

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



**Recommendation CP(2011)3  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by the Slovak Republic**

*adopted at the 6<sup>th</sup> meeting of the Committee of the Parties  
on 26 September 2011*

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

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

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

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

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

Having examined the Report concerning the implementation of the Convention by the Slovak Republic, adopted by GRETA at its 10th meeting (21-24 June 2011) in the framework of the first evaluation round;

Having examined the comments of the Slovak Government on the GRETA Report, submitted on 19 August 2011;

Welcoming the measures to combat trafficking in human beings taken by the Slovak authorities, and in particular:

- the setting up of an Expert Group for the Area of the Fight against Trafficking in Human Beings, chaired by the National Co-ordinator for Combating Trafficking in Human Beings and including representatives of all relevant national actors;
- the adoption and implementation of multiannual National Programmes to Combat Trafficking in Human Beings;
- the introduction of legislative provisions criminalising trafficking in human beings in the Criminal Code and the adoption of normative acts by the Ministry of the Interior regulating anti-trafficking activities;

- the launch of a Programme of Support and Protection of Victims of Trafficking in Human Beings, which envisages a series of measures, in particular anonymous accommodation, emergency care and a 90-day recovery period;
- the efforts made to raise public awareness and train relevant professionals, in co-operation with non-governmental and international organisations;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by the Slovak Republic, in particular:

- developing the institutional framework for action against THB in order to achieve a more active and effective involvement of all governmental bodies with responsibilities relevant to prevention of trafficking in human beings and protecting the rights of victims;
- reviewing the national legislation with a view to ensuring that all aspects of action against trafficking in human beings, including the key definitions and measures established by the Convention, are reflected in a comprehensive manner;
- improving identification of victims of trafficking by setting up a coherent national mechanism for this purpose and adopting a more proactive approach to the identification of victims, in particular as regards foreign nationals and persons subjected to labour exploitation;
- streamlining the procedures relating to the identification of child victims of trafficking;
- introducing a comprehensive and coherent data collection mechanism that would make it possible to share information among the main actors as well as identify the most appropriate measures to be taken with regard to groups affected by trafficking in human beings and forms of trafficking;
- developing the aspect of prevention of trafficking in human beings, by targeting information and awareness raising measures at specific groups vulnerable to THB identified through prior research, stepping up economic and social measures, and implementing measures to discourage demand for services of victims of trafficking;

1. Recommends that the Government of the Slovak Republic implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by the Slovak Republic (see addendum);

2. Requests the Government of the Slovak Republic to inform the Committee of the Parties of the measures taken to comply with this recommendation by 26 September 2013;

3. Invites the Government of the Slovak Republic to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

## **Addendum**

### **List of GRETA's proposals concerning the implementation of the Convention by the Slovak Republic**

#### **Comprehensive approach to THB, co-ordination of all actors and actions and international co-operation**

1. In the light of the above, GRETA urges the Slovak authorities to:
  - review the national legislation with a view to ensuring that all aspects of action against THB, including the key definitions and measures established by the Convention, are included in a comprehensive manner;
  - develop the institutional framework for action against THB in order to achieve a more active and effective involvement of all governmental bodies with responsibilities relevant to prevention of THB and protecting the rights of victims;
  - review the organisational and administrative arrangements for the functioning of the Expert Group for the Area of the Fight against Trafficking in Human Beings with a view to ensuring that it has:
    - sufficient authority to implement the decisions falling within its competence;
    - the necessary financial and human resources to ensure its effective functioning, including co-ordination of all national actors and actions in the field of THB.
2. GRETA considers that the selection procedure of NGOs for membership in the Expert Group should be more transparent and should include, at a minimum, information about the indicators for evaluating NGO's experience in the field of action against THB, as well as about the roles and responsibilities of the NGOs within the Expert Group. All interested NGOs should have the possibility to apply for membership in the Expert Group, provided they meet the established criteria.
3. GRETA also invites the Slovak authorities to explore further possibilities for international co-operation in the field of prevention of THB, and the provision of protection and assistance to its victims.

#### **Measures aimed to prevent trafficking in human beings**

4. GRETA considers that the Slovak authorities should continue to devise and implement information and awareness-raising campaigns aimed at preventing THB, which are targeted at specific groups vulnerable to THB identified through prior research. It is important that the measures go beyond the "criminal law" understanding of prevention of THB and aim at creating sufficient awareness among people enabling them to make well-informed decisions concerning employment or migration offers. The authorities should also ensure that necessary funding is available for the implementation of information and awareness-raising campaigns.
5. GRETA encourages the Slovak authorities to set out and implement systematic and thorough research policy concerning THB and its changing trends, which is key to a well-informed and sustainable THB prevention policy.

6. GRETA urges the Slovak authorities to introduce a comprehensive and coherent data collection mechanism that would make it possible to share information among the main actors in the fight against THB, while respecting the rights of data subjects to personal data protection. Statistical data should be disaggregated (into gender, age, type of exploitation, etc.) and its collection should be designed in a way that enables the authorities to determine the scale of the problem and to identify the most appropriate measures to be taken with regard to groups affected by THB and forms of THB.

