

FOURTH EVALUATION ROUND

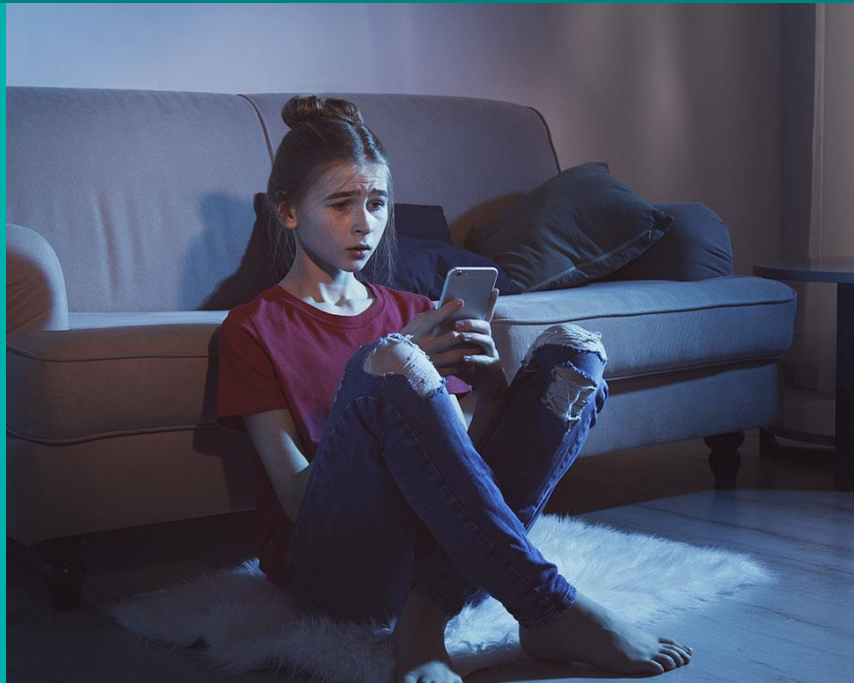
Measures to prevent and detect vulnerabilities
to human trafficking

EVALUATION REPORT

SLOVAK REPUBLIC

GRETA

Group of Experts
on Action against
Trafficking in Human Beings



Implementation of the
Council of Europe Convention
on Action against Trafficking
in Human Beings

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Preamble

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), 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.

The first round of monitoring of the Convention provided an overview of its implementation by States Parties. The second evaluation round examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking, in particular trafficking for the purpose of labour exploitation, and child trafficking. The third evaluation round focused on trafficking victims' access to justice and effective remedies.

For the fourth evaluation round of the Convention, GRETA has decided to focus on **vulnerabilities to human trafficking** and measures taken by States Parties to prevent them, detect and support vulnerable victims, and punish the offenders. An additional focus concerns the **use of information and communication technology (ICT)**, which brings structural changes to the way offenders operate and exacerbates existing vulnerabilities.

A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. The concept of "vulnerability" appears in Articles 4 (definitions), 5 (prevention of trafficking in human beings) and 12 (assistance to victims) of the Convention. According to paragraph 83 of the Explanatory report to the Convention, "by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim's administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce."

GRETA refers to the ICAT Issue Brief No. 12/2022 on Addressing vulnerability to trafficking in persons which refers to vulnerability as "those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked". It classifies vulnerability factors in three categories: personal (e.g. age, gender, ethnicity, disability), situational (e.g. destitution, unemployment, legal status) and contextual (e.g. discriminatory laws, policies and social norms, armed conflicts, crises) factors, which interact and may increase the risk of human trafficking for certain individuals, groups and/or communities.¹ Vulnerability to human trafficking is also subject to intersectional factors, such as gender, belonging to a minority group and socio-economic status.

In addition to the thematic focus on vulnerabilities to human trafficking, GRETA has decided that each State Party will receive **country-specific follow-up questions** related to recommendations not implemented or partially implemented after the third evaluation round.

GRETA recalls that it has adopted the use of three different verbs - "**urge**", "**consider**", and "**invite**" – which correspond to different levels of urgency for bringing the State Party's legislation and/or practice into compliance with the Convention. Thus, GRETA uses the verb "urge" when it assesses that the national legislation or policies are not in compliance with the Convention or when it finds that, despite the existence of legal provisions and other measures, the implementation of a key obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make further improvements to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts, GRETA acknowledges that the authorities are already on the right track and encourages them to continue existing action.

¹ [ICAT Issue Brief No. 12 on Addressing vulnerability to trafficking in persons - Search \(bing.com\)](#)

Executive summary

This report, covering the period 2020-2024, evaluates the measures taken by the Slovak Republic to prevent vulnerabilities to trafficking in human beings (THB), detect and support vulnerable victims, and punish the offenders. In doing so, it pays particular attention to the use of information and communication technology (ICT) to commit human trafficking offences as well as on the use of technological innovations to prevent THB, protect victims, and prosecute traffickers. The report also evaluates progress made in selected areas examined by GRETA during previous evaluation rounds.

Over the years, the Slovak authorities have taken a series of steps to develop the legislative and institutional framework for action against THB. The authorities have regularly adopted national action plans for combating THB and have introduced a procedure for the formal identification and referral to assistance of victims of trafficking (National Referral Mechanism), which has been periodically updated.

The total number of presumed victims of THB in the period 2020-2023 was 207, and the annual number was similar to that in the period covered by GRETA's previous report, i.e. on average, some 50 victims per year. The majority of the presumed victims (61%) were female. The number of child victims has increased (60, representing 29% of all victims). Sexual exploitation has remained the predominant form of exploitation, followed by labour exploitation. The majority of the victims were Slovak nationals trafficked to other European countries. There were 10 foreign nationals amongst the presumed victims.

Unaccompanied children and children living in and leaving institutional care have been identified by the authorities as being at high risk of THB. The Slovak authorities have taken a series of measures to prevent trafficking in children through education, awareness raising and training of staff. However, GRETA urges the authorities to implement immediate safety measures in re-education centres, to relocate any identified child victims of trafficking to specialised centres for vulnerable children, as well as to implement programmes aimed at supporting the socio-economic integration of children in vulnerable situations, including Roma children, unaccompanied children, refugee children and children living in and leaving residential care. Further, GRETA considers that the authorities should ensure that all asylum-seeking children, in particular those who are unaccompanied or separated, have access to education as early as possible, and that they are promptly appointed legal guardians.

GRETA's reports have highlighted the vulnerability to THB of persons from the Roma community. The Slovak authorities have taken a series of measures to improve access to education and employment of Roma and raise awareness of the risks of THB. Nevertheless, GRETA considers that the authorities should make additional efforts through further outreach and awareness raising amongst this community and further sensitisation and training of relevant professionals.

The authorities have recognised the vulnerability of migrant workers to THB and have identified several economic sectors at risk, including manufacturing, automotive industry, construction, hospitality, agriculture, and administrative and support services. In order to address the increasing risk of labour exploitation, the authorities have taken several measures, including setting up a working group which prepared a report on THB for the purpose of labour exploitation, and organising awareness raising campaigns. While welcoming these measures, GRETA notes with concern the number of remaining gaps, such as labour violations and fraudulent recruitment practices to which migrant workers are subjected, which leave them exposed to exploitation and possibly trafficking in human beings. GRETA considers that the authorities should enhance oversight of recruitment and temporary employment agencies, provide further training to labour inspectors and relevant officials, and preventing bogus self-employment.

The Migration Office is in charge of identifying potential victims of THB among asylum seekers. In case of a reasonable suspicion that an asylum seeker is a potential victim of THB, the person is informed in a language he/she understands of the possibility to enrol in the Support Programme for victims of THB. While the number of asylum applications has been relatively low (1 652 applications in the period from 2020 to March 2024), following Russia's full-scale invasion of Ukraine, 114 268 Ukrainians were granted

temporary protection status. GRETA welcomes the measures aimed at preventing THB amongst Ukrainian refugees and highlights the importance of providing continuous information on the risks of labour exploitation, the rights of workers and available assistance, avenues for complaints and remedies. Further, GRETA considers that the Slovak authorities should strengthen measures to prevent asylum seekers and refugees from becoming victims of trafficking by ensuring access to appropriate accommodation and sufficient support and assistance, and by developing vulnerability assessments and sensitising professionals involved in the registration process of asylum seekers.

Another group identified by the Slovak authorities as particularly vulnerable to trafficking are homeless people. The majority of victims who entered the Support Programme were homeless, and many victims who decide to leave the Programme experience homelessness, accompanied by a poor mental condition. In 2023, the first National Concept for Preventing and Ending Homelessness was adopted with the aim of helping create conditions for the reintegration of homeless people into society. GRETA welcomes the measures taken to address vulnerabilities of homeless people and invites the Slovak authorities to continue their efforts towards the prevention of trafficking in human beings among this vulnerable group.

In relation to vulnerabilities related to the gender dimension of human trafficking, national strategies and action plans related to equality between women and men, combating violence against women, and equality, inclusion and participation contain relevant measures. GRETA considers that the authorities should continue taking measures to counteract the risks of THB through information and awareness raising aimed at eliminating sexual and gender stereotypes, and the creation of further education, employment and participation opportunities for women and girls from Roma communities and for migrant, refugee and asylum-seeking women.

The most recent revision of the National Referral Mechanism, introduced in 2020, aimed to simplify the procedure for the identification and referral to assistance of victims of THB, and introduced more detailed provisions regarding child victims of THB. Any governmental or non-governmental structure in the Slovak Republic or abroad may initiate the identification of a presumed victim of THB. Presumed victims who agree to enter the Support Programme for victims of THB and terminate contact with the traffickers are considered to be formally identified as victims. Most victims were identified by the police. GRETA notes that labour inspectors lack clear instructions on identifying and handling potential THB cases and did not identify any victims of THB during the reporting period. GRETA urges the Slovak authorities to increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation by reinforcing the capacity and training of labour inspectors, and ensuring that there is a separation between immigration enforcement and labour inspectorate roles.

While welcoming the efforts made by the Slovak authorities and NGOs to assist victims of THB, GRETA remains concerned about the low participation of victims in the Support Programme for victims of THB. GRETA considers that the authorities should ensure that all victims of trafficking receive adequate assistance and support tailored to their needs, regardless of their enrolment in the Support Programme. This should include implementing in practice the 2021 amendments which provides for free access to health care for foreign victims of THB, as well as measures to help victims overcome drug, alcohol and any other addictions.

In the Slovak Republic, the "means" component of the definition of human trafficking in Article 179 of the CC includes "abusing of defencelessness or other vulnerable position". Article 179, paragraph 3 (d), of the CC considers the commission of THB against a "protected person" as an aggravating circumstance. In the reporting period, the Ministry of Justice has identified eight convictions in which the concept of "abuse of a position of vulnerability" was highlighted.

GRETA is concerned that courts often impose penalties below the minimum prescribed under Article 179 of the CC, and THB cases are often qualified as other offences, such as pimping considering mitigating circumstances or approving plea bargains. Consequently, GRETA urges the Slovak authorities to ensure that human trafficking offences are prosecuted as such, rather than as lesser offences, every time the circumstances of the case allow this, leading to effective, proportionate and dissuasive sanctions for those convicted.

Furthermore, GRETA considers that the Slovak authorities should adopt legislative measures to criminalise the use of services of a victim of trafficking, with the knowledge that the person is a victim of THB, regardless of the form of exploitation, as stipulated by Article 19 of the Convention.

Representatives of public authorities and NGOs highlighted that ICT has been increasingly used for the recruitment of victims in Slovakia, especially for the purpose of sexual exploitation. The National Programme for Combating THB for 2024-2028 outlines specific measures to prevent THB in the online space. Further, the National Strategy for the Protection of Children in the Digital Environment for 2020-2025 includes awareness-raising activities aimed at children. While welcoming the steps to raise awareness and prevent ICT-facilitated trafficking, GRETA considers that the Slovak authorities should strengthen the capacity of law enforcement officers in the areas of Internet monitoring and online investigation in order to identify victims of human trafficking recruited and/or exploited online.

The Victims Act was amended in July 2021 to allow victims of violent crime, including THB, to apply for state compensation from the Ministry of Justice immediately after the initiation of a criminal prosecution. However, GRETA notes with concern that the number of victims who have received compensation from the perpetrators or the State remains low. GRETA once again urges the Slovak authorities to take steps to facilitate and guarantee access to compensation for victims of THB, including by ensuring their access to legal assistance and free legal aid at the outset of the criminal proceedings, ensuring that the collection of evidence about the harm the victim has suffered is part of the criminal investigations, and making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB.

In December 2020, the Ministry of the Interior incorporated the recovery and reflection period into Internal Regulation No. 161/2020 on the support and protection programme for victims of THB. GRETA notes that, pursuant to this regulation, assistance is provided once a presumed victim accepts to be included in the Support Programme for THB victims and thus becomes formally identified, whereas the recovery and reflection period should be provided when there are reasonable grounds to believe that a person is a victim of THB, i.e. prior to the formal identification as a victim. GRETA once again urges the Slovak authorities to provide in the national legislation for a recovery and reflection period which is in compliance with Article 13 of the Convention.

Slovak legislation provides for the granting of tolerated residence to victims of THB for the purpose of their participation in criminal proceedings. During the reporting period, only one foreign victim was granted tolerated residence. GRETA considers that the Slovak authorities should also grant temporary residence permits to victims of THB on the basis of their personal situation.

Finally, GRETA welcomes the extension of the scope of the non-punishment provision to serious criminal offences, and considers that the Slovak authorities should extend its scope to cover administrative and immigration-related offences which victims of THB were compelled to commit. The authorities should also issue guidance to police officers and prosecutors on the application of the non-punishment provision.

General information on trafficking in human beings in the Slovak Republic

(covering the period from 2020 until 22 November 2024)

Entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings	1 February 2008
Previous evaluations by GRETA	<ul style="list-style-type: none"> • First evaluation report (published on 19 September 2011) • Second evaluation report (published on 9 November 2015) • Third evaluation report (published on 10 June 2020)
Co-ordination of national action against THB	<ul style="list-style-type: none"> • National Co-ordinator on Combating Trafficking in Human Beings - State Secretary of the Ministry of the Interior • Expert Group for the Area of Combating THB
National Rapporteur	Information Centre for Combating Trafficking in Human Beings and Crime Prevention (under the Ministry of the Interior)
Specialised anti-trafficking bodies and NGOs contracted to implement the THB Victim Support Programme	<ul style="list-style-type: none"> • National Unit for Combating Illegal Migration of the Border and Foreign Police of the Presidium of the Police Force • Slovak Catholic Charity • Greek Catholic Church
National Strategy/Action Plan	<p>5th National Programme to Combat Trafficking in Human Beings (2019-2023)</p> <p>6th National Programme (2024-2028)</p>
Relevant legislation	<ul style="list-style-type: none"> • Criminal Code (Act No. 300/2005 Coll. as amended) - Section 179 criminalises trafficking in human beings • Code of Criminal Procedure (Act No. 301/2005 Coll. as amended) • Act on Victims of Crimes (Act No. 274/2017 Coll. as amended) • Act on the Residence of Foreigners (Act No. 404/2011 Coll.) • Act on Social and Legal Protection of Children and Social Guardianship (Act No. 305/2005 Coll. as amended) • Act on Employment Services (Act No. 5/2004 Coll.) • Act on Health Care Insurance (Act No. 580/2004 Coll.) • Act on Illegal Work and Illegal Employment and on amendments to certain laws (Act No. 82/2005 Coll.) • Act on Asylum (Act No.480/2002 Coll. as amended)
National Referral Mechanism (NRM)	The National Referral Mechanism was established in 2008 and has undergone several amendments over the years. The most recent revisions, introduced in 2020, aim to simplify the procedure for identifying and referring victims of THB for assistance and incorporate the changes included in Ministry of the Interior Regulation No. 161/2020 on the provision of a support and protection programme for victims of trafficking in human beings.
Trafficking profile	The Slovak Republic is predominantly a country of origin and transit for victims of THB. Sexual exploitation is the predominant form of exploitation, followed by labour exploitation. The majority of the identified victims are Slovak nationals exploited in other European countries. During the reporting period, 29% of the identified victims were children.

I. Introduction

1. The Slovak Republic was amongst the first countries to ratify the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") and has been in the first group of Parties to be evaluated by GRETA under each evaluation round.

2. Over the years, the Slovak authorities have taken a series of steps to develop the legislative and institutional framework for action against THB, as well as to strengthen co-ordination between relevant actors and international co-operation. This includes the introduction of a specific legal provision concerning the non-punishment of victims of THB and its extension to cover serious offences, as well as the setting up of a state compensation scheme available to victims of THB. The authorities regularly adopt national action programmes for combating THB. A procedure for the formal identification and referral to assistance of victims of trafficking (National Referral Mechanism) was adopted in 2013 and is periodically updated. However, after three rounds of evaluation, GRETA concluded that there were continuing gaps in certain areas, in particular the identification of victims of trafficking amongst asylum seekers and irregular migrants, the provision in national law of a recovery and reflection period as defined in Article 13 of the Convention, victims' access to compensation, the protection of victims in the course of judicial proceedings, and the effective punishment of traffickers.

3. On the basis of GRETA's third report on the Slovak Republic, on 12 June 2020 the Committee of the Parties to the Convention adopted a recommendation to the Slovak authorities, requesting them to inform the Committee within a two-year period of measures taken to comply with the recommendation. The report submitted by the Slovak authorities was considered at the 30th meeting of the Committee of the Parties (17 June 2022) and was made public.²

4. On 4 July 2023, GRETA launched the fourth round of evaluation of the Convention in respect of the Slovak Republic by sending the questionnaire for this round to the Slovak authorities. The deadline for submitting the reply to the questionnaire was 3 November 2023. The Slovak authorities' reply was received on 2 November 2023.³

5. An evaluation visit to the Slovak Republic took place from 26 February to 1 March 2024 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Antoaneta Vassileva, First Vice-President of GRETA;
- Mr Aurelius Gutasukas, member of GRETA;
- Ms Teresa Armengol de la Hoz, Administrator in the Secretariat of the Convention;
- Mr Mesut Bedirhanoglu, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation met Ms Lucia Kurilovská, National Anti-trafficking Co-ordinator, Mr Jozef Halcin, Vice-Chair of the Expert Group for the Field of Combating Human Trafficking, as well as officials from the Information Centre for Combating THB and Crime Prevention, which has been assigned the role of National Rapporteur on human trafficking in the Slovak Republic. Amongst the officials met by GRETA were representatives of the Ministry of the Interior (including the Presidium of the Police Force), the Ministry of Justice (including the General Directorate of the Prison and Judicial Guard Force), the Ministry of Education, Research, Development and Youth, the Ministry of Health, the Ministry of Labour, Social Affairs and Family (including the National Labour Inspectorate, the National Co-ordination Centre for the protection of children from violence, and the Children and Social Guardianship Authority),

² <https://rm.coe.int/report-submitted-by-the-authorities-on-measures-taken-to-comply-with-c/1680a6fac6>, received on 6 June 2022.

³ <https://rm.coe.int/questionnaire-for-the-evaluation-of-the-implementation-of-the-council-/1680abd8fa>, adopted by GRETA on 30 June 2023.

the Centre for Legal Aid, and the Information Offices for Victims of Crimes. Discussions were also held with representatives of the General Prosecutor's Office and judges from the Specialised Criminal Court and regional and municipal courts.

7. Furthermore, the GRETA delegation met officials from the Office of the Government Plenipotentiary for Roma Communities (OGPRC) and the Office of the Commissioner for Children. A meeting was also held with representatives of the Parliament of the Slovak Republic, including members of the Human Rights and Ethnic Minorities Committee.

8. In the course of the visit, the GRETA delegation visited two centres for children and families which can accommodate victims of trafficking (in Malacký and Pezinok), the Police Detention Centre for Foreigners in Medveďov, and the Assistance Centre in Bottova Street, Bratislava, which provides assistance to Ukrainian refugees.

9. The GRETA delegation held separate meetings with non-governmental organisations. It also met representatives of the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) and the United Nations High Commissioner for Refugees (UNHCR).

10. The list of the national authorities and civil society organisations with which the delegation held consultations is set out in Appendix 3 to this report. GRETA is grateful for the information provided by them.

