files criminal complaint in another country, or does not file a complaint at all, and despite this fact, the law enforcement bodies become aware of the presumed offense, these are required to act on it and then choose the manner prescribed by law. The criminality of an act committed on the territory of Slovakia is determined according to Article 3 of the Criminal Code. From this perspective, it is irrelevant where the crime was reported for the Slovak authorities' jurisdiction to be founded.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

- a. setting up specialized investigation units and the number of staff involved;

Detection and investigation of the THB crime has been in the competence of the National Unit since 01 July 2013 while within the unit there are four separate departments: the Department for Combating Trafficking in Human Beings with 6 workers, the Department of operational actions and investigation West with 23 workers, the Department of operational actions and investigation Centre with 26 workers and the Department of operational actions and investigation East with 30 workers.

- b. exchange of information with, and obtaining evidence from, other parties;

The exchange of information is carried out either between the different departments of the national and also international level through the National Headquarters of Interpol and Europol as well as in cooperation with the police attaches of the Slovak Republic abroad and Europol liaison office in The Hague.

- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;

For detecting crime of THB the Police use the above procedures in accordance with applicable provisions of relevant laws. Policeman demonstrates the course and results of operative and investigative activities pursuant to special regulations, while a preliminary operative preparation with the position of the immediate superior is to be approved by the superior. According to Article 39(2) of the Act 171/1993 on the Police as amended, the Police are authorized to use means of operative and investigative activities in detecting intentional crimes and identifying

their perpetrators, in protecting undercover officer and agent, in ensuring the protection of intended persons, protection of guarded objects, protection of the state border and in the cases referred to in Article 36 and special regulation 18aa); means of operative and investigative activities are to be used by the Police in relation to the activities of criminal intelligence in carrying out a security clearance under a special regulation.18ab) Use of means of operative and investigative activities is not therefore related only to organized crime.

- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

In investigations of crimes committed via the internet there is no direct option to block websites by the police. In case the main criminal proceedings are already running, it is possible to block websites used to disseminate child pornography or obtain victims of THB by means of the application form through prosecution to the court.

- e. financial investigations to disrupt criminal money flows and ensure asset recovery;

see art 43.

- f. use of joint investigation teams (JITs).

On 26 September 2013, based on an agreement, JIT (Joint investigations team) was founded between the UK and GP SR to facilitate the investigation and prosecution of a case related to THB for the purpose of forced marriage of a female citizen of the SR in the UK. Three Slovak citizens have been indicted in the UK and sentenced to 10 years, 3 years, and 16 months of imprisonment in December 2013. In March 2014, another two suspects were arrested in Slovakia, with a third suspect detained in the UK.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

We do not possess this kind of information.

### **Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)**

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

On the legislative side, the specific procedures for the examination of witnesses are addressed in Article 136 of the Criminal Procedure Code as follows:

(1) If there is a reasonable concern, that the witness or a person close to the witness are in danger due to specification of the domicile of the witness, the witness may be allowed to provide the address of his job or other address where the subpoena may be delivered. If a representative body of social protection of children and social guardianship is questioned as a witness about the facts that are learned in the context of the implementation of measures of social protection of children and social guardianship, law enforcement body and the court shall put the address of residence of the authority of social protection of children and social guardianship in the report.

(2) If there is a reasonable concern, that by providing the identity, domicile or the location of the his/her residence the life, health or bodily integrity of the witness is endangered, or if the person close to the witness is endangered by the same, the witness may be allowed not to disclose his/her

data. The witness, however, shall specify at the main proceedings the way he/she got to know facts provided in the testimony. Materials allowing for identification of such witness shall be kept at prosecutor's office and with the presiding judge in case of court proceedings. These materials shall be placed on file only when the danger terminates. This witness may be asked questions on circumstances related to his/her credibility, if necessary, and questions on his/her relation to the accused or injured.

(3) Prior to examination of the witness the identity of whom is to be kept confidential, the law enforcement authority and the court shall take measures as necessary to protect the witness such as especially the change in the appearance and voice of the witness, or his/her examination will be conducted using technical devices including the equipment designed for voice and image transmission.

