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Trafficking in Persons Report 2018 - Country Narratives - Slovakia

SLOVAKIA: Tier 1

The Government of the Slovak Republic, or Slovakia, fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Slovakia remained on Tier 1. The government demonstrated serious and sustained efforts by increasing investigations, indictments, and convictions of traffickers. The government identified more victims and increased funding for victim services. Although the government meets the minimum standards, the high number of suspended sentences for trafficking convictions undercut efforts to hold traffickers accountable. In contrast to past years, only one-fifth of identified victims benefited from the victim assistance program. Authorities did not adequately identify foreign or domestic trafficking victims within the country, screen migrants for trafficking indicators, or identify child victims. Legal support to victims was not always adequate, and victims who cooperated with prosecution were at risk of re-traumatization. The government did not protect all victims from crimes committed as a result of their being subjected to trafficking.

RECOMMENDATIONS FOR SLOVAKIA

Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to effective prison terms; improve sentencing norms and regulations by limiting the plea bargain procedure for trafficking offenses and sensitizing judges to the severity of trafficking crimes; protect victims from potential retaliation and intimidation in the course of law enforcement and judicial proceedings, including by implementing the new exemption from direct confrontation and increasing training and capacity building for investigators, prosecutors, and judges on a victim-centered approach to law enforcement efforts; improve law enforcement efforts to identify domestic and foreign victims within the country, including by training government officials, particularly border police, on proactive victim identification among vulnerable groups; improve identification of child victims; update formal written procedures for victim referral and outline roles for officials and all stakeholders in order to improve victims' access to and the quality of legal assistance; and streamline definitions and methodologies for gathering law enforcement and victim data.

PROSECUTION

The government maintained law enforcement efforts. Section 179 of the criminal code criminalized sex and labor trafficking and prescribed penalties of four to 10 years imprisonment for trafficking offenses. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In 2017, government officials initiated 37 new investigations (25 in 2016, eight in 2015). Prosecutors newly indicted 25 alleged traffickers under section 179 of the criminal code (10 in 2016, 22 in 2015, and 18 in 2014). Prosecutors entered plea bargains with an additional three individuals. Courts closed six trafficking cases (two cases from 2017, one from 2016, two from 2015, and one from 2014). Prosecutors obtained convictions of 14 Slovak citizens under the trafficking law (four in 2016, 21 in 2015, and 19 in 2014). Courts sentenced five convicted traffickers to effective prison terms ranging four to 10 years, but courts fully suspended nine convicted traffickers’ prison sentences and instead issued probation. Over the past five years, a large number of trafficking convictions resulted in short, reduced, or fully suspended sentences; authorities reported courts tended to reduce sentences for first-time offenders, when the parties reached a plea bargain or when the defendant pled guilty, or because a victim’s testimony may not have been strong enough to prove aggravating circumstances warranting a higher sentence. National police cooperated with United Kingdom (UK) police, EUROPOL, and INTERPOL. The national police cooperated with the financial intelligence unit of the national criminal agency to establish a set of indicators for identifying suspicious financial transactions potentially related to trafficking. During 2017, the government extradited one individual on trafficking charges to Austria.

The Irregular Migration Unit within the Bureau of Border and Alien Police (BBAP) coordinated law enforcement efforts. NGOs commended the head of the trafficking unit within BBAP for promptly and proactively investigating suspected trafficking and for facilitating improved referral of cases to specialized police officers. Differences in how various institutions gathered law enforcement statistics hindered the effective comparison and monitoring of trafficking-related efforts. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The judicial academy and the Ministry of Interior (MOI) conducted one seminar on identifying trafficking victims for judges, prosecutors, and police officers. The government trained 35 members of the national police unit, and the police academy trained approximately 60 members of the foreign police unit. The MOI did not launch a previously reported trafficking curriculum for police high schools in Bratislava and Kosice, but continued seeking accreditation. The MOI and labor inspectorate conducted more than 340 joint inspections of workplace entities, screening more than 3,200 individuals; the government did not identify any victims of trafficking in these inspections.