7. GRETA considers that more systematic and robust economic, social and educational measures should be taken by the Slovak authorities vis-à-vis groups vulnerable to THB. These measures should be based on the identified structural causes of THB (economic and social conditions, poverty, inadequate education, absence of employment opportunities, etc.) and should consist of actions aiming to eliminate these causes.

8. GRETA considers that measures to discourage demand for services that may be the result of any form of exploitation for which THB is taking place are an important preventive tool and urges the Slovak authorities to start implementing such measures as soon as possible.

9. GRETA considers that the Slovak authorities should take further steps to enhance the capacity of the relevant bodies to identify victims of THB when carrying out immigration control. To this end, the presence of officers specially trained to detect and identify victims of THB should be ensured at all times in immigration control activities, including within the National Unit to Combat Illegal Migration.

#### **Identification of victims of THB**

10. GRETA urges the Slovak authorities to set out the procedures relating to the identification of child victims of THB, both among Slovak nationals and foreign nationals who could be victims of THB, including any possible role of the authorities responsible for child protection.

11. GRETA urges the Slovak authorities to continue taking steps to ensure that the identification of victims of THB be improved, in particular by setting up a coherent national mechanism for the identification and referral of victims of THB and by designating a competent authority responsible for collecting information and ensuring the uniformity and accuracy of the identification of victims of THB.

12. In light of the above GRETA urges the Slovak authorities to:

- take practical measures to strengthen the capacity of the border Police and other competent authorities to identify possible victims of THB upon their entry on the territory of the Slovak Republic and refer them to the relevant services for protection and assistance to victims of THB;
- adopt a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation by stepping up visits by labour inspectors and the Police to work sites (e.g. agricultural and construction sites) commonly employing migrant workers and by developing and using indicators to identify victims of THB;

- secure the identification of foreign victims of THB held in detention centres prior to their deportation, for instance by giving access to such centres to specialised NGOs and enabling detained irregular migrants to have access to legal assistance;
- ensure that identified victims of THB are duly referred for assistance and are informed of their rights and of the procedures under which they can seek protection, in a language they understand.

### **Status and rights of a victim of THB**

13. GRETA considers that the Slovak authorities should ensure that victims of THB have access to the rights set out in the Convention and are fully informed about these rights.

### **Assistance and protection measures for victims of THB**

14. GRETA considers that the Slovak authorities should take further steps to:
- ensure that the protection and assistance measures provided to victims of THB in accordance with the Convention are based on a professional and objective evaluation of the victim's needs and are provided to all victims of THB, irrespective of their nationality and residence status;
  - ensure that assistance and protection measures are provided by qualified professionals, in particular as regards social, medical and legal assistance;
  - monitor the effectiveness and quality of the assistance and protection measures, including the reintegration of victims of THB into the society to avoid their re-trafficking.

### **Recovery and reflection period**

15. GRETA urges the Slovak authorities to take legislative and practical measures to introduce a recovery and reflection period for victims of THB as provided for in Article 13 of the Convention. The recovery and reflection period should, *inter alia* entitle victims to the assistance and protection measures contained in Articles 12(1) and 12(2) of the Convention.

### **Residence permits**

16. GRETA considers that the Slovak authorities should set out the specific requirements for victims of THB to obtain residence permits and ensure that potential victims of THB are informed of these requirements.

## **Compensation**

17. GRETA urges the Slovak authorities to take the necessary legislative and practical measures to ensure that compensation is made available to all victims of THB, irrespective of their nationality and residence status. In deciding the compensation arrangements the Slovak Government should take into account the relevant provisions of the European Convention on the Compensation of Victims of Violent Crimes (to which the Slovak Republic is Party) and Recommendation Rec(2006)8 of the Committee of Ministers to member states on assistance to crime victims.

## **Repatriation and return of victims of THB**

18. GRETA considers that the Slovak authorities should step up their efforts to reintegrate victims of THB into society. In particular, the authorities should devise specific programmes aiming at the reintegration of victims of THB into the labour market and/or education system and be able to verify the results of these programmes.

### **Substantive criminal law, investigation, prosecution and procedural law**

19. GRETA considers that the Slovak authorities should adopt all necessary measures to provide for the possibility for the Slovak courts to take into account convictions of courts of all Parties to the Council of Europe Anti-Trafficking Convention when determining penalties for THB offences.

20. GRETA urges the Slovak authorities to review the legislation in order to fully reflect the substantive provisions of the Convention, in particular as regards the establishment of criminal offences for conducts related to travel and identity documents and committed for the purpose of enabling THB.

21. GRETA urges the Slovak authorities to introduce in its legislation a provision concerning the non-punishment of victims of THB who have been compelled to be involved in unlawful activities due to their trafficking situation.

22. GRETA urges the Slovak Government to adopt all necessary legislative and practical measures to ensure that victims of THB and witnesses are given the necessary protection and assistance as required under Articles 28 and 30 of the Convention. For this purpose, it is of fundamental importance that the Police, prosecutors and judges are adequately trained and made aware of the particular sensitivity and vulnerability of THB victims, especially minors.