(4) The consent with the procedure according to paragraph 1 and 2 shall be given by the presiding judge and by the prosecutor in case of preparatory procedure.

(5) For the detection, identification and conviction of perpetrators of crimes, corruption, abuse of office or money laundering offense, the legend according to Article 117(3) may exceptionally be used with the witness, if the presiding judge and in pre-trial proceedings to the prosecutor's proposal the pre-trial proceedings judge issues an order, which determines the witness uses the legend according to Article 117(3)".

There is a possibility of providing protection for THB victims under Act no. 256/1998 on witness protection and short-term protection of persons within the regulation of the Police President no. 8/2007 on short-term protection of individuals. Victims acting in criminal proceedings as witnesses use the opportunity to enter the Programme. Under the Regulation of the Minister of Interior the victims are provided with comprehensive care, which includes, inter alia, the institute of classified or protected accommodation. Under the Act no. 256/1998 on witness protection and pursuant to the regulation of the Police President no. 8/2007 there was no protection granted to witnesses in 2012.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

Pursuant to Article 49(1) of the Criminal Procedure Code, law enforcement authorities are obliged, upon first contact with an injured person, to provide them, in writing, with information about their rights in criminal proceedings and on organizations providing aid to injured persons, including the services the organization offer. Pursuant to Article 53 of the Criminal Procedure Code, the victim can be represented by a proxy in criminal proceedings. The proxy may also be an authorized representative of the organization to help the victims. The proxy of the injured party is entitled to make suggestions of evidence for the person concerned or injured, make requests and appeals; he is also entitled to participate in all acts which may be participated by the injured party.

### **Jurisdiction (Article 31)**

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

So-called passive personality of the Criminal Code scope is governed by Article 5 of the Criminal Code as follows: "According to this law it shall consider criminality of a particularly serious crime if the offense was committed outside the territory of the SR to the citizen of the SR and the offense is criminal in the scene, or if the scene is not subject to any criminal jurisdiction." Simultaneously, the scope of the Criminal Code applies under international treaties (Article 7 of the

Criminal Code), under which "any criminal conduct shall be considered under this Act even if provided for by an international treaty, ratified and promulgated by the law, which the SR is bound".

### **International co-operation (Article 32)**

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

Police units performing the identification of the criminal offence of THB have, for a long time, collaborated through the Office of International Police Co-operation of the PFP with international institutions such as Europol, Interpol, as well as through liaison police officers sent to perform their state service abroad. In relation to operative detection of criminal offences of THB, intense cooperation between the partner units of involved countries exists. This relates to requests to perform operative investigation from destination countries in relation to Slovak citizens identified as victims of THB or suspected of commitment of the criminal offence of trafficking in human beings. Operative information is provided about persons and/or locations and is inserted into the Europol information system established to collect data on THB crimes. In investigating of cases, the institute of legal assistance of the countries concerned, or submitting a criminal case abroad pursuant to the Criminal Procedure Code is also used.

### **Measures related to endangered or missing persons (Article 33)**

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

58. Has an early warning system for missing children been introduced in your country and is the harmonized European telephone number for missing children available? What other measures are there for early signaling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

UNICEF Children's Safety Line is a free nationwide anonymous NON STOP helpline designed especially for children and young people with various problems. Call: 116 111.

### **Co-operation with civil society (Article 35)**

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organizations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

As stated above:

Non-state actors providing assistance for victims:

- IOM International Organization for Migration Bratislava
- Slovak Catholic Charity
- Slovak Crisis Centre Dotyk

IOM and SKCH have also their representatives in The expert group for the field of combating trafficking in human beings.