11. GRETA wishes to place on record the excellent co-operation provided by the Slovak authorities and in particular by the contact person appointed by them to liaise with GRETA at the time of the visit, Ms Soňa Grauzlová, Head of the Information Centre for Combating Trafficking in Human Beings and Crime Prevention of the Ministry of the Interior.

12. The draft version of the present report was approved by GRETA at its 51st meeting (1-5 July 2024) and was submitted to the Slovak authorities for comments. The authorities' comments were received on 10 October 2024 and were taken into account by GRETA when adopting the final report at its 52nd meeting (18-22 November 2024). The report covers the situation up to 22 November 2024; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 2.

II. Overview of trends and changes in the legislative, institutional and policy framework for action against human trafficking

13. The Slovak Republic remains primarily a country of origin and transit of victims of trafficking in human beings (THB) and to a lesser extent a country of destination. The total number of presumed victims (207) in the period 2020-2023 was similar to that in the period covered by GRETA's third report, i.e. on average, some 50 victims per year (see the table in Appendix 1 for detailed statistics). The majority of the presumed victims (61%) were female. The number of child victims has increased (60 child victims in total, representing 29% of all victims in the fourth report compared to 16% in the previous report). Sexual exploitation has remained a predominant form of exploitation, followed by labour exploitation. The majority of the victims were Slovak nationals subjected to exploitation in other European countries (see paragraph 102). There were 10 foreign nationals amongst the presumed victims.

14. As regards **emerging trends** in THB, while the United Kingdom used to be the main country of destination of persons trafficked from Slovakia, mainly for the purpose of labour exploitation,⁴ following the UK's exit from the EU, there has been a significant decrease in the number of Slovak nationals trafficked in the UK and Germany has emerged as the main country of destination for Slovak victims of labour exploitation.

15. As regards **legislative changes**, Regulation No. 161/2020 on the provision of a support and protection programme for victims of trafficking in human beings replaced Regulation No. 144/2018 of 10 December 2018. Further, the National Referral Mechanism of 2015 was amended in 2020 to simplify the procedure for the identification and referral to assistance of victims of THB and incorporate the changes included in Regulation No. 161/2020, including more detailed provisions regarding child victims of THB (see paragraph 125). Reference should also be made to the amendments to the Victims Act, which entered into force in 2021 and simplified the access of victims of crimes, including victims of trafficking, to state compensation, as well as the amendments of the Act on Health Care Insurance, which gave foreign victims of THB included in the Victim Support Programme access to free health care. Further, the non-punishment provision in Article 40 of the Criminal Code (CC) was amended (see paragraph 190).

16. As regards the **institutional framework**, the Expert Group for the Area of the Fight against Trafficking in Human Beings, which brings together relevant ministries, agencies, NGOs and IOM, remains the national co-ordinating body in the area of combating THB. As a result of changes to the structure of the Ministry of the Interior, in December 2023 the Information Centre for Combating Trafficking in Human Beings and Crime Prevention (hereafter, "THB Information Centre") was placed within the Ministry's Crime Prevention Department and was assigned several co-ordination tasks in addition to collecting and analysing data on THB, preparing training and awareness raising activities, and disseminating information. **GRETA considers that the Slovak authorities should establish an independent National Rapporteur separated from the function of National Co-ordinator or designate another mechanism as an independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to the persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).**

17. On 18 October 2023, the 6th **National Programme for Combating Trafficking in Human Beings** for the period 2024-2028 was approved, along with a five-year Action Plan. The priority areas identified in the Programme are: (1) early identification of victims and improving the quality of services provided to them; (2) improvement of the criminal justice process; (3) advancing co-operation, and (4) more effective use of prevention tools. The THB Information Centre together with the Expert Group are responsible for evaluating the implementation of the National Programme and its Action Plan.

⁴ See situational reports of the THB Information Centre from 2021 to 2023 and analysis on human trafficking for the purpose of labour exploitation, available at the Ministry of the Interior website: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevceniu-kriminality&subor=485885>, accessed 10 July 2024.

III. Addressing vulnerabilities to trafficking in human beings

1. Prevention of trafficking in human beings (Article 5)

a. Introduction

18. Prevention is crucial in combating trafficking in human beings. Article 5 of the Convention therefore requires States Parties to establish and/or strengthen effective policies and programmes to prevent THB in co-ordination between relevant public agencies, non-governmental organisations and other elements of civil society. Such policies and programmes should have a particular focus on persons vulnerable to trafficking and professionals concerned with trafficking in human beings, and shall include research, information, awareness-raising and education campaigns, social and economic initiatives and training programmes. In the development and implementation of prevention measures, States Parties are required to promote a human rights-based approach and to use gender mainstreaming and a child-sensitive approach, taking specific measures to reduce children's vulnerability to trafficking. Furthermore, Article 5 of the Convention requires States Parties to take measures to enable migration to take place legally. In addition, Article 6 of the Convention places a positive obligation on Parties to adopt measures to discourage the demand that fosters all forms of exploitation of persons which leads to trafficking.

19. The Slovak authorities have identified several categories of persons as being at high risk of THB: members of marginalised communities, persons with lower levels of education, unaccompanied children, children living in and leaving institutional care, homeless persons, persons with physical and/or mental disabilities, and persons with addictions (to drugs, alcohol, or pathological gambling). Additionally, migrant workers and Ukrainian refugees, especially women and children, arriving in Slovakia following Russia's full-scale invasion of Ukraine, are considered to be at high risk of falling victim to THB. During the reporting period, the COVID-19 pandemic exacerbated the existing vulnerabilities of these at-risk groups. The Košice Self-Governing Region, which is located in eastern Slovakia and is the second biggest in Slovakia, is identified as the most vulnerable to THB as the majority of the identified victims originate from this area.

20. The prevention of human trafficking was at the focus of six of the 21 actions contained in the 5th National Programme for Combating THB for 2019-2023. The 6th National Programme for Combating Trafficking in Human Beings for 2024-2028, along with a five-year Action Plan, includes several activities aimed at preventing human trafficking, such as public awareness campaigns and training sessions for relevant professionals. Activities related to prevention of THB amongst vulnerable groups and the identification of victims are mentioned in five out of the 19 measures of the Action Plan.

21. Since GRETA's third evaluation, the Slovak authorities have continued their efforts to raise public awareness of human trafficking. These efforts include issuing and distributing information materials (e.g. a brochure by the Ministry of the Interior on reporting and preventing criminal offences), organising lectures and discussions, and implementing training activities. By way of example, in 2022, the Ministry of the Interior organised a national awareness-raising campaign in co-operation with Slovnaft, one of the largest gas station chains. The campaign involved placing stickers on the mirrors of restrooms at 255 gas stations across the country and distributing information leaflets detailing human trafficking indicators and contact information for support services, including the national helpline. That same year, the Ministry of the Interior participated in a joint campaign to combat THB for sexual exploitation which was organised by EUROPOL and Bulgaria, with the support of the EMPACT platform. Further, on 18 October 2023, Slovakia joined the Blue Heart campaign of the United Nations Office on Drugs and Crime (UNODC) to further raise public awareness on combating human trafficking.

b. Measures to prevent the vulnerability of specific groups to trafficking in human beings

22. This section of the report examines the preventive measures taken with regard to certain vulnerable groups based on the information provided by the Slovak authorities as well as non-state actors. GRETA underlines that not every individual belonging to one of these groups is vulnerable to human trafficking per se, there are usually additional vulnerability factors involved. The different groups selected should be viewed with due regard to the complexity and intersectionality of vulnerabilities to trafficking.

i. Children

23. In November 2023, the Slovak Government approved the National Strategy for the Protection of Children from Violence for 2023-2029 and the related Action Plan for 2023-2026. According to the authorities, while child trafficking is not specifically mentioned in them, it is addressed through the general prevention and awareness-raising tasks.

24. To reduce children's vulnerability to THB, the Ministry of the Interior organises lectures and awareness-raising campaigns targeting the general public, school children, as well as children and staff from Centres for Children and Families (CCFs) and re-education centres.⁵ For instance, under the project "Support of Child Protection against Violence," lectures on human trafficking were delivered to primary and secondary school students. A project run by the Commissioner for Children, entitled "Knowledge for a Valuable Life," involved biannual discussions on various topics, including THB prevention, with children and youth of different ages from primary school to university. In addition, university students and children in re-education centres and CCFs received lectures from police officers on the risks of THB, particularly when seeking employment abroad.

25. The tasks of the Information Offices for Victims of Crimes include the implementation of preventive activities for vulnerable groups, including children and Ukrainian refugees. According to information provided by the authorities, during the reporting period, a total of 264 educational preventive activities on THB were carried out by these offices, involving 6,495 children.

26. In collaboration with the Ministry of Education, the Ministry of the Interior distributed an infographic on human trafficking and summer jobs to all schools. The Ministry of the Interior also prepared information materials with the number of the national helpline for THB victims, information leaflets on the rights of THB victims in criminal proceedings and a self-identification leaflet in eight languages.⁶ They were distributed at schools and the Offices of Labour, Social Affairs and Family. There is currently no follow-up mechanism to evaluate the knowledge acquired by children subsequent to the aforementioned awareness-raising activities.

27. In 2019-2023, the Research Institute of Child Psychology and Pathopsychology implemented the project "Standardisation of the counselling and prevention system for inclusion and success on the labour market", as part of which standards were developed which guarantee that children with diverse needs and their families will receive the same professional care, anchored in a multidisciplinary approach.⁷

⁵ The Centres for Children and Families in Slovakia provide care for vulnerable children, including children with disabilities, children without parental care, and unaccompanied children. These centres offer psychological and therapeutic support, educational assistance, and a structured environment aimed at ensuring the well-being and development of the children under their care. Specialised staff, including social workers, psychologists, and educators, work within these centres to address the specific needs of each child. Children displaying educational problems and harmful behaviour can be placed in re-education centres on the basis of a court decision. According to the authorities, there were approximately 390 children placed in re-education centres at the time of the evaluation visit.

⁶ Some examples of these materials include "I am not for sale" (<https://www.minv.sk/?dobre-rady-pred-vycestovanim>), "It can't happen to me" (<https://www.minv.sk/?zakladne-informacie-6&subor=459962>) and "Don't become a victim of human traffickers" (<https://www.minv.sk/?zakladne-informacie-6&subor=437806> and <https://www.minv.sk/?zakladne-informacie-6&subor=437807>).

⁷ <https://vudpap.sk/wp-content/uploads/2020/10/Projektovy-letak-v1.01.pdf>

28. Furthermore, the Ministry of the Interior, in co-operation with the National Co-ordination Centre for Resolving Issues of Violence against Children, implemented a campaign on child, early and forced marriages. On the topic of forced marriages and THB, a brochure for the general public was distributed and online training has been organised for staff of the OGPRC (see also paragraph 48).

29. Despite the increase in trafficking of children for the purpose of forced criminality which is observed in many Parties to the Convention, the Slovak authorities reported that this trend has not been identified within the country. Only one case was investigated during the reporting period, in 2023. It involved a 15-year-old girl who was forced to provide sexual services and commit robberies under threats of violence and restriction of personal freedom. No research has been conducted on the specific vulnerabilities that may lead to the exploitation of children in forced criminality.

30. The National Institute of Education and Youth (NIVaM, previously the State Pedagogical Institute), managed by the Ministry of Education, organises training for educational staff and teachers focused on preventing human trafficking. The Ministry of Education's manual for educational staff for 2023-2024 includes a section on human trafficking prevention. Further, the THB Information Centre organised training for professionals of different bodies working with children, such as the social and legal protection of Children and Social Guardianship Authority, CCFs and the counselling and prevention centres. The Police Force received training on the identification and referral of victims of THB within the project "Special interrogation rooms for child victims and other particularly vulnerable victims of crimes". The Slovak authorities indicated that by the end of 2022 all staff participating in the asylum procedure had undergone a training course of the EU Agency for Asylum (EUAA) including a module on how to conduct interviews with children. Furthermore, UNICEF has trained more than 300 border management staff on identification of vulnerabilities and interview techniques specific to children.

31. There are 68 state-run CCFs with a capacity of 4 762 places, and 33 non-state accredited centres, with a capacity of 1 011 places. At the end of 2023, about 90% of the available places were occupied. Each CCF comprises several houses and/or flats. According to CCF staff, the majority of children in these centres are those whose parents cannot provide adequate care or children with disabilities.

32. As noted in paragraph 19, children living in or leaving childcare institutions are considered by the Slovak authorities to be a particularly vulnerable group. The authorities have reported cases of children falling victim to sexual or labour exploitation after leaving a CCF. Each CCF has a general prevention plan that includes awareness-raising and educational activities aimed at mitigating the risks of human trafficking.⁸ Educational activities are regularly organised for children in CCFs in collaboration with experts, institutions and NGOs. For instance, in June 2022, the THB Information Centre, in cooperation with the Centre of Labour, Social Affairs and Family (CLSAF) and the police, organised 60 meetings involving more than 900 children as part of a national awareness-raising initiative. The Commissioner for Children also implemented a project targeting children in CCFs, which included discussions with the children and training CCF staff on THB prevention.

33. Unaccompanied or separated children are particularly vulnerable to human trafficking. CCFs with a high number of unaccompanied children, such as the one in Medzilaborce, have specific procedures to identify and prevent trafficking risks. To support these efforts, IOM provided training for the staff at the CCF in Medzilaborce on identifying victims of THB and other forms of violence against unaccompanied children. In response to the arrival of Ukrainian refugees (see paragraph 75 and following), the CLSAF developed and distributed a methodological guideline to all CCFs and Offices of Labour, Social Affairs and Family. This guideline includes trafficking indicators and measures to eliminate trafficking risks, particularly for unaccompanied children.

⁸ Preparation for children leaving the CCF begins before they turn 18, guided by a professional team of CCF professionals, including a social worker and a psychologist. For unaccompanied children, additional support may be provided by the Children and Social Guardianship Authority, a cultural mediator or other organisations/authorities focused on support and prevention, such as the Ministry of the Interior, the Slovak Catholic Charity or IOM.

34. In the case of an unaccompanied child, the appointment of a guardian is usually performed by the Offices of Labour, Social Affairs and Family. The child's guardian can file applications for tolerated stay and asylum on their behalf. A total of 22 child victims of THB were appointed a legal guardian (9 in 2020, 7 in 2021 and 6 in 2022). According to the THB Information Centre's annual human trafficking reports for 2020-2023,⁹ a total of 632 unaccompanied foreign children, including from Ukraine, were registered in CCFs.¹⁰ In 2021, the CCF in Medzilaborce reported a case of an Afghan girl identified as a trafficking victim who entered the Support Programme for victims of THB in February 2020 and left it voluntarily in July 2020. Several interlocutors highlighted that the child protection system lacks the capacity to provide effective support to all unaccompanied foreign children, thereby increasing their vulnerability to trafficking. In their comments on the draft GRETA report, the authorities stated that the capacities are sufficient and referred to plans to establish a new CCF as part of an AMIF project.

35. A probe into the child re-education facilities by the General Prosecutor's Office in 2023 revealed a litany of "extraordinarily grave and extensive" rights abuses and showed that these facilities do not fulfil their purpose and fail to provide a safe environment for children.¹¹ Unannounced inspections¹² by the Prosecutor's Office revealed serious deficiencies in the 13 re-education centres, including unsatisfactory sanitary and material conditions and children falling victim to unlawful acts or criminal activities during their placement. It was reported that instances of sexual abuse had occurred in more than two centres. There were also suspicions about possible cases of human trafficking.¹³ Staff conduct was deemed inadequate on a number of accounts: staff restricted children from contacting their parents, placed children in isolation for several days upon arrival at the centres, and confiscated children's pocket money. Furthermore, some centres lacked psychologists. In response to these findings, a meeting was convened in January 2024 between the General Prosecutor's Office and the authorities responsible for re-education facilities. The authorities did not inform GRETA of any measures implemented to prevent abuses and mitigate the risks of human trafficking for children in re-education centres.

36. According to the Slovak authorities, children with mental and/or physical disabilities face a heightened risk of exploitation, particularly for forced begging. The authorities reported that five children - one girl and four boys (including a 5-month-old baby) - were trafficked for forced begging during the reporting period, often to other European countries.

37. CCFs provide care to children with mental, physical, sensory disabilities or a combination of these, in specialised independent groups with an established specialisation, if such care cannot be provided in a professional substitute care or in a separate group. There are 524 places in CCFs reserved to children with disabilities, of which 484 were occupied as of December 2023. These children are accommodated in specialised CCFs where they live in "family houses" staffed with professionals trained to meet their needs.

⁹ <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>, accessed 10 July 2024.

¹⁰ 79 in 2020, 182 in 2021, 129 in 2022 and 242 in 2023. In 2022, there were 152 unaccompanied children from Ukraine in CCFs, but the number decreased to 41 as of 31 December 2023.

¹¹ Assessment of the General Prosecutor of the Slovak Republic on the status of legality in re-education centres, available (in Slovak) at: https://www.genpro.gov.sk/fileadmin/Spravy_aktuality/2023/reeduka%C4%8Dn%C3%A9/ZHODNOTENIE_RC.pdf.

¹² Unannounced inspections are performed by the Public Prosecutor's Office to supervise the observance of legality in places of deprivation or restriction of liberty, in accordance with Section 18 of Act No. 153/2001 Coll.

¹³ As part of the inspections by the Public Prosecutor's Office, suspicions of THB committed in the re-education centres of Hlohovec, Sološnica and Veľké Leváre were forwarded to the relevant authorities in order to initiate an investigation. After the investigation, the cases were qualified as administrative offences rather than THB and there were therefore no grounds to initiate criminal proceedings. In July 2024, the investigations of the case of the Hlohovec re-education centre found that its director had concluded agreements on part-time work by children residing in the centre whose remuneration did not reach the minimum wage, which is an administrative offence according to Article 119, paragraph 1 of the Labour Code.

38. GRETA visited the CCF of Malacky, which comprises several facilities. The family house visited by GRETA was a well-maintained, two-storey building with a garden and playground, attended by several social workers and caregivers. With a capacity for 49 children, the CCF in Malacky was operating at full capacity at the time of the evaluation visit.¹⁴ The number of staff totalled 47.

39. GRETA also visited the CCF in Pezinok. It manages three family houses for children aged 6 to 18 and arranges placements with professional substitute care for children aged 0 to 6. At the time of the visit, the centre provided care for 80 children and was staffed by 67 professionals, including a psychologist. These professionals had followed training on human trafficking provided by the Ministry of the Interior in 2022 and 2023. One-third of the children in this CCF came from the Roma community.

40. An online platform¹⁵ offers families of children with disabilities information on relevant services, including healthcare, psychological support, education, financial aid, and recreational activities. This resource is available in Slovak, Ukrainian and English.

41. While welcoming the measures taken by the Slovak authorities to prevent trafficking in children, GRETA notes that the topic of THB should be given more importance, as its inclusion in the state educational programme and the various awareness-raising activities has not had sufficient impact or coverage.

42. **With a view to preventing trafficking of children, GRETA urges the Slovak authorities to:**

- **implement immediate safety measures in all re-education centres, relocate any identified child victims of trafficking to specialised centres for vulnerable children, and prohibit any harmful practices which increase children's vulnerabilities, such as the use of isolation;**
- **implement programmes aimed at supporting the socio-economic integration of children in vulnerable situations, including Roma children, unaccompanied children, refugee children and children living and leaving residential care.**

43. **Further, GRETA considers that additional measures should be taken to prevent trafficking of children, and in particular to:**

- **raise children's awareness of their rights and the risks of human trafficking (including recruitment and abuse through Internet/social networks), paying particular attention to children in vulnerable situations, including children living in and leaving residential care, Roma children, refugee children and unaccompanied children (see also the recommendations in paragraph 82 concerning unaccompanied children);**
- **develop and implement school programmes aiming at building up pupils' skills, knowledge and media literacy and fostering their resilience to THB;**
- **implement comprehensive training programmes for educational staff on child rights, trauma-informed care, and identifying and responding to signs of abuse;**

¹⁴ The total capacity of 49 places is allocated as follows: six places in professional substitute care, nine places in a separate group at the Rakárenská family house, and 14 places in specialised separate groups for children with disabilities - six at the Jozef Kubina family house and eight at the Duklianských hrdinov family house. Additionally, 10 places are designated for a group supporting children and their families at the Hviezdoslavova family house. The remaining 10 places cater to young adults aged 18 to 25 who are pursuing higher education or beginning their careers, with four places in the Mierové námestie apartment and six in the Rohožník apartment

¹⁵ Platforma rodín detí so zdravotným znevýhodnením: <https://www.facebook.com/platformarodin> (in Slovak), accessed 10 July 2024.

