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2019 Trafficking in Persons Report: Slovakia

SLOVAKIA: Tier 2

The Government of the Slovak Republic, or Slovakia, does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included implementing a new victim protection law, approving a new national program to fight trafficking, granting full medical treatment to all trafficking victims, and issuing a brochure on trafficking for temporary workers. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period. Convictions decreased and Slovak courts suspended every convicted traffickers' sentence, resulting in none of them spending time in prison. The government identified fewer victims, and authorities did not adequately identify foreign or domestic trafficking victims within the country or adequately sensitize the growing foreign worker population to trafficking risks, its rights, and available victim assistance; the government did not utilize witness protection programs for trafficking victims; and the government rarely awarded compensation to victims. Therefore Slovakia was downgraded to Tier 2.

PRIORITIZED RECOMMENDATIONS

Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to significant prison terms.

- Increase training and capacity for investigators, prosecutors, and judges on a victim-centered, trauma-informed approach to law enforcement efforts and trial.
- Protect victims from potential retaliation and intimidation in the course of law enforcement and judicial proceedings, including by employing trauma-informed approaches to interviewing victims and implementing the new exemption from direct confrontation.
- Improve sentencing norms by sensitizing judges to the severity of trafficking crimes and the full range of penalties available in the law.
- Improve identification of and enhance coordination of service provision for child victims.

- Issue revised formal written procedures for victim referral that outline roles for all officials and stakeholders in order to improve victims’ access to and the quality of assistance, and train all relevant officials on the revised procedures.
- Improve efforts to proactively identify domestic and foreign victims within the country, including by updating victim identification protocols and training government officials, particularly border police, labor inspectors, and municipal law enforcement, on proactive victim identification among vulnerable groups.
- Amend the law on the non-punishment of victims to ensure that trafficking victims are not inappropriately penalized for unlawful acts traffickers compelled them to commit, including administrative offenses.
- Increase efforts to inform foreign worker groups of worker rights and responsibilities and victim assistance resources in native languages, including at foreign registration centers.
- Streamline definitions and methodologies for gathering law enforcement and victim data.

PROSECUTION

The government decreased law enforcement efforts. Section 179 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of four to 10 years’ imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Section 246 of the old criminal code was also utilized during the reporting period to prosecute offenses which occurred before the new code went into effect; it prescribed penalties of three to 10 years’ imprisonment for offenses involving a victim over 15 years of age, and five to 12 years’ imprisonment for those involving a victim under the age of 15.

Government officials initiated 27 investigations (37 in 2017 and 25 in 2016). Prosecutors indicted 21 alleged traffickers—17 under Section 179 of the criminal code (25 in 2017, 10 in 2016, and 22 in 2015) and four under Section 246 of the old criminal code. Prosecutors obtained convictions of eight Slovak citizens under Section 179 (14 in 2017, four in 2016, and 21 in 2015); seven received 36-month suspended sentences with probation, one received a 36-month suspended sentence without probation, so no convicted traffickers spent any time in prison. Over the past five years, approximately 73 percent of trafficking convictions resulted in fully suspended sentences; the absence of effective sentences in Slovakia contributed to impunity for traffickers. Slovak authorities said the high percentage of suspended sentences and plea bargains was due to a weak body of evidence, unreliable victim testimony, and many perpetrators being low-level recruiters and not the actual organizers of the trafficking operation. National police cooperated with United Kingdom (UK) police on three international investigation teams, identifying 18 Slovak victims, as well as other police authorities

abroad, EUROPOL, and INTERPOL. The government extradited one alleged trafficker to the UK. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

There was no dedicated trafficking unit within the prosecution service, but the government routinely assigned cases to those with experience prosecuting trafficking. The government assigned trafficking cases without organized crime elements to district prosecutors in the regular court system, while the Office of the Special Prosecutor prosecuted cases with a nexus to organized crime in the specialized criminal court. An electronic system randomly assigned cases to judges. The national police provided training for and cooperated with the financial intelligence unit of the national criminal agency to uncover suspicious transactions indicative of trafficking, but did not uncover any trafficking cases as a result of the cooperation. The Irregular Migration Unit within the Bureau of Border and Alien Police (BBAP) coordinated law enforcement efforts. While the Ministry of Interior (MOI) and police enhanced coordination and cooperation on gathering law enforcement and victim identification statistics, differences in how various institutions gathered law enforcement statistics continued to hinder the effective comparison and monitoring of trafficking-related efforts. The MOI and BBAP prepared a new manual for interviewing trafficking victims and distributed it to all law enforcement working in BBAP's Irregular Migration Unit. The government provided anti-trafficking training for 105 members of the specialized national police unit and more than 300 additional officers, and the police academy trained approximately 2,000 police investigators on the protection of victims of crime. The law enforcement vocational school in Bratislava delivered a specialized trafficking curriculum for 300 students. The judicial academy provided in-kind support for a workshop on a victim-centered, trauma-informed approach for 47 prosecutors, police, and judicial personnel.