### **Relationship with other international instruments (Article 40)**

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

Multilateral agreements and conventions:

1. the Convention drawn up on the basis of article k.3 of the Treaty on European Union, on the establishment of a European Police Office (the Europol Convention, Coll. no 619/2004),
2. the Treaty between the Slovak Republic and the European Police Office on cooperation (Bratislava, 13. 6.2003, Coll. No 299/2004 entry into force: 23. 12.2003),
3. the Convention on mutual assistance in criminal matters between the Member States of the European Union, drawn up by the Council in accordance with article 34 of the Treaty on European Union (Coll. No 572/2006),
4. the European Convention on mutual assistance in criminal matters (Strasbourg, 20. 4.1959, Coll. No. 550/1992),
5. the United Nations Convention against transnational organized crime (New York, 15. 11.2000, Coll. no 621/2003).

Bilateral treaties and agreements:

1. a cooperation agreement between the Ministry of Interior of the Slovak Republic and the Bavarian State Ministry of the Interior (Munich, 28. 9.1993),
2. implementation of the Protocol to the agreement between the Ministry of Interior of the Slovak Republic and the Bavarian State Ministry of the Interior (Moscow, 2. 12.1993),
3. the agreement between the Government of the Slovak Republic and the Government of the Kingdom of Belgium on police cooperation (Brussels, 29. 6.2000),
4. agreement between the Government of the Slovak Republic and the Government of the Republic of Belarus on cooperation in the fight against terrorism, illicit drug trafficking and other organized crime (London, 14. 11.2001, Coll. under no 407/2003 entered into force on: 2.9. 2003),
5. the agreement between the Government of the Slovak Republic and the Government of the Republic of Bulgaria on the police cooperation (Sofia, 4. 11.1999),
6. agreement between the Government of the Slovak Republic and the Government of the Republic of Cyprus on co-operation in the fight against organised crime, terrorism, illicit trafficking in narcotic drugs and psychotropic substances and other forms of crime (Bratislava, 26.2. 2004, Coll. under no 509/2005 entry into force: 24. 11.2005),

7. the Treaty between the Slovak Republic and the Czech Republic concerning cooperation in the fight against crime, against the protection of public order and to protect the State border (Bratislava, 27. 1.2004, Coll. under no. 35/2005 entry into force: 24. 2.2005),
8. agreement between the Government of the Slovak Republic and the Government of the Arab Republic of Egypt on cooperation in the fight against crime (Cairo, 20. 1.2004, Coll. under no 233/2005 entry into force: 21. 6.2005),
9. the agreement between the Government of the Slovak Republic and the Government of the French Republic on cooperation in internal matters (Bratislava, 7. 5. in 1998, Coll. under no 35/2001, entered into force: 1.12. 1998),
10. agreement between the Government of the Slovak Republic and the Government of the Republic of Croatia on cooperation in the fight against organised crime (London, 30. 11.2000, Coll. No. 278/2001, entered into force on: 4.6. 2001),
11. the agreement between the Ministry of Interior of the Slovak Republic and the Ministry of the Interior of the Federal Republic of Yugoslavia on the police cooperation (Košice, 4. 10.1996)
12. agreement between the Government of the Slovak Republic and the Government of the Republic of Latvia on cooperation in the fight against terrorism, illicit drug trafficking and other organized crimes (Riga, 24. 5.1999, Coll. No 216/1999 entered into force: 4.6. 1999),
13. the implementing Protocol on cooperation in the implementation of the agreement between the Government of the Slovak Republic and the Government of the Republic of Latvia on cooperation in the fight against terrorism, illicit drug trafficking and other organized crime (London, February 5, 2002),
14. the Treaty between the Slovak Republic and the Republic of Hungary concerning cooperation in preventing cross-border crime and in the fight against organised crime (London, 2. 10.2006, Coll. No 248/2007, entry into force: 1.5. 2007),
15. agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on cooperation in joint liaison offices (Bratislava, 2. 10.2006, Coll. No 249/2007, entry into force: 1.5. 2007),
16. agreement between the Government of the Slovak Republic and the Government of Malta on cooperation in the fight against organised crime (Bratislava, 16. 5.2000, Coll. No. 362/2001, entry into force: 16. 5.2001),
17. the agreement between the Government of the Czech and Slovak Federative Republic of Brazil and the Government of the Federal Republic of Germany on cooperation in the fight against organised crime (Prague, 13.9. 1991. Coll. No. 631/1992, entered into force on: 29. 9.1992),
18. the Treaty between the Slovak Republic and the Republic of Poland on cooperation in the fight against crime and cooperation on border territories (Warsaw, 23. 3.2004, Coll. No 638/2006 entry into force: 18. 12.2006),
19. the implementing agreement between the Ministry of Interior of the Slovak Republic, the Ministry of Finance of the Slovak Republic and the Ministry of Finance of the Republic of Poland, the main Commander of the border guard of the Republic, the main Commander of the police force of the Republic and the principles on the establishment of police and customs cooperation centres (Warsaw, 31. 7.2009, entered into force on: 14. 8.2009),
20. the Treaty between the Slovak Republic and the Republic of Austria on police cooperation (Vienna, 13. 2.2004, Coll. No. 252/2005 entry into force: 1.7. 2005),
21. agreement between the Government of the Slovak Republic, and the Federal Government of the Republic on the establishment of a Joint Liaison Office, Jarovce-Kittsee (Prague, 15. 5.2008, Coll. no 409/2008 entry into force: 1.7. 2008),
22. the agreement between the Government of the Slovak Republic and the Government of Romania on cooperation in the fight against organised crime, illicit trafficking in narcotic drugs and psychotropic substances and precursors, terrorism and other serious crime (Bucharest, 16. 10.2003, Coll. No 425/2004 entry into force: 8.7. 2004),
23. the cooperation agreement between the Ministry of Interior of the Slovak Republic and the Ministry of Interior of the Russian Federation (Moscow, 29. 5.1994),