- **improve the living conditions in the re-education centres and the availability of qualified staff, including psychologists, to ensure adequate care and support for the children and the prevention of THB.**

ii. Roma community

44. GRETA's previous reports on the Slovak Republic highlighted the vulnerability to THB of persons from the Roma community.¹⁶ According to the 2021 national census,¹⁷ the Roma community represents 1.23% of the total population in Slovakia, with a high representation in the east and south of the country. However, according to some sources,¹⁸ considering the lack of systemic data on the Roma population, this percentage would be much higher (7 to 11%). The at-risk-of-poverty rate for the Roma population is 87%, compared to 12% for the general population. About 17% of people in the Roma community live on an income of EUR 3.8 or less per day. While the overall employment rate of persons from the Roma population aged 20 to 64 years was 20% in 2018, the employment rate of Roma women was 12%. As many as 54% of Roma in Slovakia felt discriminated against because of their Roma origin in the last five years. They perceive discrimination mostly when they look for a job.¹⁹ GRETA refers to the latest report of the European Commission against Racism and Intolerance (ECRI), according to which "a very large number of Roma have lived for generations, and still live today, in shanty towns in conditions of segregation, structural discrimination and extreme poverty."²⁰ These factors, together with a lack of identification documents, significantly increase their vulnerability to human trafficking.

45. As underlined by the European Roma Rights Centre (ERRC) and People in Need in a report conducted in different countries, including the Slovak Republic, trafficking in human beings affects Roma disproportionately.²¹ Civil society actors met by GRETA stressed that the Roma community became more vulnerable to human trafficking as a result of the Covid-19 pandemic. According to the National Unit for Combating Illegal Migration, most of the identified victims of THB for labour exploitation are from the Roma community. Roma women and girls are trafficked for the purpose of sexual exploitation, and Roma children are victims of forced begging (especially children with disabilities and health issues), early and forced marriages (especially in the Nitra region) and exploitation in criminal activities (in particular in the UK). GRETA refers to the UN Committee against Torture Concluding observations on the fourth periodic report of Slovakia, adopted in 2023, which raised concerns about the continued prevalence of forced begging and trafficking for sexual exploitation, especially among the Roma community.²²

46. The Committee on the Elimination of Discrimination against Women (CEDAW) highlighted the ongoing segregation of Roma children in special schools (for pupils with mild mental disabilities) or special classes in mainstream schools.²³ In 2023, the European Commission referred Slovakia to the Court of Justice of the European Union for failing to address this educational segregation effectively.²⁴ Additionally, Roma children, particularly those aged 14 to 17, face a high risk of dropping out of school. To counter this, the Ministry of Education has developed and approved a programme for the period 2021-2024

¹⁶ See GRETA's second report on the Slovak Republic, paragraph 16, and GRETA's third report, paragraphs 61 and 79.

¹⁷ <https://www.scitanie.sk/en/population/basic-results/structure-of-population-by-ethnicity/SR/SK0/SR>, accessed 10 July 2024.

¹⁸ [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/695466/IPOL_STU\(2021\)695466_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/695466/IPOL_STU(2021)695466_EN.pdf), accessed 20 April 2024, p.11 and Minority Rights Group, Roma in Slovakia.

¹⁹ [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/695466/IPOL_STU\(2021\)695466_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/695466/IPOL_STU(2021)695466_EN.pdf), accessed 20 April 2024.

²⁰ Sixth report on the Slovak Republic adopted on 1 October 2020, published on 8 December 2020: <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>, accessed 20 April 2024.

²¹ European Roma Rights Centre (ERRC) and People in Need, *Breaking the Silence: Trafficking in Romani Communities*, Budapest, March 2011.

²² Concluding observations adopted at its seventy-sixth session (17 April – 12 May 2023): https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=af6fIM/DbBqPE2/waqXlpFr/dMEXimunRRK+SSc046nTT6ur9dJ7kqCSSt+ZTY9nIFYu81Jul+abgDrUwwRvA==, accessed 10 July 2024.

²³ Concluding observations on the seventh periodic report of Slovakia, 30 May 2023, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=af6fIM/DbBqPE2/waqXlpJrALdEEAGIP+8JLUOQ9jTOvtvtpJS2JVoIMG2Qq4D9xVmkgVwzrdOtvCFQwtQxwZg==, accessed 10 July 2024.

²⁴ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2249, accessed 10 July 2024.

featuring extracurricular activities led by youth experts who help with homework and support personal and emotional development. In their comments on the draft GRETA report, the authorities have also referred to the transformation of the counselling and prevention system with a view to guaranteeing the provision of the same professional care in all Counselling and Prevention Centres throughout Slovakia (with the development of standards to prevent risky behaviour, see paragraph 27) as well as to ensuring systematic data collection in the area of mental health support of children, pupils and students.

47. Another risk factor is the low pre-primary school (kindergarten) attendance among Roma children. In September 2021, compulsory pre-primary school education for five-year-olds was introduced. Two consecutive national projects, PRIM I (2018-2020) and PRIM II (2020-2023), supported pre-primary education for Roma children. Over 9 048 Roma children completed at least one year of kindergarten, and more than 700 assistant positions were created. An evaluation conducted within PRIM II found that the assistants serve as a crucial link between parents and kindergartens, fostering greater parental trust in the education system. Following the conclusion of PRIM II, the assistant positions were funded under another project, POP 3. Upon the conclusion of this project, their funding will transition to the national budget as part of supportive measures. Additionally, the OGPRC, in co-operation with the Ministry of Education, engaged in projects to expand the capacity of primary schools and kindergartens in districts with many children from socially disadvantaged backgrounds. Despite these prevention activities, programmes and initiatives, the capacities of kindergartens are still insufficient, the quality of pre-school education is low and segregation of Roma children at schools continues,²⁵ creating a burden that only exacerbates children's vulnerability to THB.

48. At the beginning of 2023, a brochure on human trafficking, focusing on forced marriages, in both Slovak and Roma languages was prepared. As a follow-up to the brochure, the staff of the OGPRC participated in an online training event on THB with a focus on forced marriages organised by the Crime Prevention Department of the Ministry of the Interior in co-operation with the Bureau of the Border and Foreign Police and the Slovak Catholic Charity. The Ministry of Labour, in co-operation with the National Co-ordination Centre for Resolving Issues of Violence against Children, organised activities at the local level focusing on Roma traditions for representatives of entities working with the Roma community. It also included activities to raise awareness of parents on child, early and forced marriages, pointing out the criminal responsibility of such actions.

49. According to the National Unit for Combating Illegal Migration, forced marriages of Roma women and girls have been prosecuted as human trafficking. The National Unit conducted investigations on forced marriages of Roma women and girls in 3 cases in 2020 and 4 cases in 2021.

50. In April 2021, the Government approved the National Strategy for Equality, Inclusion and Participation of Roma until 2030. Under the priority areas of education and employment, the Strategy includes several activities aimed at improving the living conditions and the socio-economic integration of persons from the Roma community and reducing their exclusion and vulnerability, in particular of girls and women. As regards prevention of THB among the Roma community, the Slovak authorities have also referred to the National Framework Strategy for the Support of Social Inclusion and the Fight against Poverty which was updated in November 2020, and the National Strategy for an Inclusive Approach in Education and Training (2021-2030) and its first action plan for 2022-2024, which were adopted in December 2021 and June 2022 respectively.

51. On 22 November 2022, the Programme "Slovakia 2021-2027" was approved by the European Commission to support interventions from the European Regional Development Fund, the Cohesion Fund, the European Social Fund Plus and the Just Transition Fund within the framework of the objective Investment into Employment and Growth in Slovakia. The total allocation under this Programme for the support of Roma communities is EUR 907 million: 431.5 million is allocated specifically for the inclusion of

²⁵ According to the European Union Agency for Fundamental Rights' Roma Survey, in Slovakia, 65% of 6-15 years old Roma pupils attend schools where all or most pupils are Roma, which is a 5 percentage-point increase compared to 2016. This makes Slovakia the EU Member State with the highest share of Roma segregation in education.

the Roma community, administered by the Office of the Government Plenipotentiary for Roma Communities (OGPRC). The remaining part of the allocation is managed by other ministries, in particular by the Ministry of Education, Research, Development and Youth, the Ministry of Labour, Social Affairs and Family, the Ministry of Health and the Ministry of Investments, Regional Development and Informatisation.

52. Since 2020, the OGPRC has implemented several projects in the field of social work and community services in municipalities where Roma communities are present. They aimed at empowering Roma people, strengthening their competences, raising their awareness and improving their quality of life. Similar projects are planned for 2024 and the following years. The OGPRC has also published several thematic surveys related to vulnerability factors of the Roma community, such as financial illiteracy, barriers to acceding the labour market and school absenteeism and drop-off.

53. The THB Information Centre organised lectures for persons from the Roma community as well as training activities for officials of local services in Prešov and Košice. In 2022 and 2023, OGPRC staff and members of local services were trained on THB, with an emphasis on how to identify potential victims, especially children, the procedure to be followed in case of detecting a potential THB victim, and preventive activities in disadvantaged neighbourhoods. In 2020, awareness-raising activities regarding THB were carried out in community centres, located within Roma communities, in collaboration with the police specialised in crime prevention, including information on whom to contact in case of a threat. In 2022, the OGPRC translated in Roma language some of the information materials of the Ministry of the Interior, such as the leaflet on child marriages and the brochure for Ukrainian refugees on the risks of THB.

54. From May 2020 to April 2024, the National Institute of Education and Youth (NIVaM) implemented the project "Innovative Teaching Education with the Aim of Increasing the Intercultural Competence in the Educational Process of Roma Pupils" which facilitated the publication of educational materials in the Roma language. During the reporting period, the NIVaM provided several training courses to educational staff on different subjects related to the Roma community such as "Using elements of Roma culture in school practice", "Roma language and realities", "Education in the field of work with Roma youth", "Promoting Roma support and integration" and "Support for education of pedagogical and professional staff working with pupils from Roma communities".

55. While welcoming the above-mentioned measures aimed at addressing the vulnerabilities of the Roma community through education, employment and awareness raising, GRETA considers that the Slovak authorities should make additional efforts to prevent trafficking in human beings of members of the Roma community through further outreach and awareness raising amongst this community and further sensitisation and training of relevant professionals (police, social workers, local services, education professionals, health-care staff, judges, prosecutors) aimed at combating negative stereotypes and discrimination.

iii. Migrant workers

56. In its previous reports on the Slovak Republic, GRETA raised concerns regarding the vulnerability of migrant workers from neighbouring countries and issued specific recommendations in this regard.²⁶ Slovakia's labour market continues experiencing a strong demand for workers, particularly in the manufacturing sector requiring low-skilled, repetitive work.²⁷ This demand attracts foreign workers and increases the illegal employment rate and the risk of labour exploitation. Labour violations and fraudulent recruitment practices to which foreign workers are subjected include bogus self-employment, agency employment with commission deductions from the salary of the employee and undeclared work. Foreign workers often lack social or health insurance and are subject to zero-hours contracts, unpaid overtime and marginal part-time work. The contributing factors include language barriers, lack of knowledge about labour

²⁶ See for example GRETA's third report on the Slovak Republic, paragraphs 13,185 and 186.

²⁷ https://migrant-integration.ec.europa.eu/news/slovakia-continued-growth-employment-and-economic-activity-migrants_en, accessed 10 July 2024.

rights and available assistance, distrust of the authorities and fear of deportation among those without residence/work permit.

57. The Slovak authorities have identified several economic sectors at risk, including industrial production (manufacturing, automotive industry, with a high involvement of temporary agencies in the east and central part of the country and a high number of self-employment), construction, hospitality, agriculture (mainly seasonal work), and administrative and support services. Most of the vacant jobs in these sectors are filled by workers from outside the EU, particularly from Serbia and, more recently, Ukrainians under temporary protection, and to a lesser extent by EU citizens (Romanians).²⁸

58. In order to address the increasing risk of labour exploitation, the Slovak authorities have taken several measures during the reporting period. By way of example, in 2022, a working group was established, comprising representatives from the Ministry of the Interior, the Ministry of Justice, the General Prosecutor's Office, the Centre of Labour, Social Affairs and Family (CLSAF), and the National Labour Inspectorate (NLI). In June 2023, representatives of the working group, together with representatives of IOM, the Slovak Catholic Charity and the Specialised Criminal Court, participated in a two-day workshop on forced labour and poor working conditions, including simulation-based training. In the autumn of 2023, the working group prepared a report on THB for the purpose of labour exploitation²⁹ with the aim of improving the detection and investigation of cases and defining the boundaries between THB for the purpose of labour exploitation and poor working conditions.

59. In May 2021, a campaign targeting seasonal and third-country workers was launched. The THB Information Centre organised lectures to increase awareness on THB focusing on identifying potential risks, especially in relation to temporary jobs and travelling abroad for work. According to the Slovak authorities, the national helpline 0800 800 818 is also an efficient tool to prevent risks related to labour exploitation of vulnerable groups as people can request advice and information before travelling abroad through this helpline.

60. In 2023, the Ministry of Justice supported the project called "STOP THB", which aimed to educate professionals from different national authorities and civil society organisations on THB through videos and practical cases. In 2021 and 2022, training on THB was provided to officials from several relevant authorities in direct contact with migrant workers, including law enforcement officers, staff of the Migration Office as well as of immigration detention facilities and employees of the Ministry of Defence. IOM operates a helpline for migrant workers in Slovakia which provides information on labour rights, work contracts and work permits. IOM has also developed two digital tools and a manual to prevent labour exploitation.

61. Act No. 82/2005 on Illegal Work and Illegal Employment was amended in January 2023, making labour inspectorates the only bodies with the competence to control illegal work and illegal employment. Prior to the above-mentioned amendment, in December 2022 the National Labour Inspectorate (NLI) updated its methodological guidelines for labour inspections which contain instructions on how to verify compliance with the prohibition of illegal employment and especially illegal work. Inspectors use laptops with access to the Ministry of Labour and the Social Insurance Agency servers, enabling real-time verification of legal employment status during inspections. Under Article 67 of Act No. 5/2004 on Employment Services, labour inspectors must notify the CLSAF and the Offices of Labour, Social Affairs and Family when they detect illegal employment, inform them about imposing a fine for violations of the prohibition of illegal employment and provide a list of all identified natural persons performing illegal work for the employer. The Labour Inspectorate has the right to sanction an employee for the offence of illegal work up to the amount of EUR 331 (as per Section 7 of Act No. 82/2005). However, according to the Slovak authorities, this sanction is not implemented; instead, employers are penalised for the administrative offence of illegal employment. Employers found in violation of the prohibition of illegal employment face fines ranging from EUR 2 000 to 200 000, and in case of the illegal employment of two

²⁸ Ibidem.

²⁹ Available at the Ministry of the Interior's website: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality&subor=485885> (in Slovak), accessed 10 July 2024.

or more natural persons at the same time, at least EUR 5 000 (as per Section 7b of Act No. 82/2005). Additionally, the NLI maintains a publicly accessible central registry on its website listing employers (natural persons and legal entities) fined for illegal employment in the past five years.³⁰ Such employers are excluded from state aid, contributions for EU funding and public procurement. The NLI shall revoke a confirmation of the possibility of filling a vacancy for highly qualified employment or a work permit (specifically in the case of a seasonal employment permit) if the employer has been fined for violating the prohibition on illegal employment.

62. At the end of 2023, the Slovak Republic employed 251 operational labour inspectors, including six candidates, which represents a reduction compared to the previous reporting period.³¹ Labour inspectors conduct inspections of workplaces, including those located on private land and private households. They have an obligation to notify law enforcement agencies when they detect THB or another criminal offence during inspections. Labour inspectors have been trained on THB by IOM (in October and November 2022 and January, February, May and December 2024) and the THB Information Centre via on-line training (in September and October 2023). In June 2023, the NLI organised a two-day workshop in Bratislava, focused on agency employment, rights and obligations associated with employing foreigners, and the risks, including THB, and measures to control illegal employment.

63. During the reporting period, a total of 83 943 inspections were carried out in 75 264 workplaces to detect illegal employment. During these inspections, 164,535 employees were inspected and 6,992 illegally employed persons were detected.³² A total of 3,417 businesses were fined. Statistics show that illegal labour is more prevalent in the so-called "micro-enterprises" with nine or less employees. Inspections revealed several cases of illegal employment of children. Despite the high number of foreign workers in Slovakia with an increased risk of trafficking, no victims of labour exploitation were identified through inspections during the reporting period. This raises concerns about the capacity of labour inspectors to identify victims of THB for the purpose of labour exploitation during inspections.

64. In May 2023, the Slovak Republic participated in Joint Action Days to identify potential victims of THB for the purpose of labour exploitation. Inspections involving both police officers and labour inspectors were carried out simultaneously under the guidance of Europol in 32 countries. In the Slovak Republic, 28 business entities were inspected, but no THB cases were detected. In April and June 2024, the Slovak Republic also participated in the Joint Action Days during which a total of 81 businesses were inspected.

65. During the reporting period, joint inspections were conducted by labour inspectors and the Border and Foreign Police (BFP), which assists labour inspectors in detecting illegal employment of foreign workers, checking residence documents, and identifying victims of human trafficking. While immigration control is not the responsibility of labour inspectors, they verify the validity of residence permits during inspections. If a foreign worker lacks a valid permit, they are deported. According to Slovak authorities, interpreters from the BFP are present during joint inspections. However, civil society representatives reported that in practice, labour inspectors often rely on employers, coordinators or coworkers for interpretation. Labour inspectors mentioned plans to hire interpreters for online translation during future inspections.

66. In Slovakia, obtaining a residence permit for a third-country national for the purpose of employment is a complex and lengthy process, while registering as a business owner and obtaining a temporary residence permit for this purpose is simple and quick. This often leads foreign nationals to resort to bogus self-employment, allowing employers to be exempted from the obligation to ensure the health and safety of the worker at work. Civil society and national authorities have expressed concern about the widespread use of bogus self-employment, particularly among Ukrainians under temporary protection who are prohibited from establishing businesses or engaging in self-employment in Slovakia.

³⁰ <https://www.ip.gov.sk/app/registerNZ/>, accessed 29 July 2024.

³¹ See paragraph 138 of GRETA's third report.

³² Including 394 illegally employed foreigners out of 1,410 in 2022, and 162 out of 1,172 in 2023.

67. Job intermediaries and temporary employment agencies are regulated by Act 5/2004,³³ which imposes an obligation to obtain an authorisation to operate in Slovakia³⁴ and prohibits charging fees to workers. Despite this, civil society actors noted that many workers were charged fees by agencies registered abroad but operating in Slovakia. These agencies recruit workers and second them to employers. From 2020 to 2022, agencies facilitated the employment of over 120 000 employees, particularly in industrial production, transport, storage, administration, construction and catering. The Slovak authorities indicated that the complexity of hiring non-EU workers drives the use of temporary employment agencies and intermediaries. According to civil society, temporary employment agencies and job intermediaries are a major source of illegal employment, and are often difficult to investigate. Labour inspectors can propose suspending or revoking an agency's authorisation if they detect breaches, but no such actions were taken during the reporting period. There is a need to raise awareness among Slovak employers about their co-responsibility for illegal employment and strengthen the inspection of job intermediary agencies.

68. While welcoming the measures put in place by the Slovak authorities to protect foreign workers, including the report prepared on THB for the purpose of labour exploitation, GRETA notes with concern the number of remaining gaps, such as labour violations and fraudulent recruitment practices to which migrant workers are subjected, which leave them exposed to exploitation and possibly trafficking in human beings. **Referring to GRETA's Guidance Note on combating trafficking for labour exploitation³⁵ and the Council of Europe Committee of Ministers Recommendation to Member States CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation,³⁶ GRETA considers that the Slovak authorities should take further steps to protect migrant workers from trafficking in human beings, in particular by:**

- **strengthening the monitoring of recruitment and temporary employment agencies and controlling the authenticity and legality of work contracts and other relevant documentation;**
- **providing further training on trafficking in human beings to labour inspectors and other relevant officials with a focus on vulnerabilities that lead to THB and early detection of cases of THB for the purpose of labour exploitation;**
- **ensuring that migrant workers eligible to engage in self-employment are provided with effective access to the labour market, in particular by providing them with vocational and language training, and preventing bogus self-employment;**
- **raising awareness among employers as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation and the rights of victims of trafficking, as well as on workers' rights under labour laws;**
- **taking additional steps to ensure the availability of professional interpreters for different languages spoken by victims of trafficking, as well as their sensitisation to the issue of human trafficking.**

³³ Once a year, by 31 March, job intermediaries and temporary employment agencies shall submit electronically a report to the CLSAF on their activities for the previous calendar year. The website of the Labour Centre includes information on the working conditions they must comply with as well as a list of authorised job intermediaries and temporary employment agencies.