PROTECTION

The government maintained efforts to protect victims. In 2017, the government identified 75 victims (32 in 2016 and 25 in 2015). NGOs identified an additional 13 victims. Of the 88 total victims identified, 58 were female (including 11 underage girls), 30 were male, and two were foreign citizens. Sexual exploitation remained the most common form of trafficking, with 38 cases reported by the police, followed by forced begging (16 victims), forced labor (15 victims), forced marriage (seven victims), forced engagement in criminal activities (three victims), and unknown (one victim); some cases included multiple forms of exploitation. The national police reported 60 of the 75 victims formally identified by law enforcement involved Slovak victims exploited in other countries, mainly

the UK and Germany. GRETA’s critique remained relevant that the identification of foreign national, unaccompanied minor, and Slovak national 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.

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. Some NGOs continued to criticize the government’s victim assistance program for placing too high a burden of proof on the victim, impeding access to care services, and allowing too much discretion by law enforcement to decide whether a potential victim could enroll in the program. Of the 88 victims, 19 entered the government-funded victim care program in 2017 (21 of 45 total victims in 2016 and 25 of 28 total victims in 2015). The government reported a lower percentage of victims entered the program in 2017 because they did not require the full range of services. In 2017, the government provided €275,000 (\$330,130) to two NGOs for the victim assistance program, compared to €221,600 (\$266,030) in 2016, and €213,000 (\$255,700) in 2015. This funding covered the support and care of victims, voluntary return of victims, and the national trafficking hotline. The MOI allocated €19,000 (\$22,810) in grants for anti-trafficking projects.

NGOs provided victims shelter and care services, including financial support, repatriation to Slovakia, health care, psycho-social support, and legal and interpretation services. Shelters for domestic violence victims housed trafficking victims separately. There were limited accommodations for victims with families. The government did not fund a specialized victim care provider dedicated to child victims. Child trafficking victims could be accommodated in government-run children’s homes or an NGO-run crisis home for children; no children entered the care program in 2017 (six in 2016). 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 began outlining procedures for these professionals.

The government did not adequately identify foreign trafficking victims; NGOs reported authorities did not properly identify potential victims among migrants or refer them to services because it encouraged them to take advantage of assisted voluntary return. Experts criticized government screening, outreach, and prevention efforts among foreign workers as insufficient, especially among Serbian and Ukrainian temporary workers employed in the manufacturing and construction sectors. Border police did not always proactively screen migrants for indicators of trafficking, despite having received numerous victim identification trainings. NGOs under MOI contract conducted 10 screening visits to asylum-seeker facilities and irregular migrant detention facilities to provide victim services. The Slovak Embassy in London did not report the number of Slovak victims identified (11 in 2016, none in 2015, and 151 in 2014), but it assisted five Slovak victims with voluntary return in 2017. A government-funded NGO assisted seven Slovaks subjected to trafficking abroad with voluntary returns. The government offered repatriation services for foreign victims, and assisted one national of Ukraine in the reporting period.

All potential victims were eligible for at least 30 days of crisis care; victims enrolled in the assistance program by the national coordinator were eligible for up to 180 days of care without having to participate in an investigation. There were no cases of victims denied entry into the program, but it was unclear what would happen procedurally in such a case. Victims who decided to participate in an

investigation were eligible for victim care services for the duration of court proceedings. Unaccompanied minors were automatically eligible for tolerated residency, which allowed a foreigner to temporarily reside in Slovakia with legal status. Migrants suspected of being victims of trafficking were eligible for tolerated residency. Victims of trafficking were eligible for tolerated residency for a period of up to 180 days, during which they had to decide whether to participate in an investigation. Slovak law allowed foreign victims to seek employment, but due to uncertain length of their tolerated residency status while participating in an investigation, employers were reluctant to hire foreign victims. The law authorized the extension of permanent residency to foreign trafficking victims who would face hardship or retribution if returned to their country of origin; however, authorities issued no such residence permits.