24. the agreement between the Ministry of Interior of the Slovak Republic, and the Federal service of tax police of the Russian Federation on cooperation and exchange of information in the field of the fight against tax evasion, illegal financial operations and other economic crimes (Prague, 22. 2.2002),
25. the agreement between the Government of the Slovak Republic and the Government of the Republic of Slovenia on cooperation in the fight against terrorism, illicit trafficking in narcotic drugs and psychotropic substances, precursors and organized crime (Bratislava, Slovakia, 14. 9.1994, Coll. No. 123/1995, entered into force on: 24. 5.1995),
26. the agreement between the Government of the Czech and Slovak Federative Republic of Brazil and the Government of the United Kingdom of Great Britain and Northern Ireland concerning cooperation in the fight against terrorism, trafficking in narcotic drugs and organized crime, and of the security issues in general practice (Prague, 23. 7.1990, entered into force on: 23. 7.1990, its validity is confirmed by notice No. 324/1990),
27. the agreement between the Government of the Slovak Republic and the Government of the Kingdom of Spain on cooperation in the fight against organised crime (Bratislava, 3. 3.1999, Coll. No. 94/2000, entered into force on: 29. 1.2000),
28. the agreement between the Government of the Slovak Republic and the Government of Turkmenistan on cooperation in the fight against international terrorism, illicit trafficking in narcotic drugs and other organised crime (Moscow, 8. 8.1996, Coll. No 52/2000, entered into force on: 3.7. 1998),
29. agreement between the Government of the Slovak Republic and Cabinet of Ministers of Ukraine for co-operation in the fight against organised crime (Moscow, 5. 12.2000, Coll. No 282/2001, entered into force: 1.3. 2001),
30. the agreement between the Ministry of Interior of the Slovak Republic and the State tax administration of Ukraine on cooperation and exchange of information in the field of the fight against tax evasion, illegal financial operations and other economic offences (Bratislava, 21.11. 2001),
31. the agreement between the Ministry of Interior of the Slovak Republic and the Ministry of Interior of the Republic of Uzbekistan on cooperation in the field of the fight against organised crime (London, 17. 1.1997),
32. the agreement between the Government of the Slovak Republic and the Government of the Republic of Lithuania on co-operation in detecting, investigating and preventing crime (London, 10. 6.2008, October. No 129/2009, entered into force on: 14. 3.2009)
33. agreement between the Government of the Slovak Republic and the Government of the Italian Republic concerning cooperation in the fight against terrorism, organized crime and illicit trafficking in narcotic drugs and psychotropic substances (Bratislava, 19. 4.2002, Coll. No. 339/2007, entry into force: 6.11. 2002),
34. agreement between the Government of the Slovak Republic and the Council of Ministers of Bosnia and Herzegovina on cooperation in combating crime, in particular terrorism, illicit trafficking in narcotic drugs and psychotropic substances and organized crime (Sarajevo, 5. 6.2006, Coll. No 178/2009, entry into force: 24. 4.2009)
35. the agreement between the Government of the Slovak Republic and the Government of the Republic of Kazakhstan on cooperation in the fight against organised crime, terrorism, illicit trafficking in narcotic drugs, psychotropic substances and precursors and other types of crime (Bratislava, 21. 11.2007, Coll. No. 222/2008 entered into force: 1.6. 2008),
36. the agreement between the Government of the Slovak Republic and the Government of the Republic of Moldova on cooperation in the fight against crime (Chisinau, 20. 6.2007, Coll. No. 423/2007, entry into force: 16. 9.2007),
37. the agreement between the Government of the Slovak Republic and the Government of the Republic of Serbia concerning cooperation in the fight against crime (Bratislava, 16. 11.2007, Coll. No. 295/2009, entered into force: 15.8. 2009)
38. the agreement between the Government of the Slovak Republic and the Government of the Republic of Turkey on cooperation in the fight against international terrorism, illicit drug trafficking