³⁴ 449 temporary employment agencies were authorised to operate in Slovakia, at the time of GRETA visit.

³⁵ <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>.

³⁶ <https://rm.coe.int/booklet-preventing-and-combating-trafficking-in-human-beings-for-the-p/1680aa08ef>.

iv. Asylum seekers and refugees

69. Slovakia is considered a country of transit for asylum seekers. There were 282 asylum applications in 2020, 370 in 2021, 547 in 2022 and 416 in 2023.³⁷ Out of 1 652 applications made in the period from 2020 to March 2024, only 109 persons were granted refugee status.

70. Act No. 480/2002 Coll. on Asylum (hereinafter "Asylum Act") contains the main asylum provisions, including the rights of asylum-seekers, key definitions and necessary procedures to provide international protection. The Act No. 404/2011 Coll. on Residence of Foreigners provides in its section 2(7) a definition of vulnerable person, which reads as follows: "A vulnerable person is in particular a minor, a person with a disability, a victim of human trafficking, a person older than 65, a pregnant woman, a single parent with a minor child and a person who has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence."

71. The Migration Office is in charge of identifying potential victims of THB among asylum seekers. Internal Order No.13/2012 of the Director of the Migration Office contains a methodological guidance describing the procedure for interviewing asylum seekers, including a questionnaire which comprises questions aimed at identifying potential victims of THB as well as, according to the authorities, the application of a vulnerability assessment to each asylum seeker. In case there is a reasonable suspicion that an asylum seeker is a potential victim of THB, the person is informed in a language he/she understands of the possibility to enrol in the Support Programme for victims of THB.

72. After Russia's full-scale invasion of Ukraine, Slovakia applied a "free access" policy to Ukrainians on its territory. According to UNHCR data, some 2.1 million Ukrainians crossed into Slovakia between February 2022 and February 2024. Of these, 139 633 applied for temporary protection and 114 268 were granted such status.³⁸ The Slovak Government adopted Act No. 92/2022 ("Lex Ukraine") on 30 March 2022, amending 32 laws, including the Asylum Act and the Act on Residence of Foreigners. Additionally, on 26 October 2022 the Government adopted a Contingency Plan³⁹ running until March 2023, which was later updated for the period July to December 2023. One of its objectives was to protect Ukrainians with disabilities, unaccompanied children and women who may become victims of human trafficking or sexual and gender-based violence.

73. In the days following the full-scale invasion, 84% of the Ukrainians arriving in Slovakia were women and children. Registration was not possible at the borders, so refugees had to register in one of the 12 registration offices in the country. NGOs reported cases of children who crossed the border unaccompanied. Pursuant to Article 313 of the Civil Code of Ukraine, children between 16 and 18 years old can travel outside Ukraine without parental permission. In 2022, 152 unaccompanied children from Ukraine were placed in CCFs but the number decreased to 41 as of 31 December 2023. A legal guardian is appointed by the court when a child has no parent or legal representative, and the procedure may take up to one month. According to NGOs, the appointment of a legal guardian to unaccompanied Ukrainian children usually takes longer than the stipulated month and without a proper assessment of the person appointed. Among those appointed as legal guardians, there were friends of the child, distant relatives with whom it was very difficult to determine the family relationship or neighbours. The monitoring of the situation of those children by the Slovak authorities is very limited.

74. The NGO KIND launched in 2024 a two-year project called "Suzir'ya"⁴⁰ to prevent Ukrainian children displaced by the war, especially unaccompanied and separated children and young adults, from trafficking, abuse and other serious harm, and help them access their rights.

³⁷ <https://www.minv.sk/?statistiky-20>, accessed 10 July 2024.

³⁸ Ukraine Refugee Situation (unhcr.org) and Summary Analysis of Focus Group Discussions with Refugees on Education, March 2024.

³⁹ Adopted by Government Resolution 665/2022 of 26 October 2022 and updated by Government Resolution 346/2023 of 23 June 2023.

⁴⁰ See more information about the project at: <https://supportkind.org/kind-launches-new-project-to-prevent-trafficking-of-children-displaced-from-ukraine-welcomes-alexandra-malangone-as-project-director/>, accessed 10 July 2024.

75. Following Russia's full-scale invasion of Ukraine, many persons were waiting at the border to offer Ukrainian refugees free transport, and some women and unaccompanied girls were approached by strangers at the border, at train stations or online with promises of accommodation and work. Civil society actors met by GRETA indicated that suspicious cases were reported to the police, but none of them were identified as human trafficking. The Border and Foreign Police (BFP) conducted regular checks at border crossing points and UNHCR conducted training on THB risks and interviewed Ukrainians awaiting transportation. GRETA refers to the May 2022 report by the Special Representative of the Secretary General on Migration and Refugees, which noted that the initial measures taken to detect, prevent and combat THB amongst Ukrainian refugees were not fully effective due to the lack of a comprehensive and systematic procedures for identification of persons with specific needs arriving from Ukraine.⁴¹

76. Soon after the outbreak of the war in Ukraine, in February 2022, staff of the Slovak Catholic Charity were deployed at three border crossings in eastern Slovakia in order to distribute materials with preventive information on the risks of THB, offer access to protection and assistance to possible victims of THB, provide professional support to volunteers from other organisations operating at the border at the time, and provide information about the national helpline which operates in Ukrainian on 24/7 basis. In addition, a team of 20 persons from the OPGSR was present at the border to meet Ukrainian Roma and provide them with assistance.

77. In 2022, the Ministry of the Interior published information for Ukrainian refugees on trafficking risks in six languages, distributing them to relevant state entities and non-state actors. These materials were provided at border crossings, train stations, hotspots, large-capacity centres, gas stations and community centres. Further, the Crime Prevention Department translated the brochure "Assistance to Victims of Crimes" into Ukrainian, providing a brief overview of the rights of crime victims within the legal framework, which was distributed to frontline entities working with Ukrainian refugees. IOM conducted awareness-raising sessions and campaigns through mobile teams in accommodation centres for Ukrainian refugees. In February 2023, the OSCE, in collaboration with the THB Information Centre, organised a workshop to discuss risks and preventive measures taken to prevent THB among Ukrainian refugees in Slovakia.

78. The Slovak Government established a centre in Bratislava accommodating Ukrainian refugees, with a capacity of 300, and provided financial contributions to private individuals providing accommodation to Ukrainians with temporary protection status through funding provided by the European Commission. Most Ukrainian refugees chose the latter option. In February 2024, the Government reduced the financial support for private accommodation providers.⁴² The reduced financial support, its temporary nature, the lack of monitoring and uncertainty about long-term housing exacerbated the refugees' vulnerability to exploitation. Civil society actors met by GRETA emphasised the absence of risk assessment, vetting of private accommodation and complaint systems, which are crucial for preventing trafficking among Ukrainian refugees, and reported that some refugees were asked for additional money or sex in exchange for accommodation.⁴³

79. The Information Offices for Victims of Crimes engaged university students as informal interpreters to facilitate communication with Ukrainian refugees. Their staff are also present in large-capacity centres to provide victim support services. GRETA was informed that the Information Office received three requests for assistance from Ukrainian refugees related to suspicions of human trafficking.

⁴¹ See report of the fact-finding mission to the Slovak Republic in May 2022, published in July 2022: <https://rm.coe.int/report-of-the-fact-finding-mission-to-the-slovak-republic/1680a72646>, accessed 10 July 2024.

⁴² Private individuals hosting Ukrainian refugees could apply for a state contribution which was initially 10 euros per adult per day and 5 euros per child per day, and was subsequently reduced to 5 euros per person per day regardless of age.

⁴³ For more details, see <https://womensmediacenter.com/women-under-siege/sex-for-aid-the-ongoing-invisibilized-sexual-exploitation-of-ukrainian-women>, accessed 10 July 2024.

80. Another challenge is to ensure Ukrainian children's access to public education. In Slovakia, school attendance is not compulsory for asylum-seeking or refugee children, including Ukrainian children. The Ministry of Education, Research, Development and Youth allocated a monthly contribution to schools for each Ukrainian child registered in the Departmental Information System, as well as monthly funds to support the integration of Ukrainians who have applied for or have been granted temporary protection.⁴⁴ As of December 2023, around 11 800 Ukrainian children were enrolled in the Slovak school system.⁴⁵ However, it is estimated that between 5 000 and 8 000 Ukrainian children are out of the Slovak school system.⁴⁶ These children either do not study or attend online courses at Ukrainian schools. No awareness-raising campaign aiming at encouraging refugee families to enrol their children was organised.

81. GRETA welcomes the measures aimed at preventing THB amongst Ukrainian refugees and highlights the importance of providing continuous information on the risks of exploitation, the rights of workers and available assistance, avenues for complaints and remedies. In this context, GRETA refers to its Guidance note on addressing the risks of trafficking in human beings related to the war in Ukraine.⁴⁷

82. **GRETA considers that the Slovak authorities should take appropriate measures to prevent asylum seekers and refugees from becoming victims of trafficking in human beings, in particular by:**

- **ensuring that asylum seekers have access to appropriate accommodation and sufficient support and assistance to prevent them from becoming vulnerable to exploitation and THB;**
- **developing a more comprehensive and systematic vulnerability assessment procedure and sensitising professionals involved in the registration process of asylum seekers to the vulnerabilities that lead to THB;**
- **ensuring that all asylum-seeking children, in particular those who are unaccompanied or separated, have access to education as early as possible and are provided with adequate assistance and protection;**
- **ensuring the prompt and appropriate appointment of legal guardians to unaccompanied asylum-seeking children;**
- **strengthening the monitoring of separated and unaccompanied children presumed to be victims of trafficking, in line with the best interests of the child and the Council of Europe's Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025).⁴⁸**

⁴⁴ The amounts vary depending on the age of the child (e.g. EUR 182 per month for a child in kindergarten, EUR 218 for a child in primary school, EUR 346 for students attending vocational and practical schools).

⁴⁵ <https://ukrajina.minedu.sk/vseobecne-informacie/> According to a survey conducted by the Comenius institute (<https://old.komenskehoinstitut.sk/prieskum-zaclenovanie-ukrajinskych-deti-do-skol/>), Slovak teachers considered the language barrier as the main challenge encountered with Ukrainian students. The psychological discomfort, the trauma caused by the war and the isolation of Ukrainian children from the rest of the group were also mentioned.

⁴⁶ Summary Analysis of Focus Group Discussions with Refugees on Education, March 2024.

⁴⁷ <https://rm.coe.int/guidance-note-on-addressing-the-risks-of-trafficking-in-human-beings-r/1680a663e2>, accessed 10 July 2024.

⁴⁸ <https://rm.coe.int/action-plan-on-protecting-vulnerable-persons-in-the-context-of-migrati/1680a409fc>, accessed 10 July 2024.

v. Homeless people

83. Another group identified by the Slovak authorities as particularly vulnerable to trafficking are homeless people. The Slovak Catholic Charity (SCC), which provides services under the Support Programme for victims of trafficking, pointed out that most victims who entered the Programme were homeless people. Many victims who decide to leave the Programme experience homelessness, accompanied by a poor mental condition. In 2020 and 2022, the SCC organised discussions on the reintegration of homeless people accommodated in shelters.

84. In 2023, the first National Concept for Preventing and Ending Homelessness was adopted with the aim of helping create conditions for the reintegration of homeless people into society. One of its sections contains discussions and lectures to prevent the risk of homeless people to human trafficking. An Action Plan for the National Concept was also developed for a three-year period, approved in May 2024 and under implementation since July 2024.

85. Homeless people have access to low-threshold day centres which provide basic services such as food, medical treatment, hygiene items, clean clothes and laundry, as well as social counselling by social workers. There are 21 low-threshold day centres with a capacity of providing services for 648 people per day and 51 overnight shelters with capacity of accommodating 1 303 people per day.

86. Further, in August 2023, the Ministry of Labour launched a six-year project entitled "Together for the Communities" aimed, among other objectives, at improving the living conditions of homeless people. One of the measures focuses on enhancing social inclusion and reducing poverty through targeted interventions in larger cities, which provide more opportunities for social ties, services, and housing solutions.

87. **GRETA welcomes the measures taken to address vulnerabilities of homeless people and invites the Slovak authorities to continue their efforts towards the prevention of trafficking in human beings among this vulnerable group.**

vi. Vulnerabilities related to the gender dimension of human trafficking

88. The National Strategy for Equality between Women and Men and Equal Opportunities (2021-2027) identifies the problem of THB and related forced marriages, as well as the greater vulnerability of women and girls. The authorities have also referred to the National Action Plan for the Prevention and Elimination of Violence against Women (2022-2027) which contains as a task to "increase the number of detected and prosecuted cases of THB involving women and forced marriages". The Action Plans for the implementation of the Strategy for Equality, Inclusion and Participation of Roma until 2030 (see paragraph 50) are particularly relevant as they aim, *inter alia*, to empower Roma women and girls through education, employment and participation, and thus reduce their vulnerability to THB. Positive policy and institutional reforms also include the adoption of the National Action Plan for the Employment of Women for the period 2022–2030.

89. GRETA refers to the UN Committee on the Elimination of Discrimination against Women (CEDAW) Concluding observations on the seventh periodic report of Slovakia,⁴⁹ which welcomed the efforts of the Slovak Republic to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, but noted with concern the lack of measures in place to identify victims of trafficking among women in prostitution.

⁴⁹ UN Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the seventh periodic report of Slovakia, CEDAW/C/SVK/CO/7, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=CEDAW/C/SVK/CO/7&Lang=E>, page 7.

90. According to information provided by the authorities, none of the victims identified during the reporting period was subjected to exploitation on the basis of their sexual orientation and/or gender identity. GRETA was not informed of any measures specifically aimed at addressing the vulnerability of LGBTI+ persons to trafficking in human beings.

91. GRETA welcomes the steps taken by the Slovak authorities to address vulnerabilities related to the gender dimension of human trafficking and considers that they should continue taking measures to counteract the risks of THB through information and awareness raising aimed at eliminating sexual and gender stereotypes, and the creation of further education, employment and participation opportunities for women and girls from Roma communities and for migrant, refugee and asylum-seeking women.

vii. Persons with disabilities

92. Persons with disabilities⁵⁰ are not expressly mentioned in the Council of Europe Anti-Trafficking Convention, but their vulnerability to human trafficking is documented in reports issued by GRETA and other international bodies. Amongst the factors which render persons with disabilities vulnerable to THB are dependence on caregivers or support systems, limited access to information and resources, difficulty communicating or advocating for themselves, stigma and discrimination.⁵¹ Reference can also be made to the Committee on the Elimination of Discrimination against Women' (CEDAW) General recommendation No. 38 (2020), which states that women and girls with disabilities are a group particularly vulnerable to being trafficked, and calls on States to provide them with special economic and social support.⁵²

93. The Slovak Republic ratified the UN Convention on the Rights of Persons with Disabilities in 2010. The Concluding observations of the Committee on the Rights of Persons with Disabilities, which monitors the implementation of the Convention, concerning the Slovak Republic's implementation of the Convention were published in 2016. GRETA refers to the following recommendations made in them: to adopt a human rights-based definition of disability in the regulations relating to the assessment of disability; to develop a policy, action plan and indicators to implement the rights of persons with disabilities among the Roma people; to provide policymakers and relevant professionals with training and raise awareness among them on the rights of persons with disabilities; and to prevent any new placement of children with disabilities in institutions.⁵³

94. Article 3(3) of Regulation No. 161/2020 on the Protection Programme for victims of THB states that the entity providing the support and assistance to the victim of THB, "shall take into account with special regard a person with special needs whose needs are related, in particular, [...] to a disability, to a mental or psychological disorder [...]". Further, the Contingency Plan adopted by the Government in response to the arrival of Ukrainian refugees following Russia's full-scale aggression against Ukraine (see paragraph 72) included among its objectives the protection of Ukrainians with disabilities.

95. Persons with disabilities have access to the general health care system in the Slovak Republic. Information about the assistance that is provided to children with disabilities is described in paragraphs 36-37.

⁵⁰ According to Article 1 of the UN Convention on the Rights of Persons with Disabilities, persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

⁵¹ OSCE, *Invisible Victims: The Nexus between Disabilities and Trafficking in Human Beings*, March 2022, p.16.

⁵² CEDAW, General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, paras. 40 and 55.

⁵³ <https://www.ohchr.org/en/documents/concluding-observations/crpdcsvkco1-concluding-observations-initial-report-slovakia>, accessed 10 July 2024.

96. GRETA was not provided with the number of persons with disabilities who have been identified as victims of trafficking during the reporting period as no such data is collected by the relevant departments of the Ministry of the Interior. According to the Slovak Catholic Charity, between 2020 and 2022, six victims with disabilities received assistance through the Support Programme for victims of trafficking.

97. **GRETA considers that the Slovak authorities should conduct research into the vulnerabilities of persons with disabilities to trafficking in human beings and develop preventive measures specifically aimed at this group.**

2. Measures to protect and promote the rights of victims of trafficking

98. Chapter III of the Convention provides for a series of measures to protect and promote the rights of victims. In the first place, it is of paramount importance to identify victims of trafficking correctly as identification enables them to benefit from the other measures and rights contained in the Convention. Pursuant to Article 10 of the Convention, States Parties shall ensure that the authorities competent to identify victims of trafficking have persons trained and qualified to perform the identification, and that these authorities collaborate with relevant support organisations in the identification process. Further, Article 12 of the Convention sets out the assistance measures which States Parties must provide to trafficking victims. Paragraph 7 of this article requires Parties to ensure that services are provided taking due account of the special needs of persons in a vulnerable position as well as the rights of children. Given the relevance of victim identification and assistance to the thematic focus of the fourth evaluation round of the Convention, this part of the report examines the application of these two provisions. Other provisions of Chapter III of the Convention, which have been examined in detail by GRETA during the previous evaluation rounds, are discussed in the chapter of the report entitled "Follow-up issues".

a. Identification of victims of THB

99. The procedure for the identification of victims of THB in Slovakia is provided by the Ministry of the Interior Regulation No. 161/2020 on the provision of a support and protection programme for victims of trafficking in human beings, which replaced the previous regulation issued in 2018. The National Referral Mechanism (NRM) was amended to simplify the procedure for the identification and referral to assistance of victims of THB and incorporate the changes included in Regulation No. 161/2020, including more detailed provisions regarding child victims of THB.⁵⁴ The revised NRM defines the principles and responsibilities to be followed as part of the identification and referral procedure, as well as the co-operation framework between the relevant authorities and NGOs involved, and provides a list of indicators on how to identify a victim of human trafficking. Any governmental or non-governmental structure in the Slovak Republic or abroad may initiate the identification of a presumed victim of THB. These include law enforcement officers, staff of the Migration Office, social workers of the asylum facilities, staff of the Information Offices for Victims of Crimes,⁵⁵ education professionals, staff of the national helpline, diplomatic and consular officials. If the presumed victim agrees to enter the Support Programme for victims of THB and terminate contact with the traffickers, he or she is considered to be formally identified as a victim. The notification about the inclusion of a person in the Programme is made by the THB Information Centre and communicated without delay to the victim.

⁵⁴ The National Referral Mechanism (Národný referenčný mechanizmus) is available in Slovak at: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>, accessed 10 July 2024.

⁵⁵ Since 2019, 28 potential victims were identified by the Information Offices and referred to the Victim Support Programme.

100. According to the statistics presented in the table in Appendix 1, the number of presumed victims of THB registered by the Ministry of the Interior⁵⁶ was as follows: 62 in 2020, 43 in 2021, 58 in 2022, and 44 in 2023. The majority of the presumed victims (126 victims, which corresponds to 61%) were female. Children (50 girls and 10 boys) represented 29% of all victims. Most victims were identified by the police (54 in 2020, 35 in 2021, 45 in 2022 and 39 in 2023). Some victims were identified by the two NGOs contracted to implement the Victim Support Programme - the Slovak Catholic Charity and the Greek Catholic Church (5 in 2020, 5 in 2021 and 8 in 2022). Only one victim was identified by the Migration Office, in 2020.