All 75 trafficking victims identified by police cooperated with police and prosecutors in investigating and prosecuting trafficking cases. NGOs did not report any cases of coerced cooperation. The pre-trial and trial process, however, was not always adapted, nor law enforcement, prosecutors, or judges sufficiently trained, to avoid re-traumatization of victims. As reported by GRETA in 2015, victims provided testimony multiple times and in close proximity to suspected traffickers during the pre-trial and trial process. The government passed a crime victims protection law, effective January 1, 2018, that provided psychological assistance and legal counsel to victims in pre-trial proceedings and reclassified trafficking victims as “particularly vulnerable victims,” which were not to be subject to direct cross-examination. NGOs reported little clarity regarding practical implications of the law and its application, and skepticism that judges would be willing and able to enforce the new provisions. Witness protection programs existed, but had not been used to protect trafficking victims. The new law also facilitated victims’ claims for compensation from the state during criminal proceedings. Although Slovak law allowed victims to pursue restitution through civil and criminal cases, 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 did not report cases of victims being awarded restitution. Moreover, experts noted lawyers provided by the government might not have had relevant experience and knowledge to handle trafficking cases. There were no reports of the government penalizing victims for unlawful acts committed as a direct result of being subjected to trafficking, however, unidentified foreign victims may have been prosecuted or deported. 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. A national program to fight trafficking, covering 2015-2018, continued to guide all government anti-trafficking efforts, and the MOI published an implementation report on its website in March 2018. The MOI’s crime prevention office coordinated the government’s anti-trafficking activities, including preparing policy documents, implementing projects with NGO partners, training officials on victim identification, conducting awareness campaigns and trainings, and convening the expert working group, consisting of government and NGO representatives. The crime prevention office housed an information center, which managed the victim care program and functioned as the national rapporteur. The center also collected statistics on the government’s anti-trafficking efforts, but faced challenges reconciling the

data from different institutions. In April 2018, the center produced a comprehensive report assessing the trafficking situation in Slovakia and the government’s efforts. The government launched extensive trafficking prevention and public awareness campaigns to engage the general public, students, employers, and at-risk children in orphanages. Experts reported foreign migrants working in Slovakia lacked basic information on trafficking indicators and resources for victim assistance. In December 2017, the labor ministry convened a working group to begin preparing a brochure for Serbian temporary workers on the labor code and the rights and obligations of foreign employees. The government continued a nationwide public awareness campaign to promote the national trafficking hotline. The MOI continued negotiations with major local employers to use their internal communication channels to disseminate trafficking awareness information. The government continued to implement an internet-based computer application that allowed the families of Slovaks traveling abroad to receive alerts should the user cease online activity. A publicly supported anti-trafficking hotline operated by an NGO for 12 hours per day received approximately 400 calls related to trafficking; no victims were identified through the hotline. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training to troops prior to their deployment abroad as part of international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, Slovakia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Slovak men and women are subjected to forced labor in agriculture and construction in Western Europe, primarily in the UK. Slovak women are subjected to sex trafficking in the UK, Germany, Denmark, Austria, Switzerland, Belgium, Ireland, Poland, and other European countries, as well as the United States. NGOs report Ukrainian, Moldovan, Bulgarian, Romanian, Serbian, Thai, Filipino, and Vietnamese men and women are subjected to forced labor in Slovakia. Temporary workers from Serbia and Ukraine, recruited to work in the manufacturing and construction industries, are in some cases subject to deplorable conditions that may rise to the level of trafficking, including non-payment of wages. Thai and Filipina women may be subjected to sex trafficking or forced labor in domestic service or massage parlors or spas. Eastern European women are reportedly transported to and through Slovakia and forced into prostitution within the country and throughout Europe. Roma from marginalized communities are disproportionately vulnerable to trafficking. 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 within marginalized communities in the Slovak Republic and forced criminal behavior in the UK. Slovak men, women, and children of Romani descent are subjected to forced begging throughout Western Europe. Children without family or relevant support structures who leave institutional care facilities are subjected to sex and labor trafficking.

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