and other organized crimes (Ankara, 6. 6.1996, Coll. No. 170/1997, entered into force on: 4.9. 1996),

39. the agreement between the Government of the Slovak Republic and the Government of the Republic on police cooperation in the fight against crime (Moscow, 5. 10.2009) – have not yet entered into force.

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

## D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

Ministry of the Interior of the Slovak Republic

Office of Border and Alien Police of the Presidium of the Police Force

Information Centre for combating human trafficking and crime prevention Ministry of the Interior of the Slovak Republic

Ministry of Justice of the Slovak Republic

Ministry of Labour, Social Affairs and Family of the Slovak Republic

Ministry of Health of the Slovak Republic

Prosecutor General's Office, Office of the Special Prosecutor of the Slovak Republic

Ministry of Finance of the Slovak Republic

Ministry of Foreign and European Affairs of the Slovak Republic

Slovak Catholic Charity

Association of Towns and Municipalities of Slovakia

Ministry of Education, Science, Research and Sport of the Slovak Republic

Office of the Plenipotentiary for Roma Communities Ministry of Interior of the Slovak Republic

Organizations that were also approached:

IOM

League for the human rights

Slovak crisis centre -Dotyk

People in Need - Slovakia Branch

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

**Vladimír Koman, MBA**, Ministry of Interior of the Slovak Republic, Information Centre of combating trafficking in human beings and crime prevention

## E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognized by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

See also art:33

### Gender

Year	Identified victims	women	men
<b>2011</b>	31	18 (of which 1 child)	13
<b>2012</b>	22	16 ( of which 3 children )	6
<b>2013</b>	30	21 (of which 2 children)	9

### Nationality

Year	Identified victims	SR nationality	Foreigner
<b>2011</b>	31	30	1
<b>2012</b>	22	20	2
<b>2013</b>	30	28	2

### Referring organizations

Year	Identified victims	MO/MVO
<b>2011</b>	31	31
<b>2012</b>	22	22
<b>2013</b>	30	30

Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

The attached spreadsheet report we present the available data on the monitored indicators related to human trafficking according to the annual statistical reports on the implementation of measures SPODaSK in Slovak Republic - V (MLSAF) for 12-01 years 2010- 2013.

	l. r.	Number of cases	Number of assistance
<b>Module 4: Selected activities of the body SPODaSK</b>			
<b><i>Professional method of assistance to victims of trafficking</i></b>	b	1	2
2010		0	0
2011		0	0