101. Female victims were primarily trafficked for the purpose of sexual exploitation (92 victims), followed by labour exploitation, forced marriage and forced begging. Male victims were trafficked primarily for the purpose of labour exploitation, but there were also some trafficked for sexual exploitation, forced begging, domestic servitude and forced criminality. In some cases, victims were subjected to multiple forms of exploitation. Child victims were primarily subjected to sexual exploitation, forced marriage and forced begging. Four of the child victims were reported by the Children and Social Guardianship Authority.

102. The overwhelming majority of the victims (197) were Slovak nationals, mostly exploited in other European countries (the UK, Germany, Ireland, Austria and the Czech Republic). Some victims were exploited both in Slovakia and abroad.⁵⁷ There were only 10 foreign nationals among the identified victims, two of whom were identified as part of the asylum procedure. The Slovak authorities outlined that none of the identified victims had been subjected to exploitation based on their sexual orientation and none of them reported police misconduct.

103. The Slovak authorities indicated that only the two above-mentioned NGOs contracted to implement the Victim Support Programme participated in the submission of data on presumed victims. The authorities also indicated that the two specialised NGOs co-operate with other NGOs which may come across victims of THB, such as organisations providing shelters for homeless people. If such a situation arises, the victim will be referred to one of the two specialised NGOs that centralise data on victims, ensuring that duplication is avoided. In addition, civil society representatives met by GRETA noted that a number of victims were assisted by NGOs without being reflected in the official statistics.

104. The identification of victims of THB for the purpose of labour exploitation was one of the major concerns highlighted in GRETA's third evaluation report. GRETA urged Slovak authorities to sensitise labour inspectors and relevant officials involved in labour inspections about THB and the rights of victims, and to instruct them to take a victim-centred approach, rather than one based on immigration control. Despite this recommendation, significant improvements have not been observed. The Slovak authorities cited low staffing levels as a key factor impeding labour inspectors' capacity to identify trafficking victims. Civil society pointed out that labour inspectors lack clear instructions on identifying and handling potential THB cases. Despite existing internal guidance and training (see paragraph 61), inspectors' knowledge of THB for labour exploitation remains inadequate. This is evidenced by the fact that labour inspectors did not identify any THB victims during the reporting period. Additionally, the practice of deporting irregularly employed third-country nationals without proper screening for trafficking signs remains a major obstacle, deterring these workers from reporting abusive conditions to authorities.

105. Another shortcoming identified in GRETA's third report was the low number of victims of trafficking detected amongst asylum seekers and persons placed in immigration detention centres. GRETA revisited the Medveďov immigration detention centre, which has a capacity of 200 people (160 men and 40 women) and is staffed by 72 police officers and six employees. During the visit, 25 persons, including one woman, were detained. No cases of human trafficking were detected. Although the staff have received training on human trafficking, GRETA was told by the centre staff that due to staff turnover there is a need for further training.

⁵⁶ These figures refer to the number of presumed victims of THB known to the authorities and include victims who did not wish to co-operate with the authorities and/or benefit from the Victim Support Programme.

⁵⁷ In 2020-2022, about 30% of the identified victims were exploited in Slovakia. In 2023, the percentage raised to 66%.

106. Several training courses on THB were provided to Migration Office's staff⁵⁸ during the reporting period. In 2021, 50 employees, including staff who are the first contact with asylum seekers, staff assessing the applications for international protection and those present in asylum facilities, attended a training course on identification of potential victims of THB, organised by the THB Information Centre. It consisted of seven training sessions with smaller groups, held in Bratislava and Košice. Further, in 2022-2024, IOM provided three training courses to the Migration Office's staff, which focused on prevention of THB and identification of vulnerable migrants, including victims of THB. In March 2021, one employee of the Migration Office became a national trainer after having participated in a module on identifying victims of THB among applicants for international protection, organised by the European Union Asylum Agency (EUAA). In March 2024, 17 employees of the Migration Office involved in asylum procedure completed this same module.

107. The Slovak authorities noted that according to Internal Order No. 13/2012 of the Director of the Migration Office, a vulnerability assessment, which includes vulnerabilities to THB, shall be conducted for each asylum seeker (for more details, see paragraph 70). During the reporting period, only two presumed victims of THB (both women) were identified as part of the asylum procedure and a victim of THB from Afghanistan was granted a refugee status. According to the Slovak authorities, the low number of identified victims as part of the asylum procedure is due to the fact that asylum seekers consider Slovakia as a transit country.⁵⁹

108. The NGOs Slovak Catholic Charity and Greek Catholic Church can visit facilities for asylum seekers and immigration detention facilities and interview migrants. If they confirm that a migrant is a victim of THB and meets the admission conditions for the Support Programme for victims of THB, he or she will be handed over to them. In January 2020, the Slovak Catholic Charity conducted two visits to the asylum reception centre in Humenné but did not identify any victims of THB. Visits were suspended in the following months due to COVID-19 related measures. In 2022, all staff of legal aid centres who visit immigration detention centres received two hours of training on THB, including basic information on identification.

109. The Slovak authorities have affirmed that officers of the Border and Foreign Police working at border crossing points, asylum centres and immigration detention centres are trained to identify potential victims of THB. Moreover, different materials related to the identification of THB victims are at the disposal of officials at border crossings, including relevant handbooks developed by Frontex.⁶⁰ However, there is a high turnover of officers and, according to some civil society interlocutors met by GRETA, Border and Foreign Police staff are not sufficiently sensitised on how to deal with victims of trafficking and lack capacity to conduct a proper identification.

110. Despite the large number of Ukrainian refugees who entered Slovakia after the outbreak of the war in 2022 and the high risk of trafficking, only one person of Ukrainian nationality was identified as a presumed victim of THB for the purpose of labour exploitation. However, after interviewing the person and verifying the case details, no evidence was found to confirm THB. Several other potential cases of THB among Ukrainian refugees were reported to the police but were not confirmed as such.

⁵⁸ The Migration Office has a total of 110 staff. One third of them are specialised in the reception and another third on asylum procedures.

⁵⁹ There were 282 asylum applications in 2020, 370 in 2021, 547 in 2022 and 416 in 2023. Out of 1 652 applications made in the period from 2020 to March 2024, 109 were granted a refugee status. <https://www.minv.sk/?statistiky-20>, accessed 10 July 2024.

⁶⁰ For example, the handbook on Risk Profiles on Trafficking in Human Beings, VEGA handbook Children at Airports and VEGA practical handbook on the detection and disruption of criminal organisations involved in THB and people smuggling at air borders.

111. The staff of the Children and Social Guardianship Authority have received no training on identification of THB victims. Based on an instruction issued on 1 March 2022 by the Director of the National Unit for Combating Illegal Migration, police officers must refer to the Guardianship Authority children identified as victims of THB. According to the authorities, this ensures the provision of early assistance to child victims of THB and makes possible a direct and automatic information exchange channel between the Guardianship Authority and the police.

112. Prison staff have not received training on THB, nor have they been provided with indicators or guidance on the detection of victims of THB among inmates.

113. While welcoming the training on human trafficking provided to the staff of the Migration Office, legal aid centres and the Border and Foreign Police, GRETA is concerned by the low number of foreign nationals identified as victims of THB, inadequate human resources, guidance, and training of labour inspectors, and the persisting practice of deporting irregularly employed third-country nationals without proper screening. Therefore, **GRETA urges the Slovak authorities to further improve the identification of victims of THB, including by:**

- **increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation by reinforcing the capacity and training of labour inspectors;**
- **ensuring that there is a separation between immigration enforcement functions and labour inspectorate roles, and that labour inspectors prioritise the detection of persons working in irregular situations who are vulnerable to THB;**
- **strengthening co-operation between law enforcement officers, labour inspectors, financial police, tax authorities, trade unions and NGOs, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation.**

114. **Further, GRETA considers that the Slovak authorities should continue and further strengthen their efforts to proactively identify victims of trafficking, including by:**

- **providing further training on the identification of victims of trafficking to frontline actors who may come into contact with victims of trafficking, including law enforcement officials, social workers, education professionals, child welfare staff, health-care staff, diplomatic and consular staff, as well as the staff of immigration reception and detention centres, prison staff, the Information Offices for Victims of Crime, and the national helpline;**
- **enabling specialised NGOs to have regular access to facilities for asylum seekers and detained migrants with a view to detecting possible victims of human trafficking.**

b. Assistance to victims

115. In accordance with the service contract signed with the Ministry of the Interior in 2022, the responsibility for running the Support Programme for victims of THB remains with the Slovak Catholic Charity until 2027, which has a partnership agreement with the Greek Catholic Church to provide assistance services to victims in the eastern parts of Slovakia.

116. The Victim Support Programme is funded from the budget of the Ministry of the Interior and co-ordinated and evaluated by the THB Information Centre. In 2022, EUR 215 554 and in 2023, EUR 246 282 were spent on the implementation of the Programme, which covered pre-return assistance, assisted voluntary return of victims, assistance and support for victims, and the operation of the national helpline. The Slovak Catholic Charity indicated that the Programme is adequately funded because most of victims admitted to the Programme live in their homes, which reduces the need for funding accommodation.

117. The conditions and procedure for including a person in the Victim Support Programme have been described in GRETA's previous reports⁶¹ and remain unchanged. Co-operation with law enforcement in the investigation of THB is not required for admission to the programme. Victims can benefit from the programme for up to 180 days without participating in criminal proceedings. If they co-operate, assistance continues throughout the proceedings. Some victims had to leave the programme when their cases were reclassified as pimping.⁶²

118. During the reporting period, 126 victims received assistance through the Victim Support Programme⁶³ (20 in 2020, 24 in 2021, 35 in 2022, 29 in 2023, and 18 in 2024. Of these, 52 were newly enrolled between 2020 and 2023. Six of the newly enrolled were foreign nationals (1 in 2020, 2 in 2022 and 3 in 2023). From 2020 to 2022, all victims in the Programme were adults; however, in 2023 most were under 21. According to the contract between the Slovak Catholic Charity and the Ministry of the Interior, the Programme can enrol up to 20 victims at a time. At the time of GRETA's visit, there were 18 victims enrolled in the Programme.

119. In its previous reports, GRETA expressed concern about the low participation in the Programme, which means that many victims are left without assistance. According to the Slovak Catholic Charity, many victims decline participation in the Programme due to reluctance to address their addictions. Victims who decide not to enter the Programme may receive limited services if the NGOs supporting them have available funding/resources. Representatives of the Slovak Catholic Charity indicated that such victims could be supported at the NGO's own expense. For example, the Slovak Catholic Charity continues to provide legal assistance from its budget to victims who choose not to co-operate with authorities. GRETA was informed that 58 victims enrolled in the Victim Support Programme received legal assistance in 2020 - March 2024.⁶⁴

120. Following the amendment to Act No. 580/2004 on Health Care Insurance and on amendment and supplementation of Act No. 95/2002 on insurance, as of 1 January 2021, foreign victims of THB included in the Victim Support Programme have free-of-charge access to health care, while victims outside the Programme are entitled to emergency health care. According to the authorities, this amendment has not been applied for the time being because foreign victims were either covered by other institutes, which ensured the reimbursement of health care, or the victims returned to their countries.

121. Victims of THB are provided with accommodation in three safe houses for vulnerable people run by the Slovak Catholic Charity, which receives funding for this purpose from the Ministry of the Interior through a service provider contract. These houses, with a total capacity of 20 persons, accommodate adults, both women and men. One house, exclusively for THB victims, has a capacity of 11 persons, with staff present on weekdays. The second house can accommodate three persons, while the third house can accommodate up to six persons. Both houses provide 24-hour assistance. Child victims are placed in separate accommodation (see paragraph 126). If there is no room in these houses, victims may be referred to another NGO.

⁶¹ See paragraphs 96 and 99 of GRETA's second report and paragraphs 48 and 211 to 214 of GRETA's third report.

⁶² See *B.B. v. Slovakia* (application 48587/21, ECtHR). The applicant in this case was initially included in the Victim Support Programme but was later removed following a decision to charge the perpetrator with pimping rather than human trafficking.

⁶³ The data includes both victims newly admitted in a given year and those admitted in previous years who remained enrolled in the Programme. The total number includes those who enrolled for the entire year as well as those who enrolled in the Programme for only a few months.

⁶⁴ 7 victims in 2020, 9 in 2021, 20 in 2022, 10 in 2023 and 12 in 2024 (until March).

122. There are 16 Information Offices for Victims of Crimes in Slovakia which mainly provide information (including on the possibilities of compensation for damage caused by a crime, professional assistance, which includes legal aid, psychological aid or mediation of social services in the form of emergency housing).⁶⁵ GRETA was informed that in 2020-2023, 24 persons contacted the Information Offices on an issue related to THB.

123. Legal assistance and representation of applicants in asylum proceedings is provided free of charge through a project implemented by the Slovak Humanitarian Council. In appeal proceedings, free legal representation is also provided by the Centre for Legal Aid. However, staff of the Centre indicated that no legal aid was provided in their offices to victims of THB during the reporting period.

124. In 2023, the Slovak Catholic Charity provided return assistance to four victims (two from Bulgaria, one from Moldova and one Slovak citizen returning from the UK). In 2023, a total of EUR 25 650 was spent on assisted voluntary returns and pre-return assistance.

125. GRETA was informed that in the case of child victims of THB entering the Programme, which is decided by the legal guardian, the procedures are adjusted according to the best interests of the child. As noted above (see paragraph 99), the NRM was also amended to incorporate the changes introduced by Regulation No. 161/2020 to the procedures related to children. In case the victim is a child, Article 10 of the Regulation states how assistance should be provided and its Annex No 1 includes a list of questions to be asked during the identification interview.

126. Child victims of THB can be accommodated in Centres for Children and Families (CCFs) which are specialised in assisting particularly vulnerable children.⁶⁶ Groups for children who have been physically or sexually abused or trafficked were set up in the CCF of Sečovce in December 2020 and in the CCF of Poprad in January 2024, both with a capacity of 10 children. Two other CCFs, in Žilina and Nitra, which are non-state accredited facilities specialised in assisting particularly vulnerable children, can also accommodate child victims of THB.

127. While welcoming the efforts made by the Slovak authorities and NGOs to assist victims of THB, GRETA remains concerned about the low participation in the Victim Support Programme. **GRETA considers that the Slovak authorities should ensure that all victims of trafficking receive adequate assistance and support tailored to their needs, regardless of their enrolment in the Victim Support Programme. This should include implementing in practice the 2021 amendments which provides for free access to health care for foreign victims of THB in the Victim Support Programme, as well as measures to help victims overcome drug, alcohol and any other addictions that prevent them from enrolling in the Victim Support Programme.**

3. Substantive criminal law and procedural law

128. The Convention places on States Parties a series of obligations aimed at enabling the effective prosecution of traffickers and ensuring that they are punished in a proportionate and dissuasive manner. As the implementation of these provisions of the Convention was examined in detail by GRETA during the preceding evaluation rounds, given the focus of the fourth round, particular attention is paid to the notion of "abuse of a position of vulnerability" and its application in case-law. Further, GRETA has decided to examine as part of the fourth evaluation round the application of Article 19 of the Convention on the criminalisation of the use of services of victims of trafficking.

⁶⁵ As of 1 February 2023, an amendment to Act No. 583/2008 Coll. on the Prevention of Crimes and Other Anti-Social Activities introduced Information Offices for Victims of Crimes within the organisational structure of the Ministry of the Interior. This initiative aims to enhance the protection, support, and assistance provided to victims of crimes and other anti-social activities.

⁶⁶ The core purpose of this specialised facility is to provide professional assistance to children in crisis situations and to assess whether they are at risk. Diagnosis plays a crucial role, with a strong focus on timely intervention and professional support.

a. Notion of “abuse of a position of vulnerability” in the law and case-law

129. Abuse of a position of vulnerability is an integral part of the international legal definition of trafficking in human beings and is central to any understanding of trafficking.⁶⁷ It is one of the means by which trafficking acts are committed and is relevant to all forms of trafficking and all exploitative purposes. Abuse of a position of vulnerability occurs when “an individual’s personal, situational or circumstantial vulnerability is intentionally used or otherwise taken advantage of, to recruit, transport, transfer, harbour or receive that person for the purpose of exploiting him or her, such that the person believes that submitting to the will of the abuser is the only real or acceptable option available to him or her, and that belief is reasonable in light of the victim’s situation.”⁶⁸

130. In the Slovak Republic, THB is criminalised under Article 179 of the CC. The “means” component of the definition of human trafficking in Article 179 of the CC includes “abusing of defencelessness or other vulnerable position”. Article 127 (7) of the CC defines “defenceless person” as a person who, because of their age, health, circumstances of the act, or the circumstances of the offender, had no chance to effectively defend themselves against the attack. The term “vulnerable position” for the qualification of the offence is not defined by the CC, but the Slovak authorities pointed out that it is explained in the commentaries to the CC. GRETA notes that the Victims Act defines in Article 2(1)(c) the term “particularly vulnerable victim”, which includes “a child, a person over 75 years of age, a person with a disability, a victim of THB, [...] an offence committed by an organised group, an offence against human dignity, an offence of terrorism or an offence of domestic violence, a victim of a crime committed by violence or threat of violence on account of his or her gender, sexual orientation, nationality, racial or ethnic origin, religion or belief, a victim of any other crime who is at a higher risk of repeated victimisation or secondary victimisation, as determined on the basis of an individual assessment of the victim and his or her personal characteristics, relationship to the perpetrator or dependence on the perpetrator, the type or nature and circumstances of the offence committed.” According to the Slovak authorities, the definition of “particularly vulnerable victim” in the Victims Act extends to the interpretation of criminal offence of THB.

131. Article 179, paragraph 3 (d), of the CC considers the commission of THB against a “protected person” as an aggravating circumstance. The definition of protected person does not include all categories of vulnerable persons. Article 139 (1) of the CC states that a protected person is “a child, a pregnant woman, a close person, a dependent person, an elderly person (over 60 years old), an ill person, persons utilising protection under international law, a public official or person who performs their duties imposed by law, a witness, expert, interpreter or translator, or a health professional when performing a health profession directed at rescuing life or protecting health.”

132. The authorities have provided GRETA with two judgments where Article 179, paragraph 3 (d) was applied because THB offence had been committed against a “protected person”. In a case⁶⁹ concerning sexual exploitation of a girl by her elder sister, the court sentenced the perpetrator to three years’ suspended imprisonment. In the second case, the perpetrator was sentenced to four years and eight months’ imprisonment for sexually exploiting a 15-year-old girl. The court accepted a plea-bargaining agreement as well as two mitigating circumstances (admittance of guilt and co-operation with the authorities).⁷⁰ Further, in another case concerning the sexual exploitation of a 13-year-old girl, the court applied two mitigating circumstances (namely, that the defendant confessed to the offence and assisted the authorities in the clarification of the offence) and the perpetrator was sentenced to three years’

⁶⁷ See UNODC Issue Paper *Abuse of a position of vulnerability and other “means” within the definition of trafficking in persons*, United Nations, April 2013, p. 3.

⁶⁸ UNODC Guidance on “abuse of a position of vulnerability” (https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Guidance_Note_-_Abuse_of_a_Position_of_Vulnerability_E.pdf, accessed 10 July 2024.) as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁶⁹ Nitra District Court, No. 3T/63/2022, 7 February 2023.

⁷⁰ Nitra District Court, No. 21T/72/2021, 10 September 2021.

suspended imprisonment.⁷¹ GRETA notes with concern that the sentences do not appear to be proportionate to the seriousness of the facts (in this context, see the recommendation in paragraph 148).

133. In the reporting period, the Ministry of Justice has identified eight convictions in which the concept of “abuse of a position of vulnerability” was highlighted. The court decisions provided by the authorities in THB cases show that the most frequent forms of vulnerability abused by traffickers are the victim’s subordination, dependence or close relationship to the trafficker, the victim’s inexperience, the victim’s low social status associated with the lack of financial resources or generationally reproduced poverty (especially in case of victims from the Roma community), the victim’s mental or physical disabilities, the young or old age of the victim or the low intellectual capacity of the victim, which make the victims more easily influenceable.