PROTECTION

The government maintained efforts to protect victims. The government identified 46 victims (75 in 2017 and 32 in 2016). NGOs identified an additional 10. Of the 56 total victims identified, 34 were female (including two foreign nationals and 12 children) and 22 were male. Forced begging was the most common form of trafficking, with 24 cases reported by police, followed by sex trafficking (17 victims, including seven children), forced labor (seven victims), forced marriage and domestic servitude (six victims, including five children), forced marriage for the purposes of exploitation, and sex trafficking (two child victims); some cases included multiple forms of exploitation. The national police reported 38 of the 46 victims identified by law enforcement involved Slovak victims exploited in other countries. As previously reported by GRETA, the identification of foreign national, unaccompanied minor, and Slovak victims within the country remained a challenge, and the statistics on identified victims did not reflect the actual scale of this phenomenon in the country. While the government made some effort to increase identification of foreigners, experts reported there were still persistent weaknesses. The government did not adequately identify foreign trafficking victims, and NGOs warned the situation could further deteriorate with the growing number of foreign workers arriving in Slovakia. Experts criticized government screening, outreach, and prevention efforts among foreign workers as insufficient. Experts

suspected border police did not always proactively screen migrants for indicators of trafficking, despite having received victim identification trainings. Experts criticized BBAP, which registered all foreigners in the country, for not providing information to foreigners about trafficking risks and victim assistance contacts. Experts alleged the government deported unidentified foreign victims arrested for illegal employment, including a large group of Serbian nationals. An NGO administering the victim care program conducted 12 visits to asylum-seeker facilities and irregular migrant detention facilities to screen 32 individuals; the NGO did not identify any victims on these visits. Slovak embassies abroad separately reported identifying 26 victims and assisted six, including two children, with voluntary returns to Slovakia; these victims were not included in Slovak statistics because they often chose not to return to Slovakia. The government offered repatriation services for foreign victims, but it did not repatriate any victims in the reporting period. Experts said efforts to identify domestic victims could be increased by improving training of police officers and civic patrols working in marginalized Romani settlements and municipal police patrolling areas with populations of homeless people.

The MOI state secretary acted as the national coordinator on anti-trafficking efforts and approved the official identification of victims and their enrollment into the victim assistance program. Although the government had not denied a suspected victim entry into the program since 2015, some NGOs continued to criticize the government's victim assistance program for allowing too much discretion by law enforcement to decide whether a potential victim could enroll in the program, which could impede access to services. While law enforcement and social workers had procedures to refer victims to the national coordinator or care facilities, other officials lacked such procedures, including health care specialists, employees of foster homes, and counselors of offices of labor, social affairs, and family. The MOI continued updating the national reference framework to include procedures for these professionals, but did not finalize them. Of the 56 victims, 16 (nine men and seven women) entered the government-funded victim care program in 2018 (19 of 88 in 2017 and 21 of 45 in 2016); police referred six and civil society referred 10. The program continued to assist an additional 25 victims enrolled from previous years. In 2018, the government provided €275,000 (\$315,370) to one NGO that provided the victim assistance program, voluntary return, and the national trafficking hotline, equal to the amount in 2017.

The government-funded, NGO-run assistance program provided Slovak and foreign victims shelter, financial support, repatriation to Slovakia, health care, psycho-social support, legal assistance, interpretation services, and job training. Foreign victims, including both EU nationals and third country nationals, had access to the same scope and quality of victim care and support. The victim care program accommodated victims in domestic violence shelters, with men and women housed separately, or homeless shelters. There were limited accommodations for victims with families. The government did not fund a specialized victim care provider dedicated to child victims. Authorities placed unaccompanied child trafficking victims in the care of child protective services in government-run children's homes or an NGO-run crisis home for children; no children entered the care program in 2018 (none in 2017 and six in 2016). Experts said government ministries' lack of clarity on their roles and responsibilities hampered service provision to children, particularly if a legal guardian was not involved. The

government amended the public health insurance law so all victims enrolled in the care program received full medical treatment despite outstanding payments for health insurance.

All potential victims were eligible for at least 30 days of crisis care; victims enrolled in the assistance program were eligible for up to 180 days of care without having to participate in an investigation, including temporary residence and the right to work for foreign victims. The law authorized permanent residency to foreign victims who would face hardship or retribution if returned to their country of origin; authorities issued no such residence permits. All 46 victims identified by police cooperated with police and prosecutors. The pre-trial and trial process was lengthy and not always adapted, nor law enforcement, prosecutors, or judges sufficiently trained, to avoid re-traumatization of victims. The 2018 crime victims protection act provided psychological assistance to victims in pre-trial proceedings, banned direct cross-examination of victims, and allowed recorded testimony as official trial evidence, among other protections. NGOs reported the government implemented and applied the new law inconsistently, and police did not have proper interviewing equipment or training to implement the law. Officials expressed concern the new law's limit of one victim interview would hinder opportunities to build rapport with traumatized victims, who are unlikely to provide reliable testimony in a single interview session. Judges were generally willing to accommodate requests to provide a separate waiting area for victims and remove the suspected trafficker from the courtroom during victim testimony. Witness protection programs existed but had not been used to protect trafficking victims. The 2018 law also provided for victim restitution directly by the state after the trafficker was convicted and sentenced without possibility of further appeal. NGOs said progress was slow in providing restitution to victims under the new act and criticized the maximum amount of restitution authorized by the state, €5,200 (\$5,960). Under the new law, victims who sought compensation from their traffickers through a civil suit could not request restitution from the state through criminal proceedings. Experts noted judges did not award damages in the majority of cases, whether criminal or civil proceedings, and victims lacked legal and financial support to pursue damage claims in the various stages of extremely lengthy proceedings. The government awarded compensation to one trafficking victim. As reported by GRETA, the law outlined a narrow interpretation of the non-punishment of victims, giving prosecutors discretion to terminate criminal prosecution only for offenses committed by negligence and offenses carrying a maximum sentence of imprisonment of five years; it did not cover administrative offenses.