2012		11	44
2013		4	16

<b>Module 21: Return and removal of a child situated in the territory of another country unaccompanied</b>	<b>I. r.</b>	<b>Number</b>	<b>Of which they were victims of THB</b>
<b>Total number of registered children</b>	b	1	2
2010		55	0
2011		33	0
2012		36	0
2013		29	1

<b>Module 22: Unaccompanied Minors</b>		<b>I. r.</b>	<b>Number</b>	<b>Of which they were victims of THB</b>
<b>Number of MBS</b>		b	1	2
2010			264	0
2011			169	0
2012			151	0
2013			72	0

See also art: 33

**Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).**

See also art: 33

	2010	2011	2012	2013
<b>The average age of male victims</b>	32,8	30,4	39,5	40,7
<b>The average age of female victims</b>	25,8	26,2	23,5	24

**Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

See also art 33:

**Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).**

**Number of victims given refugee status and subsidiary/complementary protection.**

**Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.**

Ministry of Justice does not record any approved application for compensation of victims of crime of human trafficking.

**Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).**

**Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).**

Overview of completed voluntary returns by country and return projects for the period of 2012:

Return country	Total	Of which:	
		Project „C“	Project „E“
Moldova	11	-	11
Not specified (Kosovo)	9	-	9
Vietnam	8	-	8
Armenia	4	-	4
China	4	-	4
Russia	4	-	4
USA	4	-	4
Ukraine	2	-	2
Georgia	1	-	1
India	1	-	1
Macedonia	1	-	1
Nepal	1	-	1
Pakistan	1	-	1
Serbia	1	-	1
Thailand	1	-	1
Turkey	1	-	1
Total	54	0	54

(Source: IOM)

Overview of completed voluntary returns by country and return projects for the period of 2013:

Return country	Total	Of which:		
		Project „C“	Project „E“	Project „F“
Vietnam	8	-	5	3
Ukraine	7	-	1	6
China	6	-	3	3
Moldova	6	-	2	4
India	5	-	1	4
Armenia	4	-	3	1
Russia	3	-	2	1
Afghanistan	2	-	1	1

Brazil	2	-	-	2
Georgia	2	-	-	2
Iraq	2	-	-	2
Croatia	1	-	1	-
Kyrgyzstan	1	-	1	-
Turkey	1	-	1	-
<b>Total</b>	<b>50</b>	<b>0</b>	<b>21</b>	<b>29</b>

(Source: IOM)

Explanation:

Voluntary returns include foreigners of PDCA, the asylum facilities Migration Office and illegal migrants located outside the territory of the Slovak Ministry of Interior facilities.

The "C" - Cooperation Agreement between the International Organization for Migration and the Ministry of Interior to assist in the return of unsuccessful asylum seekers and illegal migrants to their country of origin.

The "E" - Help the return and reintegration of unsuccessful asylum seekers and illegal migrants from Slovakia to the country of origin and assist the return and reintegration of unsuccessful asylum seekers and illegal migrants from Slovakia to the country of origin (from 1.3.2011 - 14.2.2013) . The project was extended until 30.4.2013.

The "F" - Voluntary return and reintegration in the country of origin (implementation 1.5.2013 - 31.3.2014)

#### **Number of investigations into THB cases.**

2010 – 9 cases

2011 – 19 cases

2012 – 23 cases

2013 – 11 cases

until 30. 6. 2014 – 8 cases

#### **Number of prosecutions of THB cases.**

Number of prosecuted persons

	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Prosecuted persons</b>	61	28	23
<b>Suspended by the prosecutor</b>	7	0	0
<b>Reconciliation by the prosecutor</b>	2	0	0
<b>Agreement on guilt and punishment</b>	5	9	4
<b>Accused persons</b>	33	10	14

2010 – 9 cases

2011 – 19 cases

2012 – 23 cases

2013 – 11 cases

Do 30. 6. 2014 – cases

**Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.**

See the annex

**Number of judgments resulting in the confiscation of assets.**

See the annex

**Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.**

See the annex

**Number of convictions for the use of services of a victim of THB.**

See the annex