134. According to the Slovak authorities, it is necessary to prove that the victim was in a position of vulnerability and that this was known by the perpetrator who intentionally manipulated this vulnerability to exploit the victim for his/her own benefit. In one case, the court considered that the accused was aware of the “age as well as mental and intellectual immaturity of the victims who were minors”,⁷² while in another one the trafficker had abused “the defencelessness of a hearing-impaired person” or “the vulnerable position of the victim resulting from poverty”.⁷³ In a more recent judgment, the court noted that the accused had taken advantage of both “the defencelessness and the poor financial situation in the family of the minor”.⁷⁴

135. Investigators of the National Unit for Combating Illegal Migration have received training on “Particularly vulnerable victims of crimes, investigation and approach to the victim”.

136. **GRETA invites the Slovak authorities to provide investigators, prosecutors and judges with training on the concept of “abuse of a position of vulnerability” to ensure that it is properly applied in practice.**

b. Investigation, prosecution and sanctions

137. The National Unit for Combating Illegal Migration is the Police unit competent for the investigation of THB offences. The Unit has three operational and investigative departments (in the centre, the west and the east of Slovakia).

138. As noted in paragraph 93 of GRETA’s third report, the Specialised Criminal Court only deals with THB cases involving organised crime. During the reporting period there were not any such cases. There are still no specialised prosecutors or judges for trafficking cases. However, with the issuance of Order No. 20/2024 by the General Prosecutor’s Office on 19 March 2024, effective on 20 March 2024, a reporting obligation was established for regional Prosecutor’s Offices in all criminal cases prosecuted under Article 179 of the CC. Additionally, on 4 September 2024, informal contact points for trafficking cases were designated within each regional Prosecutor’s Office, alongside one designated prosecutor in the General Prosecutor’s Office to oversee both national and international matters.

⁷¹ Banská Bystrica Regional Court, No. 3To/70/2023, 16 August 2023.

⁷² District Court Liptovský Mikuláš, No. 3T/52/2021, 12 July 2021.

⁷³ Rimavská Sobota District Court, No. 11T/114/2021, 25 October 2021.

⁷⁴ Banská Bystrica Regional Court, No. 3To/70/2023, 16 August 2023.

139. The Judicial Academy, which is the institution in charge of organising and providing training to judges, prosecutors and court officials, held trainings on THB with a focus, *inter alia*, on legislation, compensation, the NRM and the Support Programme for victims of THB.⁷⁵ In 2022 and 2023, prosecutors took part in international training sessions on human trafficking, organised by the European Judicial Education Network and the Academy of Judicial Training in Budapest. In partnership with the General Prosecutor's Office, the Judicial Academy is planning further educational initiatives for 2025, with a focus on combating human trafficking.

140. According to information provided by the Slovak authorities, 28 investigations for THB offences were initiated in 2020, 19 in 2021, and 25 in 2022. The investigations involved in total 55 male and 79 female victims, who had been trafficked for labour exploitation (56 victims), sexual exploitation (56 victims), forced marriage (12 victims), forced begging (11 victims), child prostitution (2 victims), illegal adoption (1 victim), and forced criminality (1 victim).⁷⁶ 33 persons were prosecuted for THB in 2020, 39 in 2021 and 34 in 2022. As regards convictions, 9 persons were convicted of THB in 2020 by 6 judgments (three concerned forced begging, two sexual exploitation and one forced marriage of a child), 21 persons were convicted in 2021 (13 for sexual exploitation, 6 for forced begging, and 2 for forced labour) and 8 persons were convicted in 2022 by seven judgments (six concerned sexual exploitation of girls and one concerned labour exploitation). All the perpetrators were Slovak nationals except for three persons (a Romanian, a Czech and a Hungarian). No legal entities were convicted for THB. Plea bargaining was used in nine cases in 2021. In 2022 and 2023, plea bargaining was approved by the court in two cases, while the punishment was not agreed upon with the accused.

141. According to the authorities, during the reporting period the National Unit for Combating Illegal Migration participated in five Joint Investigation Teams (JITs) with the UK in cases related to human trafficking.

142. In its third report, GRETA noted that the sanctions have not always been commensurate to the impact this crime has on individuals and society because mitigating circumstances are regularly taken into account by judges, whereas aggravating circumstances are not taken sufficiently into account. In March 2021, the THB Information Centre of the Ministry of the Interior published an extensive report, including an analysis of the sentences given to traffickers in 2015-2020, with a specific emphasis on the use of Article 39 of the CC, which allows judges to reduce sentences below minimum sentencing thresholds. The report found that judges applied Article 39 to 77% of trafficking cases and almost 70% of the convicted perpetrators received a sentence lower than the four-year minimum sentence prescribed by Article 179 of the CC; 64% of the convicted perpetrators received a suspended sentence, and among those who received prison sentences, at least 10 perpetrators (13%) were released from prison early. GRETA notes with concern that the examples of judgments provided by the authorities show that in most cases the courts imposed sanctions below the minimum limit of the penalty provided for by Article 179 of the CC, taking into account mitigating circumstances (especially the fact that the perpetrator admitted guilt and/or collaborated with the criminal justice authorities) and/or approving plea-bargaining agreements concluded between the defendant and the prosecutor (see paragraph 132).

143. The authorities noted that there had been no confiscations of assets of perpetrators in THB cases and that the low number of seizures of assets is due to the fact that traffickers spend practically all the profits from the victims' exploitation. A prosecutor met by GRETA during the visit referred to a case of sexual exploitation which resulted in a sentence of five years' unsuspended imprisonment and the confiscation of assets of the perpetrator. GRETA was informed that on 27 September 2023 a ruling of the

⁷⁵ Examples of these trainings include a May 2022 event entitled *Compensating Victims of Human Trafficking*, featuring lecturers from the THB Information Centre, the National Unit for Combating Illegal Migration, and the Ministry of Justice. Topics covered included 'opportunities to assist victims of human trafficking and related protective measures' and 'activities of a specialised unit dedicated to investigating human trafficking crimes'.

⁷⁶ Some victims were exploited by more than one type of exploitation at the same time. GRETA was informed that 20 investigations for THB offences were initiated in 2023. However, the authorities have not provided information regarding forms of exploitation and victims.

Constitutional Court of the Slovak Republic⁷⁷ abolished the mandatory confiscation of property and assets in cases where the perpetrator is convicted of a serious offence, including THB. GRETA is concerned about the consequences this ruling would have on the compensation of victims of THB since assets confiscated from perpetrators could be used to compensate victims and/or provide them with support.

144. NGO representatives met by GRETA indicated that the number of investigated THB cases is low because victims are not always taken seriously by the police, or the identification is not properly conducted. According to information gathered during the visit and through the case law provided, in many THB cases the perpetrators and victims came from marginalised Roma communities and there is a family connection between them. Prosecutors met by GRETA pointed out that the common challenge in these cases is to gain the trust of the victim so that the victim agrees to testify against members of the community.

145. GRETA was informed by civil society representatives and staff of the Victim Support Programme that THB cases are often qualified as other offences, such as pimping, due to several reasons, including victims' reluctance to testify or co-operate in other ways with law enforcement authorities, lack of other evidence to prosecute perpetrators for THB, and inconsistent practice of law enforcement agencies, prosecutors and courts. Child trafficking cases are often qualified by the police as pimping and in a few cases where it was prosecuted for THB there was no common approach as to which paragraph of Article 179 of the CC should be applied.

146. GRETA refers to the recent judgment of the European Court of Human Rights in the case of *B.B. v. Slovakia*,⁷⁸ which concerned proceedings taken in Slovakia in response to an allegation that the applicant, a Slovak woman of Roma ethnicity, had been trafficked in 2010 to the United Kingdom for the purpose of prostitution. In the national proceedings, the man who had recruited, transported and exploited B.B. in the UK was convicted of pimping and sentenced to one year's imprisonment, suspended for 16 months. B.B. complained that the Slovak authorities' failure to treat the offence as one of human trafficking had been incompatible with their obligation to carry out an effective investigation into a credible suspicion that she had been subjected to human trafficking. According to the applicant, the Slovak authorities disregarded evidence concerning her vulnerable status (brought up in state care, being homeless and with no means of subsistence at the time of being recruited, having intellectual capacity close to light retardation). She also alleged that they made her testify repeatedly about traumatising events as well as made her appear in court despite her bad health condition. The Court found that the applicant's apparent consent to work as a prostitute in the UK was not decisive, as what truly mattered was her vulnerable position and the lack of any real or reasonable alternatives at the time. The Court concluded that her consent did not alter the elements of human trafficking, as she had been in a situation of vulnerability that the perpetrator had knowingly exploited. The Court held that there had been a violation of the procedural obligation of Article 4 of the European Convention on Human Rights, finding that the criminal proceedings in Slovakia had been significantly flawed as regards the authorities' treatment of the accusations against B.B.'s alleged trafficker. The Court noted that the authorities had limited their efforts to establish the facts to those relevant to the assessment of the actions of the perpetrator as pimping. The facts on the surface had presented a plausible accusation of human trafficking, which the authorities had been under an obligation to conduct an effective investigation, but had failed to do. In reaching its conclusion the Court referred to the reports by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) in respect of Slovakia and the United Kingdom, including GRETA's recommendation to the Slovakian authorities to ensure that trafficking cases led to effective, proportionate, and dissuasive sanctions and that such cases were not reclassified as other offences which carried lighter penalties. The judgment underlines states' obligation to conduct effective investigations into credible allegations of human trafficking.

⁷⁷ See the judgement PL. ÚS 1/2021-164. According to Article 58 (2), declared unconstitutional, the judge shall impose forfeiture of assets if the perpetrator is convicted of human trafficking under Article 179 of the CC.

⁷⁸ [B.B. v. SLOVAKIA](#), Application no. [48587/21](#), judgment issued on 24 October 2024.

147. In addition, civil society representatives expressed concern about the excessive length of investigations and referred to a number of investigations in THB cases which lasted unreasonably long - four years in one case, six years in two cases, and nine and a half years in another case.

148. GRETA once again urges the Slovak authorities to ensure that human trafficking offences are prosecuted as such, rather than as lesser offences, every time the circumstances of the case allow this, leading to effective, proportionate and dissuasive sanctions for those convicted.

149. Further, GRETA considers that the Slovak authorities should take additional steps to ensure that cases of trafficking are investigated proactively and promptly and prosecuted effectively, leading to effective, proportionate and dissuasive sentences, and in particular:

- **make use of special investigation techniques in order to gather evidence and not to have to rely mainly on testimony by victims or witnesses;**
- **ensure that the plea-bargaining procedure is used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;**
- **continue providing training and developing the specialisation of investigators, prosecutors and judges to deal with human trafficking cases in order to ensure that they are not re-qualified as other offences which carry lighter penalties and deprive victims of THB of access to protection, support and compensation;**
- **step up efforts to promptly identify and seize property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime and confiscate them;**
- **review the effectiveness of the legal provisions on corporate liability in relation to human trafficking offences, examining the reasons why no legal entities have been prosecuted and punished for trafficking-related acts and, in the light of their findings, taking measures to ensure that the criminal liability of legal entities can be acted upon in practice.**

c. Protection from intimidation during the criminal proceedings

150. In its third report, GRETA urged the Slovak authorities to protect victims' privacy and ensure their safety, in particular by 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 THB, avoiding, to the extent possible, cross-examination of the victim and the accused and repeated questioning of victims in THB cases.

151. As noted in GRETA's third evaluation report, according to the Victims Act, all THB victims are considered particularly vulnerable and entitled to protection from secondary victimisation. This responsibility primarily falls on the police, courts, and victim support organisations. The Code of Criminal Procedure (CPC) outlines several protective measures for vulnerable victims, including conducting the hearing of the victim via videoconference, ensuring pre-trial interviews are conducted by the same person and a person of the same sex, and having a psychologist present during interviews.⁷⁹ Additionally, the

⁷⁹ However, according to the authorities, psychologists are sometimes unreachable, especially on weekends.

Slovak authorities noted that THB victims can be granted permanent residence for five years under Article 45a of the Act on the Residence of Foreigners if they are threatened or protected witnesses in criminal proceedings, and if such residence is deemed necessary for their protection in accordance with the Witness Protection Act.

152. In 2023, 12 children appeared in criminal proceedings concerning THB as witnesses. The Slovak authorities noted that the identity of child victims of THB is protected by the fact that the preliminary and pre-trial criminal proceedings are not public. Further, the information on child victims is written down in a careful way so that their identity cannot be identified from the court documents.

153. GRETA notes with satisfaction that the number of interviewing rooms for victims of crimes have significantly increased during the reporting period, reaching a total of 28 rooms⁸⁰ located in the premises of the police district directorates. In addition, there are eight special interview rooms located in court buildings.⁸¹ In the courts where there are not such rooms, the interview is held on a different floor within the court building. During the reporting period, the interviewing rooms were used by the investigators of the National Unit for Combating Illegal Migration four times for THB victims.

154. In December 2023, the National Unit completed the EU project "Combating THB and Application of Tools to Prevent It." This project established two special interview rooms for particularly vulnerable victims at the operational and investigation departments in Bratislava and Humenné. These rooms have two areas: one for the victim's interview by an expert, usually of the same sex, and another for other participants, such as the defence lawyer and prosecutor, to observe without being seen by the victim. Since January 2024, these rooms have been primarily used for interviewing THB victims. The Slovak authorities noted that child victims of THB are interviewed in these rooms, which can be adapted to be child-friendly by paediatric psychologists. The interviews are tailored to the child's age and intellectual level and are conducted in the presence of a psychologist, a Social Legal Protection of Children department employee and an official from the Social Guardianship of the Office of Labour. So far, seven children have been interviewed in these rooms. Some police officers have received training on identifying and referring THB victims as part of the project "Special Interview Rooms for Child Victims and Other Particularly Vulnerable Victims of Crimes." However, civil society representatives told GRETA that police officers still lack sufficient training in this area.

155. GRETA welcomes the increased number of interviewing rooms for victims of crimes and training of police officers and invites the Slovak authorities to continue preventing the intimidation of victims of trafficking during the investigation, as well as during and after court proceedings.

d. Criminalisation of the use of services of a victim

156. As noted in previous GRETA reports, Slovak legislation does not establish as a criminal offence the use of services of a victim of THB, with the knowledge that the person is a victim. The Ministry of Justice has submitted a proposal to criminalise the use of services by victims of THB, with a prison sentence ranging from one to five years. However, the proposal was not approved due to the parliamentary elections in September 2023. The Ministry of Justice plans to resubmit the proposal in 2024.

157. GRETA considers that the Slovak authorities should adopt legislative measures to criminalise the use of services of a victim of trafficking, with the knowledge that the person is a victim of THB, regardless of the form of exploitation, as stipulated by Article 19 of the Convention.

⁸⁰ There are two rooms in the territorial district (TD) of the Regional Prosecutor's Office (RPO) in Prešov; three in each of the TDs of the Banská Bystrica RPO (the TD of the RPO in Nitra, the TD of the Košice RPO, the TD of the RPO of Trenčín and the TD of the RPO Žilina); five in the TD of the Trnava RPO and six in the TD of the RPO Bratislava.

⁸¹ In the Municipal Court Bratislava II, the Galanta District Court, District Court Spišská Nová Ves, Rožňava District Court, Zvolen District Court, Rimavská Sobota District Court, Regional Court in Prešov and District Court Prešov.

IV. Addressing human trafficking facilitated by information and communication technology (ICT)

158. Countries monitored by GRETA have reported an increased use of information communication technologies (ICT) for recruiting and controlling victims of trafficking. In 2022, GRETA conducted a study to assess the extent to which technology impacts trafficking and explore the operational and legal challenges that states face in detecting, investigating and prosecuting online and ICT-facilitated trafficking.⁸² As highlighted by the study, the impact of technology is particularly acute in relation to the recruitment and exploitation of victims, including their control throughout the different stages of the trafficking process. This study highlighted a number of challenges to the identification, investigation and prosecution of THB cases due to the high volume of online activities and the associated high volume of digital evidence, the use of encrypted communications, nicknames and aliases, and the time-consuming process of acquiring evidence from private companies and/or other jurisdictions. At the same time, anti-trafficking stakeholders are using technological innovations to prevent human trafficking, protect victims, and prosecute traffickers. It is therefore essential to invest in human capital and technological tools to harness the potential of ICT for effectively combating human trafficking.

159. Representatives of public authorities and NGOs met by GRETA during the visit highlighted that ICT has been increasingly used for the recruitment of victims in Slovakia, especially for the purpose of sexual exploitation. Traffickers come in contact with victims through websites with fake job offers or accommodation advertisements targeting Ukrainian refugees. There are also cases in which women and girls are offered to provide sexual services through created profiles on Internet platforms (see paragraph 164).

160. The Slovak Republic is a party to the Convention on Cybercrime (Budapest Convention) and its first Additional Protocol but not its Second Additional Protocol on enhanced co-operation and disclosure of electronic evidence. The Cybercrime Department of the National Centre for Special Types of Crime of the Presidium of the Police Force (hereinafter the "Cybercrime Department") is the 24/7 contact point of the Budapest Convention.

161. Act No. 264/2022 on media services, adopted in August 2022, regulates the procedure for preventing the dissemination of illegal content. The definition of illegal content refers to child pornography but not human trafficking (Article 151(2)).

162. Representatives of the Cybercrime Department met by GRETA during the visit indicated that no mechanisms had been developed to prevent the misuse of ICT for THB purposes. Officers of the Cybercrime Department do not proactively detect online human trafficking cases but provide assistance in online investigations initiated by other police units. There have been only a few online investigations because of lack of adequate technical equipment and trained staff to monitor the internet and proactively investigate.

163. GRETA was informed that the National Unit for Combating Illegal Migration was planning to establish contact and co-operate with the operators of internet platforms that had been used in the past to commit THB crimes. A police officer of the National Unit monitors websites (dating sites or sex pages) for possible cases of online crimes, including THB, which is not sufficient according to the National Unit representatives met by GRETA. Reference can be made to a case of trafficking of children for the purpose of sexual exploitation, which started being investigated by the National Unit in 2022. On 20 November 2023, two perpetrators (a 57-year-old male Austrian national born in Türkiye and a 15-year old male Slovak national) were charged with THB in conjunction with other offences. In the course of the criminal proceedings, new evidence was obtained, which led to the indictment of two more perpetrators (in January 2024, a 16-year-old female Slovak national and in August 2024, a 39-year old female Slovak

⁸² Paolo Campana, *Online and Technology-Facilitated Trafficking in Human Beings*, Council of Europe: <https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-full-rep/1680a73e49>, published in April 2022.

national). In October 2024, a fifth perpetrator (a 15-year-old female Slovak national) was indicted for THB in separate criminal proceedings concerning one of the victims. To date, seven victims between the ages of 12 and 16 have been identified, but further victims are expected to emerge as the investigation continues. The victims were exploited in Austria and the Slovak Republic.

164. GRETA was also informed of three cases in which investigations were conducted by the National Unit for Combating Illegal Migration concerning online exploitation of children. In the first case, the perpetrator abused the vulnerable position of a 14-year-old victim, whom he offered for sexual services through online profiles and arranged the victim's transportation to the locations where sexual services were provided. The perpetrator was charged in 2023. The second case concerned a 15-year-old girl who was exploited by a man and a woman, both Slovak nationals, who advertised her for sexual services through an online portal, and coerced her to provide sexual services under threats of violence and through the forced administration of alcohol and other narcotic and psychotropic substances. The perpetrators also used the victim once to commit a robbery at the railway station. In the third case, the perpetrator exploited a 16-year-old girl to provide sexual services through social networks, using her drug addiction and under the promise of improving her financial situation. The criminal prosecution was suspended in this case due to insufficient evidence.

165. The Council for Media Services which is the national regulator in the field of media services, built up intensive contact networks with relevant platforms, namely Facebook, Google, Twitter, TikTok and others. As already described in GRETA's previous reports,⁸³ there is no direct option to block websites by the police. If the main criminal proceedings are underway, it is possible to block websites used to disseminate child pornography or recruit victims of THB by means of applying to the court through the prosecution.

166. The National Strategy for the Protection of Children in the Digital Environment for 2020-2025 and its Action Plan include awareness-raising activities aimed at children, parents and caregivers. These activities address risks in the digital space, such as creating and disseminating sexually explicit material and sexting. Additionally, the National Programme for Combating THB for 2024-2028, along with its five-year Action Plan, outlines specific measures to prevent THB in the online space. Moreover, the Youth Strategy for 2021-2028 includes measures to promote the responsible and safe use of digital technologies among young people.

