



**Committee of the Parties  
to the Council of Europe Convention  
on Action against Trafficking in Human Beings**

**Recommendation CP/Rec(2020)05  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by the Slovak Republic**

*adopted at the 26th meeting of the Committee of the Parties  
on 12 June 2020*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as “the Convention”), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by the Slovak Republic on 27 March 2007;

Recalling Committee of the Parties’ Recommendation CP(2015)16 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic and the report of the Slovak authorities on measures taken to comply with this recommendation, submitted on 30 November 2016;

Having examined the third report concerning the implementation of the Convention by the Slovak Republic, adopted by GRETA by written procedure in April 2020, as well as the final comments of the Slovak Government on the third report received on 15 May 2020;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in chapter V of GRETA’s third report on follow-up topics specific to the Slovak Republic;

Welcoming the measures taken and progress achieved by the Slovak authorities in implementing the Convention, and in particular:

- the adoption of the Act on Victims of Crime and Amendments of Certain Rules, which defines victims of human trafficking as particularly vulnerable victims and sets up a state compensation scheme;

- the adoption of the fifth National Programme against Trafficking in Human Beings (2019-2023), which envisages the implementation of a number of tasks related to recommendations made in GRETA's second evaluation report;
- the issuance of guidance to prosecutors on fulfilling their obligation to provide comprehensive information to victims of crime on their rights and the assistance available;
- Constitutional Court Decision 759/2017 which establishes that criminal courts should deal with compensation claims by victims of human trafficking instead of referring them to civil courts;
- the issuing of a methodological tool for the provision of assistance to victims of human trafficking, with a special focus on children and foreign citizens
- the engagement in international co-operation in combating human trafficking, including the setting up of Joint Investigation Teams;

A. Recommends that the Government of the Slovak Republic take measures to address the following issues for immediate action<sup>1</sup> identified in GRETA's report:

1. facilitate and guarantee access to compensation for victims of trafficking, including by:
  - enabling all victims of trafficking, including irregular migrants, to exercise their right to compensation, by ensuring access to legal aid and legal assistance at the outset of the criminal proceedings;
  - building the capacity of legal practitioners to support victims in claiming compensation;
  - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
  - including compensation in existing training programmes for the judiciary so that judges are encouraged to use all the possibilities the law offers them to uphold compensation claims;
  - introducing a procedure through which victims are entitled to obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered;
  - making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of human trafficking (paragraph 87).
2. take additional measures to ensure that human trafficking cases lead to effective, proportionate and dissuasive sanctions. In this context, the authorities should continue providing training and develop the specialisation of investigators, prosecutors and judges to deal with human trafficking cases and to ensure that they are not re-qualified into other offences which carry lighter penalties and deprive victims of trafficking of access to protection, support and compensation (paragraph 114);
3. strengthen efforts to ensure compliance with the non-punishment provision, by extending its scope to cover all offences which victims of human trafficking were compelled to commit, including administrative and immigration-related offences, as well as issuing guidance to police officers and prosecutors (paragraph 121);
4. protect victims' privacy and ensure their safety, including by:

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<sup>1</sup> The number of the paragraph setting out GRETA's proposals and suggestions in the report is indicated in brackets.

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- setting up a sufficient number of specially adapted interview rooms around the country and systematically using them to interview children and other vulnerable victims of trafficking, and ensure that testimony given in such rooms is used in court;
  - to the extent possible, avoid cross-examination of the victim and the accused ("direct confrontation") and repeated questioning of victims in human trafficking cases, and ensure the presence of a psychologist when vulnerable victims are being interviewed;
  - ensure a sufficient number of female investigators to conduct interviews with female victims of human trafficking (paragraph 131);
5. ensure that child victims of trafficking are afforded special protection measures in practice, including in the context of interviews, both as regards the competencies of the professionals present and the environment in which the interviews are conducted (paragraph 168);
  6. sensitise labour inspectors and other relevant officials involved in labour inspections about human trafficking for the purpose of labour exploitation and the rights of victims, and instruct them to take a victim-centred approach, rather than one of based on immigration control (paragraph 201);
  7. pay increased attention to detecting victims of trafficking amongst asylum seekers and persons placed in immigration detention centres. In this context, further training on the identification of victims of trafficking should be provided to staff of reception centres and immigration detention centres, including medical staff present at, or visiting, such centres. As soon as there are reasonable grounds to believe that a foreign national placed at the Medved'ov migration detention is a victim of human trafficking, he or she should be moved to a shelter for victims of trafficking (paragraph 210);
  8. provide in the national legislation for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, as provided for in Article 13 of the Convention, and ensure that all possible foreign victims of trafficking are offered an effective recovery and reflection period, as well as all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 232).
- B. Recommends that the Slovak authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.
- C. Requests the Government of the Slovak Republic to report to the Committee of the Parties on the measures taken to comply with this recommendation by **12 June 2022**.
- D. Invites the Government of the Slovak Republic to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.