PREVENTION

The government increased efforts to prevent trafficking. The government approved a new national program to fight trafficking in November 2018, covering 2019-2023, which included specific tasks for ministries, acknowledged the need for various ministries to improve their anti-trafficking capacity, and emphasized protection of child victims. The Expert Working Group (EWG), which included representatives from the relevant ministries, the prosecution service, police, and NGOs, provided input for the program. Some EWG participants criticized the level of preparedness and commitment of some of

the government ministries in the group. The MOI's crime prevention office and information center coordinated the government's anti-trafficking activities, served as the secretariat of the EWG, administered the victim care program, and functioned as the national rapporteur. The center also collected and published data on victims but faced challenges reconciling the data from different institutions. The MOI allocated €39,700 (\$45,530), compared to €90,000 (\$103,210) in 2017, in grants for prevention activities and awareness-raising on a variety of crimes, including trafficking. The MOI and a local government opened a second regional information center in the far east of Slovakia dedicated to trafficking prevention, including of persons departing for work abroad. Additionally, the MOI appointed eight officials in Slovakia's regional centers to offer information and assistance on trafficking prevention, victim identification, and assistance, in addition to other crimes; these officials participated in more than 3,000 meetings, lectures, and seminars during the reporting period.

The government launched extensive trafficking prevention and public awareness campaigns to engage the general public, students, employers, and at-risk children in orphanages. The MOI prepared a leaflet on self-identification in six languages and distributed it to employees and clients of asylum facilities, migration detention centers, and border police stations. The labor ministry issued a brochure for temporary workers on trafficking indicators, the labor code, and the rights and obligations of foreign employees in Moldovan, Serbian, Ukrainian, and Vietnamese, and distributed it to Serbian labor offices, relevant Slovak embassies, and in areas with a sizeable community of foreign workers in Slovakia through local employers and municipalities. Foreign workers employed by agencies registered in another EU member state and seconded to work in Slovakia, which made up a significant portion of the migrant labor force, did not have access to the information because they did not pass through Slovak embassies in their home countries. Experts said government-run integration programs for foreigners, except for asylum seekers, did not exist, and this contributed to their vulnerability to traffickers. NGOs said there were inadequate government efforts in other languages to inform foreign worker populations of their rights, and lack of awareness of availability of services and the language barrier prevented some foreign victims from seeking help from authorities. The labor inspectorate and BBAP conducted 330 joint inspections (340 in 2017) of worksites, screening approximately 3,000 individuals (3,200 in 2017), including approximately 1,200 foreign workers, and did not uncover any victims. A publicly supported anti-trafficking hotline operated by an NGO for 12 hours per day received approximately 690 calls related to trafficking; seven victims were identified through the hotline. The government ran a nationwide public awareness campaign for three months to promote the hotline. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Slovakia, and traffickers exploit victims from Slovakia abroad. Traffickers exploit Slovak men and women in forced labor in agriculture and construction in Western Europe, primarily the UK. Traffickers exploit Slovak women in sex trafficking in Austria, Denmark, Germany, Switzerland, the UK, and other European countries, as well

as the United States. NGOs report Bulgarian, Filipino, Moldovan, Romanian, Serbian, Thai, Ukrainian, and Vietnamese men and women are vulnerable to forced labor in Slovakia and may be unable or afraid to seek assistance from authorities. Some temporary workers from Moldova, Serbia, and Ukraine, recruited for the manufacturing and construction industries, are subjected to conditions indicative of forced labor, including non-payment of wages. Filipina and Thai women are vulnerable to sex trafficking and forced labor in domestic service, restaurants, massage parlors, or spas. Eastern European women are reportedly transported to and through Slovakia and forced into prostitution within the country and throughout Europe. Slovak women of Romani descent are particularly vulnerable to sex trafficking; they are transported to the UK by force or deception for sham marriages for the purpose of sex trafficking or forced labor. Slovak children of Romani descent are subjected to sex trafficking through forced marriage in Slovakia and forced criminal behavior in the UK. Slovak men, women, and children of Romani descent and Slovaks with physical and mental disabilities are forced to beg throughout Western Europe. Children without family or relevant support structures who leave institutional care facilities are subjected to sex and labor trafficking.

ecoi.net summary:

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