167. The Slovak authorities have published on their official websites (e.g. the websites of the THB Information Centre, the Ministry of Labour, the Police, the OGPRC, the Ministry of Education and the Ministry of the Interior) and several social media platforms, such as Facebook, Youtube or Instagram, a wide range of prevention materials, videos, discussions, press releases and interviews to raise awareness on THB among the general public. Two national media awareness-raising campaigns on THB were carried out by the Ministry of the Interior. The campaign "Don't close your eyes to it!" was implemented through online banners on websites with a national reach, both on news and on personal portals. The aim was to reach people from poor social backgrounds, with primary and secondary education. The second social media campaign was conducted in May and April 2023 and consisted of publishing information materials on child, early and forced marriages on different official websites. During prevention activities on THB, a film including a male victim's testimony ("IVAN") was used by the Slovak Catholic Charity (the creator of the film), the THB Information Centre, preventive police units and Information Offices for Victims of Crimes.

168. During the reporting period, the THB Information Centre organised awareness-raising and educational activities on THB for officers of communication and prevention departments of regional headquarters of the Police Force. In 2022 and 2023, the National Institute conducted several training events about safety on the internet for educational staff. The topics included "Keeping children safe in the digital space", "Preventing bullying and cyberbullying in the school environment", "Cybersecurity, hybrid threats, disinformation", and "Tik-Tok social network threats". From September to November 2022, 3 381

⁸³ See paragraph 159 of GRETA's second report on the Slovak Republic.

CCF employees participated on a compulsory online education on sexual violence against children. In the second half of 2022, a total of 675 professional and pedagogical employees from all CCFs completed the online training on how to work with a traumatised child.

169. Staff of CCFs used the manual "Cyber grooming and sexual abuse of adolescents in the online space" to prepare and implement preventive activities focusing on online safety for children living in CCFs. In March 2023, the Ministry of Education prepared a state educational programme for primary schools which also aimed at raising students' awareness on how to use digital technologies safely and responsibly. All elementary schools in Slovakia are required to follow the new programme starting from the 2026/2027 school year, which incorporates the use of information and communication technologies (ICT) for teaching topics, including human trafficking.

170. As part of the Action Plan of the National Strategy for the Protection of Children in the Digital Environment, the Cybercrime Department participated in educational activities aimed at increasing the safety of children and the general public on the online space. Representatives of the Cybercrime Department met by GRETA during the evaluation visit indicated that there is a higher risk of exploitation via the internet in Slovakia and that internet users of young age are at risk of being targeted by traffickers.

171. Non-state actors were also involved in raising awareness on the misuse of ICT in the context of THB. In 2020, the SCC, in collaboration with the NGO "The Why", implemented a campaign called "Online Cinema: Global Awareness Campaign on Modern Slavery". The civil associations Náruč, which help children in crisis, and iPčko collaborated in the implementation of educative activities on cyberbullying, grooming and other pitfalls of the online space.

172. Furthermore, IOM developed two digital tools, one app called "SAFE Travel & Work Abroad" and a website focusing on prevention of labour exploitation. The app is available in seven languages (including Slovak, Ukrainian, English, Russian, and Hungarian) and the website in three languages (Slovak, Ukrainian and English). IOM's manual "Using the mobile application SAFE Travel & Work Abroad" was also distributed to the Offices of Labour, Social Affairs and Family.

173. While welcoming the steps taken to raise awareness and prevent ICT-facilitated trafficking, GRETA considers that the Slovak authorities should strengthen the capacity of law enforcement officers in the areas of Internet monitoring and online investigation, such as cyber-patrolling, undercover online investigation, and social network analysis, in order to identify victims of human trafficking recruited and/or exploited online.

174. Furthermore, GRETA invites the Slovak authorities to ratify the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence.

V. Follow-up topics specific to the Slovak Republic

1. Compensation

175. Concerned by the fact that only one victim of THB had received compensation from the State and almost no victims of THB had been paid compensation by perpetrators, GRETA urged the Slovak authorities, in its third report, to adopt measures to facilitate and guarantee access to compensation for victims of trafficking.⁸⁴

176. As outlined in GRETA's previous reports, victims of THB can seek compensation from the perpetrator through criminal or civil proceedings. In its Decision 759/2017, detailed in GRETA's second report, the Constitutional Court noted that the District Court had not taken the poor psychological state of the victim into account and had referred the compensation claim to a civil court, which put the victim at risk of secondary victimisation. The Constitutional Court concluded that the criminal courts, by referring the victim to a civil court, had failed to fulfil their positive obligation to protect the human dignity and the private life of the victim.⁸⁵ A number of THB cases was adjudicated in the period 2020-2024, but it appears that in only two cases were victims awarded compensation. The first case involved the exploitation of several individuals who were vulnerable due to alcoholism, poverty, low intellectual capacity or physical disabilities.⁸⁶ The victims were forced to beg in Switzerland and Austria. In 2020, the defendant was sentenced to 108 months of unconditional imprisonment and was ordered to pay EUR 4 742 to one of the victims. The victim has not yet received the compensation awarded. This amount corresponded to the victim's pension, which had been confiscated by the defendant, as well as loan instalments that the victim had paid on the defendant's behalf. The court directed the other victims to pursue their compensation claims through civil proceedings, except for one victim who did not seek compensation. In the second case, two female victims of sexual exploitation were awarded compensation for non-pecuniary damages by the Ministry of Justice in 2024. One victim received EUR 6 944 and the other EUR 6 460.⁸⁷

177. Victims are entitled to compensation from the State under the conditions outlined in the Victims Act. This Act was amended in July 2021 to allow victims of violent crime, including THB, to apply for state compensation from the Ministry of Justice immediately after the initiation of a criminal prosecution. Previously, victims could only apply for compensation after the conclusion of criminal proceedings. The amended Act also expands the definition of victims of violent crimes to include surviving close relatives who lived in the same household as the deceased at the time of death, victims of abuse by a close person or someone entrusted with their care, and victims of involuntary disappearance who have suffered non-pecuniary harm. Additionally, the Ministry of Justice is now required to decide on compensation applications within four months from the date of receipt. Victims are eligible for compensation for non-pecuniary damages in the amount of 10 times of the minimum wage.⁸⁸

178. While in the previous reporting period only one victim of THB had been awarded state compensation, according to information provided by the Slovak authorities, six victims of THB (all Slovak nationals) were awarded state compensation in 2020-2023: in 2020, a victim received compensation in two cases (EUR 17 600 in total), in 2021 a victim was awarded and paid EUR 4,800 for non-pecuniary damage, in 2022 a victim was awarded and paid EUR 4 800 for non-pecuniary damage, in 2023 three victims were awarded in total EUR 12 607 for non-pecuniary damage (one victim was awarded but not paid EUR 3 070, the second victim was awarded and paid EUR 6 460, and the third victim was awarded and paid EUR 3 077) and in 2024 three victims were awarded and paid compensation for non-pecuniary damage (one victim received EUR 6 940, the second victim EUR 6 230, and the third victim EUR 4 050). In their comments to the draft GRETA report, the Slovak authorities indicated that compensation claims submitted by six other victims were under consideration.

⁸⁴ See paragraph 87 of GRETA's third report.

⁸⁵ See paragraph 71 of GRETA's third report.

⁸⁶ 5T/44/2019, OS Banská Bystrica.

⁸⁷ 3T/16/2023, OS Trebišov.

⁸⁸ Article 12 of the Victims Act.

179. On 3 May 2022, the Judicial Academy organised a training event on compensation of victims of THB, which was attended by judges, prosecutors, judicial officers and assistants to judges of the Supreme Court and assistants to prosecutors. On 3 and 4 September 2024, the General Prosecutor's Office organised a nationwide working meeting for 60 Slovak prosecutors to discuss THB and Confiscation of Proceeds.

180. GRETA welcomes the legislative amendments related to state compensation and the increase in the number of victims who were awarded state compensation. However, GRETA notes with concern that the number of victims of THB who have received compensation from the perpetrators or the State remains low. **Therefore, GRETA once again urges the Slovak authorities to facilitate and guarantee access to compensation for victims of trafficking, including by:**

- **enable all victims of trafficking to exercise their right to compensation, by ensuring access to legal assistance and free legal aid at the outset of the criminal proceedings;**
- **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;**
- **making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB.**

181. **Furthermore, GRETA considers that the Slovak authorities should take further steps to enable access to compensation for victims of trafficking, by providing additional training to prosecutors and judges on the issue of compensation.**

2. Recovery and reflection period and residence permit

182. As noted in GRETA's third report, the Act on Residence of Foreigners provides for "tolerated residence" which, according to the Slovak authorities, is equivalent to a recovery and reflection period for the purposes of the Convention. Pursuant to Article 58(1), point c, of this Act, a police department shall grant tolerated residence to a third-country national who is a victim of human trafficking, if he or she is at least 18 years old, and if there are no reasons for the refusal of an application as per Article 59(12). GRETA concluded in its previous reports that this provision did not satisfy the requirements of Article 13 of the Convention because the objective of the recovery and reflection period is to help victims to recover and stay free of the traffickers, entitling them to assistance and protection measures, while the tolerated residence is limited to legalising the stay of the person, without any rights to assistance and protection.

183. On 15 December 2020, the Ministry of the Interior included the recovery and reflection period in Internal Regulation No. 161/2020 on ensuring the support and protection programme for victims of THB. Article 2(g) of the Regulation defines the recovery and reflection period as "a period of time for the provision of the necessary crisis care and crisis intervention to enable the victim to emerge from the influence of the perpetrator and to consider the circumstances and context to make an informed decision to co-operate with law enforcement authorities for a period of not more than 90 days."

184. In their comments on the draft report, the Slovak authorities stated that every victim of human trafficking who enters the Programme for the Support and Protection of Victims of Human Trafficking, regardless of whether he/she is a citizen of the Slovak Republic, a foreigner from another EU country, a foreigner from a third country or a stateless person, is enabled to receive care and support for a period of 90 days, which is covered by the concept of recovery and reflection period.

185. GRETA notes that pursuant to Internal Regulation No. 161/2020 assistance may only be provided once a presumed victim accepts to be included in the Support Programme for THB victims and thus becomes formally identified. GRETA recalls that pursuant to Article 13 of the Convention, the recovery and reflection period should be provided when there are reasonable grounds to believe that a person is a victim of THB, i.e. prior to the formal identification as a victim. Further, GRETA notes that in accordance with Article 13, paragraph 1, of the Convention, the recovery and reflection period must be explicitly provided for in internal law (i.e. not merely in an internal instruction). As pointed out in GRETA's 2024 Guidance Note on the recovery and reflection period, having a clear legal basis for granting the recovery and reflection period creates legal certainty and consistency of application.⁸⁹

186. Consequently, GRETA once again urges the Slovak authorities to provide in the national legislation for a recovery and reflection period which is in compliance with Article 13 of the Convention, taking into account GRETA's Guidance note on the recovery and reflection period.

187. The Slovak authorities consider that the tolerated residence provided under Article 58 of the Act on Residence of Foreigners also serves the purpose of a residence permit for victims of THB. Article 59(6) of the Act on Residence of Foreigners states that a police department shall grant tolerated residence to victims of THB for at least 180 days if the presence of a third-country national in the Slovak Republic is necessary for the purpose of criminal proceedings. The residence permit can be renewed.

188. According to information provided by the Slovak authorities, tolerated stay was granted in only one case, to a Ukrainian woman, who was a victim of forced labour and stayed in Slovakia between October 2022 and March 2024. Additionally, a 17-year-old Afghani girl, victim of THB for the purpose of forced marriage, was granted asylum in 2020.

189. Slovak legislation still does not provide for granting a temporary residence permit to victims of THB due to their personal situation. GRETA recalls that Article 14 of the Convention allows Parties to choose between granting a residence permit in exchange for co-operation with the authorities or on account of the victim's needs, or indeed to adopt both simultaneously. There are situations in which victims might be afraid to co-operate in the investigation because of threats from the traffickers. Granting a residence permit on account of the personal situation of the victim takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human-rights based approach to combating THB. **GRETA considers that the Slovak authorities should grant temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings.**

3. Non-punishment provision

190. In its third report, GRETA urged the Slovak authorities to extend the scope of the non-punishment provision to cover all offences which victims of THB were compelled to commit, including administrative and immigration-related offences. Following GRETA's recommendation, Article 40, paragraph 2, of the CC was amended by Act No. 312/2020 on the execution of property seizure decision and seized property management and on the amendment to certain acts. This amendment, which came into effect on 1 January 2021, expanded the non-punishment provision to cover not only "minor offences", as it had previously, but all offences "committed by a person under duress due to the fact that they were a victim of THB, sexual abuse, or child pornography." No cases where Article 40 paragraph 2 of the CC has been applied to victims of THB or other offences mentioned in the provision.

⁸⁹ <https://rm.coe.int/guidance-note-on-recovery-and-reflection-period-group-of-experts-on-ac/1680b1a3ca>

191. Further, GRETA was informed that in July 2022, the Ministry of the Interior drafted a legislative amendment to introduce in the Act on Misdemeanours the principle of non-punishment of trafficked persons for administrative offences they were compelled to commit. However, in March 2023, the Ministry decided to withdraw this amendment from the legislative process. According to the Government's legislative agenda, this amendment is now scheduled for consideration in 2025.

192. Police officers have not received guidance or training on applying the non-punishment provision. As for prosecutors, the nationwide working meeting (see paragraph 179) included a discussion on the principle of non-punishment for victims of THB.

193. GRETA welcomes the extension of the scope of non-punishment provision to serious criminal offences. **However, noting that there is still no possibility in law not to punish victims of THB for administrative and immigration-related offences, GRETA considers that the Slovak authorities should take further steps to ensure compliance with the non-punishment provision, by extending its scope to cover administrative and immigration-related offences which victims of THB were compelled to commit, and issuing guidance to police officers and prosecutors on the application of the non-punishment provision.**

VI. Conclusions

194. Since the publication of GRETA's third report on the Slovak Republic on 10 June 2020, progress has been made in a number of areas covered by that report.

195. The Slovak authorities have further developed the legislative framework for action against trafficking in human beings, including the extension of the scope of the non-punishment provision and amendments to the Victims Act concerning access to state compensation. Further, the National Referral Mechanism was amended to simplify the procedure for the identification and referral to assistance of victims of trafficking. The sixth National Programme for Combating Trafficking in Human Beings (2024-2028), accompanied by an Action Plan, prioritises the early identification of victims and their access to services, and the improvement of the criminal justice process.

196. GRETA welcomes these positive developments in the Slovak Republic. However, despite the progress achieved, several issues continue to give rise to concern. A certain number of recommendations made repeatedly by GRETA in its preceding reports have not been implemented or have been only partially implemented. In this report, GRETA once again urges the Slovak authorities to take action in the following areas:

- **Recovery and reflection period** (Article 13 of the Convention). The Slovak authorities should provide in the national legislation for a recovery and reflection period which entitles presumed victims of THB to assistance and protection prior to the formal identification as a victim.
- **Compensation** (Article 15 of the Convention). The Slovak authorities should facilitate access to compensation for victims of trafficking, by guaranteeing their access to legal aid and legal assistance at the outset of the criminal proceedings, ensuring that the collection of evidence regarding the harm, including the financial gain obtained through their exploitation, is part of the criminal investigation, and making full use of the legislation on freezing and forfeiture of assets.
- **Investigation, prosecution and sanctions** (Articles 23 and 27 of the Convention). The Slovak authorities should ensure that human trafficking offences are prosecuted as such, rather than as lesser offences, and lead to effective, proportionate and dissuasive sanctions for those convicted.

197. Given that these recommendations have been made repeatedly, their priority implementation is requested and will be followed up as part of the monitoring of the implementation of the Convention.

198. As regards the thematic focus of the fourth evaluation round, which is on **vulnerabilities to trafficking in human beings**, the Slovak authorities have acknowledged the vulnerabilities of members of marginalised communities, persons with lower levels of education, unaccompanied children, children living in and leaving institutional care, homeless persons, persons with disabilities, persons with addictions, migrant workers and Ukrainian refugees. Measures to prevent trafficking of persons from vulnerable groups are included in the National Programme for Combating THB and other national strategies and policies aimed at facilitating access of vulnerable persons to education, employment and support services.

199. While welcoming the measures taken by the Slovak authorities to prevent trafficking through measures addressed at vulnerable groups, GRETA has identified a number of areas of concern which require further action. The following issues should be addressed as a matter or priority:

- ensure the safety of **children** in re-education centres and implement socio-economic integration programmes for vulnerable children, including Roma, unaccompanied and refugee children, and those in or leaving residential care;

- take additional measures to prevent trafficking in human beings of members of the **Roma community**, including through further sensitisation and training of relevant professionals (police, social workers, local services, education professionals, health-care staff, judges, prosecutors) aimed at combating negative stereotypes and discrimination;
- improve the **identification** of victims of THB, including by reinforcing the capacity and training of labour inspectors to proactively identify victims of trafficking for the purpose of labour exploitation, and ensuring that there is a separation between immigration enforcement and labour inspectorate roles.

200. GRETA welcomes the attention paid in the National Programme for Combating THB on preventing THB committed through the **use of ICT**, including the organisation of awareness-raising and training. In order to address the routine use of ICT to recruit and exploit victims of trafficking, the Slovak authorities should strengthen the capacity of investigators in the areas of Internet monitoring and online investigation, such as cyber-patrolling, undercover online investigation, and social network analysis, in order to identify victims of human trafficking recruited and/or exploited online.

201. GRETA invites the Slovak authorities to keep it regularly informed of developments as regards the implementation of the Convention. GRETA trusts that there will continue to be a political commitment in the Slovak Republic to sustain the efforts to combat human trafficking by following the human-rights based approach of the Convention and looks forward to continuing the dialogue with the Slovak authorities and civil society.

Appendix 1

Statistics on victims and criminal cases of THB in the Slovak Republic

The data presented in the table is not directly comparable across States Parties to the Convention due to variations in the methodologies used for data collection.

Indicator	Years			
	2020	2021	2022	2023
Number of presumed victims⁹⁰ Total	62	43	58	44
By sex and age group				
Women	35	23	35	33
Men	27	20	23	11
Boys ⁹¹	3	3	0	4
Girls	13	10	10	17
By forms of exploitation ⁹²				
Sexual	22	18	25	33
Labour	26	19	30	7
Forced marriage	9	4	3	1
Forced begging	10	2	2	5
Criminal activities	0	1	0	1
Number of investigations Total	28	19	25	20
By forms of exploitation ⁹³				
Sexual	18	12	17	14
Labour	3	5	5	2
Forced marriage	5	3	2	1
Forced begging	4	0	1	4
Criminal activities	0	1	0	1
Number of persons prosecuted for THB Total	25	39	34	27
Women	5	15	16	12
Men	20	24	18	15
Number of suspected or indicted traffickers Total	33	39	34	18
Women	15	18	12	9
Men	18	21	22	9
Number of convicted traffickers Total	10	21	10	18
Women	2	7	4	10
Men	8	14	6	8
By forms of exploitation ⁹⁴				
Sexual	2	13	6	n.a.
Labour	0	2	1	n.a.
Forced marriage	1	0	0	n.a.
Forced begging	3	6	0	n.a.
Criminal activities	0	0	0	n.a.

⁹⁰ Registered by the Information Centre for Combating Trafficking in Human Beings and Crime Prevention.

⁹¹ Child victims (boys and girls) are already included in the total number of female and male victims.

⁹² Some victims are counted twice because they were subjected to more than one type of exploitation and for other victims the form of exploitation is unknown.

⁹³ More than one form of exploitation was recorded for some victims. Two cases involved a combination of different forms of exploitation; therefore, the total number of investigations does not correspond to the sum of individual forms.

⁹⁴ Some victims are counted twice because they were subjected to more than one type of exploitation and for other victims the form of exploitation is unknown.

Appendix 2

List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the fourth evaluation round of the Convention

Measures to prevent the vulnerability of specific groups to trafficking in human beings

Children

- GRETA urges the Slovak authorities to:
 - implement immediate safety measures in all re-education centres, relocate any identified child victims of trafficking to specialised centres for vulnerable children, and prohibit any harmful practices which increase children's vulnerabilities, such as the use of isolation;
 - implement programmes aimed at supporting the socio-economic integration of children in vulnerable situations, including Roma children, unaccompanied children, refugee children and children living and leaving residential care (paragraph 42);
- GRETA considers that additional measures should be taken to prevent trafficking of children, and in particular to:
 - raise children's awareness of their rights and the risks of human trafficking (including recruitment and abuse through Internet/social networks), paying particular attention to children in vulnerable situations, including children living in and leaving residential care, Roma children, refugee children and unaccompanied children;
 - develop and implement school programmes aiming at building up pupils' skills, knowledge and media literacy and fostering their resilience to THB;
 - implement comprehensive training programmes for educational staff on child rights, trauma-informed care, and identifying and responding to signs of abuse;
 - improve the living conditions in the re-education centres and the availability of qualified staff, including psychologists, to ensure adequate care and support for the children and the prevention of THB (paragraph 43).

Roma community

- While welcoming the above-mentioned measures aimed at addressing the vulnerabilities of the Roma community through education, employment and awareness raising, GRETA considers that the Slovak authorities should make additional efforts to prevent trafficking in human beings of members of the Roma community through further outreach and awareness raising amongst this community and further sensitisation and training of relevant professionals (police, social workers, local services, education professionals, health-care staff, judges, prosecutors) aimed at combating negative stereotypes and discrimination (paragraph 55).

Migrant workers

- Referring to GRETA's Guidance Note on combating trafficking for labour exploitation and the Council of Europe Committee of Ministers Recommendation to Member States CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, GRETA considers that the Slovak authorities should take further steps to protect migrant workers from trafficking in human beings, in particular by:
 - strengthening the monitoring of recruitment and temporary employment agencies and controlling the authenticity and legality of work contracts and other relevant documentation;
 - providing further training on trafficking in human beings to labour inspectors and other relevant officials with a focus on vulnerabilities that lead to THB and early detection of cases of THB for the purpose of labour exploitation;
 - ensuring that migrant workers eligible to engage in self-employment are provided with effective access to the labour market, in particular by providing them with vocational and language training, and preventing bogus self-employment;
 - raising awareness among employers as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation and the rights of victims of trafficking, as well as on workers' rights under labour laws;
 - taking additional steps to ensure the availability of professional interpreters for different languages spoken by victims of trafficking, as well as their sensitisation to the issue of human trafficking (paragraph 68).

Asylum seekers and refugees

- GRETA considers that the Slovak authorities should take appropriate measures to prevent asylum seekers and refugees from becoming victims of trafficking in human beings, in particular by:
 - ensuring that asylum seekers have access to appropriate accommodation and sufficient support and assistance to prevent them from becoming vulnerable to exploitation and THB;
 - developing a more comprehensive and systematic vulnerability assessment procedure and sensitising professionals involved in the registration process of asylum seekers to the vulnerabilities that lead to THB;
 - ensuring that all asylum-seeking children, in particular those who are unaccompanied or separated, have access to education as early as possible and are provided with adequate assistance and protection;
 - ensuring the prompt and appropriate appointment of legal guardians to unaccompanied asylum-seeking children;
 - strengthening the monitoring of separated and unaccompanied children presumed to be victims of trafficking, in line with the best interests of the child and the Council of Europe's Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025) (paragraph 82).

Homeless people

- GRETA welcomes the measures taken to address vulnerabilities of homeless people and invites the Slovak authorities to continue their efforts towards the prevention of trafficking in human beings among this vulnerable group (paragraph 87).

Vulnerabilities related to the gender dimension of human trafficking

- GRETA welcomes the steps taken by the Slovak authorities to address vulnerabilities related to the gender dimension of human trafficking and considers that they should continue taking measures to counteract the risks of THB through information and awareness raising aimed at eliminating sexual and gender stereotypes, and the creation of further education, employment and participation opportunities for women and girls from Roma communities and for migrant, refugee and asylum-seeking women (paragraph 91).

Persons with disabilities

- GRETA considers that the Slovak authorities should conduct research into the vulnerabilities of persons with disabilities to trafficking in human beings and develop preventive measures specifically aimed at this group (paragraph 97).

Identification of victims of THB

- GRETA urges the Slovak authorities to further improve the identification of victims of THB, including by:
 - increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation by reinforcing the capacity and training of labour inspectors;
 - ensuring that there is a separation between immigration enforcement functions and labour inspectorate roles, and that labour inspectors prioritise the detection of persons working in irregular situations who are vulnerable to THB;
 - strengthening co-operation between law enforcement officers, labour inspectors, financial police, tax authorities, trade unions and NGOs, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation (paragraph 113);
- GRETA considers that the Slovak authorities should continue and further strengthen their efforts to proactively identify victims of trafficking, including by:
 - providing further training on the identification of victims of trafficking to frontline actors who may come into contact with victims of trafficking, including law enforcement officials, social workers, education professionals, child welfare staff, health-care staff, diplomatic and consular staff, as well as the staff of immigration reception and detention centres, prison staff, the Information Offices for Victims of Crime, and the national helpline;
 - enabling specialised NGOs to have regular access to facilities for asylum seekers and detained migrants with a view to detecting possible victims of human trafficking (paragraph 114).

Assistance to victims

- GRETA considers that the Slovak authorities should ensure that all victims of trafficking receive adequate assistance and support tailored to their needs, regardless of their enrolment in the Victim Support Programme. This should include implementing in practice the 2021 amendments which provides for free access to health care for foreign victims of THB in the Victim Support Programme, as well as measures to help victims overcome drug, alcohol and any other addictions that prevent them from enrolling in the Victim Support Programme (paragraph 127).

Notion of "abuse of a position of vulnerability" in the law and case-law

- GRETA invites the Slovak authorities to provide investigators, prosecutors and judges with training on the concept of "abuse of a position of vulnerability" to ensure that it is properly applied in practice (paragraph 136).

Investigation, prosecution and sanctions

- GRETA once again urges the Slovak authorities to ensure that human trafficking offences are prosecuted as such, rather than as lesser offences, every time the circumstances of the case allow this, leading to effective, proportionate and dissuasive sanctions for those convicted (paragraph 148);
- GRETA considers that the Slovak authorities should take additional steps to ensure that cases of trafficking are investigated proactively and promptly and prosecuted effectively, leading to effective, proportionate and dissuasive sentences, and in particular:
 - make use of special investigation techniques in order to gather evidence and not to have to rely mainly on testimony by victims or witnesses;
 - ensure that the plea-bargaining procedure is used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;
 - continue providing training and developing the specialisation of investigators, prosecutors and judges to deal with human trafficking cases in order to ensure that they are not re-qualified as other offences which carry lighter penalties and deprive victims of THB of access to protection, support and compensation;
 - step up efforts to promptly identify and seize property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime and confiscate them;
 - review the effectiveness of the legal provisions on corporate liability in relation to human trafficking offences, examining the reasons why no legal entities have been prosecuted and punished for trafficking-related acts and, in the light of their findings, taking measures to ensure that the criminal liability of legal entities can be acted upon in practice (paragraph 149).

Protection from intimidation during the criminal proceedings

- GRETA welcomes the increased number of interviewing rooms for victims of crimes and training of police officers and invites the Slovak authorities to continue preventing the intimidation of victims of trafficking during the investigation, as well as during and after court proceedings (paragraph 155).

Addressing human trafficking facilitated by information and communication technology (ICT)

- While welcoming the steps taken to raise awareness and prevent ICT-facilitated trafficking, GRETA considers that the Slovak authorities should strengthen the capacity of law enforcement officers in the areas of Internet monitoring and online investigation, such as cyber-patrolling, undercover online investigation, and social network analysis, in order to identify victims of human trafficking recruited and/or exploited online (paragraph 173);

- GRETA invites the Slovak authorities to ratify the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (paragraph 174).

Follow-up topics specific to the Slovak Republic

Overview of trends and changes in the legislative, institutional and policy framework for action against human trafficking

- GRETA considers that the Slovak authorities should establish an independent National Rapporteur separated from the function of National Co-ordinator or designate another mechanism as an independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to the persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) (paragraph 16).

Compensation

- GRETA once again urges the Slovak authorities to facilitate and guarantee access to compensation for victims of trafficking, including by:
 - enable all victims of trafficking to exercise their right to compensation, by ensuring access to legal assistance and free legal aid at the outset of the criminal proceedings;
 - 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;
 - making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB (paragraph 180);
- GRETA considers that the Slovak authorities should take further steps to enable access to compensation for victims of trafficking, by providing additional training to prosecutors and judges on the issue of compensation (paragraph 181).

Recovery and reflection period and residence permit

- Consequently, GRETA once again urges the Slovak authorities to provide in the national legislation for a recovery and reflection period which is in compliance with Article 13 of the Convention, taking into account GRETA's Guidance note on the recovery and reflection period (paragraph 186);
- GRETA considers that the Slovak authorities should grant temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings (paragraph 189).

Non-punishment provision

- Noting that there is still no possibility in law not to punish victims of THB for administrative and immigration-related offences, GRETA considers that the Slovak authorities should take further steps to ensure compliance with the non-punishment provision, by extending its scope to cover administrative and immigration-related offences which victims of THB were compelled to commit, and issuing guidance to police officers and prosecutors on the application of the non-punishment provision (paragraph 193).

Appendix 3

List of public bodies, intergovernmental organisations and civil society organisations with which GRETA held consultations

Public bodies

- Ministry of the Interior
 - State Secretary, National Co-ordinator on Combating Trafficking in Human Beings
 - Information Centre for Combating Trafficking in Human Beings and Crime Prevention
 - Crime Prevention Department
 - Expert Group for the Field of Combating Trafficking in Human Beings
 - Information Offices for Victims of Crimes
 - Information Centre for Combating Trafficking in Human Beings and Crime Prevention
 - Presidium of the Police Force
 - Cybercrime Department of the National Centre for Special Types of Crime
 - Border and Foreign Police
 - Bureau of the Border and Foreign Police of the Presidium of the Police Force
 - Foreign Police Department
 - National Unit for Combating Illegal Migration
 - Migration Office
- Ministry of Justice
 - Centre for Legal Aid
 - General Directorate of the Prison and Judicial Guard Force
- Ministry of Labour, Social Affairs and Family
 - Strategic Unit of social and legal protection of children
 - National Co-ordination Centre for the protection of children from violence
 - Children and Social Guardianship Authority
 - Office of Labour, Social Affairs and Family
 - National Labour Inspectorate
 - Labour Market and Policy Department
- Ministry of Education, Research, Development and Youth
- Ministry of Health
- Prosecutor General's Office
- District Prosecutor's Offices
- Judges of the Specialised Criminal Court
- Judges of Regional and municipal Courts
- Office of the Commissioner for Children
- Office of the Government Plenipotentiary for Roma Communities
- National Council (Parliament) of the Slovak Republic, Human Rights and Ethnic Minorities Committee

Intergovernmental organisations

- International Organization for Migration (IOM)
- United Nations Children's Emergency Fund (UNICEF)
- United Nations High Commissioner for Refugees (UNHCR)

Civil society organisations

- Slovak Catholic Charity (Caritas, SCC)
- Human Rights League
- Slovak Humanitarian Council

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in the Slovak Republic

GRETA engaged in a dialogue with the Slovak authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Slovak authorities on 20 December 2024 and invited them to submit any final comments. The comments of the authorities, submitted on 31 January 2025, are reproduced hereafter.

Official comments by the Slovak authorities to the text of the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, Strasbourg, 20 December 2024, GRETA(2025)04prov within the 4th evaluation round dated 31 January 2025

The Slovak authorities would like to express their gratitude for recommendations made by GRETA within its final report and at the same time to take the opportunity of submitting final comments to be published together with the text of the final report. While cooperating with GRETA before completion of the final report, the biggest challenge for Slovak authorities was provision of reliable statistical data.

Point 64:

We would like to add the following updated information (in red):

In May 2023, the Slovak Republic participated in the Joint Action Days to identify potential victims of THB for the purpose of labour exploitation. Inspections involving both police officers and labour inspectors were carried out simultaneously under the guidance of Europol in 32 countries. In the Slovak Republic, 28 business entities were inspected, but no THB cases were detected. **In April and June 2024, the Slovak Republic also participated in the Joint Days to identify potential victims of THB for the purpose of labour exploitation and to identify potential victims of THB for the purpose of sexual exploitation, forced criminality and forced begging with particular regard to child victims. There were inspected 81 business entities in total, while in four cases illegal employment of foreigners was identified.**

Point 65:

We would like to add the following updated information (in red):

During the reporting period, joint inspections were conducted by labour inspectors and the Border and Foreign Police (BFP). The BFP assist labour inspectors in detecting illegal employment of foreign workers, checking residence documents, and identifying victims of human trafficking. While immigration control is not the responsibility of labour inspectors, they verify the validity of residence permits during inspections. If a foreign worker lacks a valid permit, they are deported. Interpreters from the BFP are present during joint inspections, according to Slovak authorities. However, civil society actors reported that in practice, labour inspectors often rely on employers, coordinators, or coworkers for interpretation. Labour inspectors mentioned plans to hire interpreters for on-line translation during future inspections. **As of 2024, a new translator device has been tested and provided to each Labour Inspectorate to ensure better translation and understanding between foreign workers and inspectors during inspection.**

Point 66:

We would like to add the following updated information (in red):

In Slovakia, obtaining a residence permit for a third-country national for the purpose of employment is a complex and lengthy process, while registering as a business owner and obtaining a temporary residence permit for this purpose is simple and quick. This often leads foreign nationals to resort to bogus self-employment, allowing employers to be exempted from the obligation to ensure the health and safety of the worker at work. Civil society and national authorities have expressed concern about the widespread use of bogus self-employment, particularly among Ukrainians under temporary protection who are prohibited from establishing businesses or engaging in self-employment in Slovakia.

In this context, NLI is working on implementation of its new methodological guidelines for labour inspections which contain instructions on how to better identify bogus-self employment. Additionally, the Ministry of Labour, Social Affairs and Family is from 2024 launching information campaign for workers about legal work and the risks of illegal work, including bogus self-employment.

In connection with the war conflict in Ukraine and the increase in the number of incoming Ukrainian nationals who are exposed to an increased risk of THB, the NLI, in cooperation with the European Labour Authority, prepared a translation of the manual "Legal work, legal employment" into the Ukrainian language. This guide is also part of the NLI campaign "Work legally, work safely 2020-2021" and the EU campaign on the benefits of declared work #EU4FairWork.

Point 67:

We would like to include specification (in red) in accordance with the text of the Act No. 5/2004 as follows:

Job intermediaries and temporary employment agencies are regulated by Act 5/2004,³¹ which impose an obligation to obtain an authorisation to operate in Slovakia³² and prohibits charging fees to workers. Despite this, civil society actors noted that many workers were charged fees by agencies registered abroad but operating in Slovakia. These agencies recruit workers and second them to employers. From 2020 to 2022, these agencies facilitated the employment of over 120,000 employees, particularly in industrial production, transport, storage, administration, construction and catering. The Slovak authorities indicated that the complexity of hiring non-EU workers drives the use of temporary employment agencies and intermediaries. According to civil society, temporary employment agencies and job intermediaries are a major source of illegal employment, often difficult to investigate. **The CLSAF shall withdraw the permit for the performance of the activities of a temporary employment agency if the temporary employment agency has been fined for violating the prohibition of illegal employment.** Labour inspectors can propose suspending or revoking an agency's authorisation if they detect breaches, but no such actions were taken during the reporting period. There is a need to raise awareness among Slovak employers about their co-responsibility for illegal employment and strengthen the inspection of these agencies.

Point 73:

We would like to include the following position to the point (in red):

In the days following the full-scale invasion, 84% of the Ukrainians arriving in Slovakia were women and children. Registration of refugees was not possible at the borders, so refugees had to register in one of the 12 registration offices in the country. NGOs reported cases of children who crossed the border unaccompanied. Pursuant to Article 313 of the Civil Code of Ukraine, children between 16 and 18 years old can travel outside Ukraine without parental permission. In 2022, 152 unaccompanied children from Ukraine were placed in CCFs but the number decreased to 41 as of 31 December 2023. A legal guardian is appointed by the court when a child has no parent or legal representative, and the procedure may take up to one month. A total of 22 child victims of THB were appointed a legal guardian (9 in 2020, 7 in 2021 and 6 in 2022). According to several NGOs, the appointment of a legal guardian to unaccompanied Ukrainian children usually takes longer than the stipulated month and without a proper assessment of the person appointed. Among those appointed as legal guardian, there are friends of the child, distant relatives with whom it was very difficult to determine the family relationship or neighbours. The monitoring of the situation of those children by the Slovak authorities is very limited.

In the case of other relatives and close persons arriving or staying in the territory of the Slovak Republic with children of whom they are not legal representatives, the body of social and legal protection of children and social curatorship authorities provide these persons with social counselling and assistance/help for the purpose of submitting a petition to the competent court regarding the appointment of a guardian. In order to ensure urgent actions in the interest of a minor child that cannot currently be performed by the parents, the competent court shall appoint a guardian, in particular to represent the parents in practical matters relating to, for example, health care for a minor child, visits to school, kindergarten, request for temporary shelter for a minor child. The competent court shall decide

on guardianship on the basis of the submitted petition and an examination of the child's situation with the person where the child is located and who requested guardianship rights to the child. Inspections on the child's situation are carried out by the body of social and legal protection of child and social curatorship.

The text clearly states that if non-governmental organizations had knowledge of unaccompanied minors, they were obliged to notify the Border and Foreign Police and the competent authority.

Point 80:

In relation to findings of GRETA that „in Slovakia, school attendance is not compulsory for asylum-seeking or refugee children, including Ukrainian children“ we would like to add an updated information on the progress made on the national level. As of December 2023, around 11,800 Ukrainian children were enrolled in the Slovak school system, while as of November 2024 there were 10,629 Ukrainian children whose type of stay is tolerated, due to the temporary refuge. However, the total number of Ukrainian children in the school is very likely higher, since the number of children who came to Slovakia due to the war conflict have already obtained temporary or even permanent residence, therefore they are no longer included in the statistical data, but in most cases they continue to be educated in Slovak schools. Despite this, it is estimated that a number of Ukrainian children are still outside the Slovak school system. For this reason, with effect from January 1, 2025, the Ministry of Education, Science, Research and Youth established a number of fundamental legislative changes in relation to the introduction of compulsory education for children who are citizens of Ukraine and in relation to whom proceedings for the provision of temporary refuge have been initiated or granted temporary refuge. Obligation of the legal representative of a child of the age of compulsory pre-primary education or compulsory schooling, who is a citizen of Ukraine has been introduced and until December 31, 2024, proceedings for the provision of temporary refuge have started in relation to him/her or he/she has been granted temporary refuge to perform all the necessary actions, for the child to start education in kindergarten, elementary school or high school from September 1, 2025. Also legally adjusted the conditions of employment of teaching and professional staff from Ukraine have been stipulated in law, which can significantly increase the number of staff who will work with foreign children and who can speak the language of these children. We will be happy to provide GRETA and the Committee of the Contracting Parties with more detailed information on the introduced changes.

Point 185:

We fully agree with the conclusion made by GRETA that „...pursuant to Article 13 of the Convention, the recovery and reflection period should be provided when there are reasonable grounds to believe that a person is a victim of THB, i.e. prior to the formal identification as a victim.“ We would like to emphasize again that as per NRM, formal identification of the victim in the Slovak Republic can be made by law enforcement only, therefore any presumed victim who enters the Programme is not formally identified, only identified and the notion of „reasonable grounds to believe that a person is a victim of THB“ is fully covered by Internal Regulation No. 161/2020. Nevertheless, we understand the recommendation raised by GRETA that „...the recovery and reflection period should be available not only for third-country nationals, but also to presumed victims who are legally resident on the territory of a state with a short-term residence permit...“.

Appendix 2:

In relation to the List of GRETA's conclusions and proposals for action aimed at trafficking of children (p. 49), to the first listed recommendation „introduce and implement immediate safety measures in all CCF and re-education centres, including relocation of identified child victims of trafficking, and prohibit any harmful practices which increase children's vulnerabilities, such as the use of "protection rooms" for disciplinary measures in the re-education centres;“, we would like to comment (in red) as follows:

Protective rooms are not used in CCF and disciplinary measures are not used. CCF provides a safe environment and care that is based on an individual and integrative approach, so that the rights and views of the child are respected. In view of the above, we do not agree with the application of this measure to CCF.