



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

### **Recommendation CP(2015)16 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic**

*adopted at the 17th meeting of the Committee of the Parties  
on 30 November 2015*

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

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

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

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

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

Recalling Committee of the Parties' Recommendation CP(2011)3 of 26 September 2011 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic and the report of the Slovak authorities on measures taken to comply with this recommendation, submitted on 26 September 2013;

Having examined the second report concerning the implementation of the Convention by the Slovak Republic, adopted by GRETA at its 23rd meeting (29 June - 3 July 2015), as well as the comments of the Slovak Government received on 19 October 2015;

1. Welcomes the progress made since the first round of evaluation in the following areas:
  - the further development of the national legal framework for combating trafficking in human beings, through the adoption of an expanded definition of trafficking in human beings and the introduction of a provision concerning the non-punishment of victims of trafficking for certain offences committed in direct relation to being trafficked;
  - the introduction of a new category of social services by virtue of the Social Services Act, with the purpose of providing crisis intervention, emergency housing and other assistance to victims of trafficking in human beings;
  - the adoption of new terms of reference of the Expert Group for the Area of Combating Trafficking in Human Beings in September 2012, including a clear procedure and criteria for selecting representatives of NGOs to participate in the Expert Group;

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- the adoption of Ministry of the Interior Regulation No. 180/2013 of 19 December 2013, setting out the procedure for the formal identification of victims of trafficking in human beings and enabling their access to state-funded assistance;
  - the budgetary allocation to the provision of assistance to victims of human trafficking and the co-operation established between the Ministry of the Interior, NGOs providing assistance to victims, and IOM;
  - the efforts made to provide training on human trafficking to relevant professionals and to expand the categories of staff targeted;
  - the progress made in the area of data collection through the setting up of an integrated data collection system on trafficking in human beings;
  - the efforts in the area of international co-operation, both as regards co-operation in the investigation of human trafficking cases and participation in international projects to address new forms of human trafficking.

2. Recommends that the Slovak authorities take measures to address the following issues for immediate action identified in GRETA's report:

- improve the identification and assistance to child victims of trafficking, in particular by:
  - establishing a clear and uniform procedure concerning the identification of child victims of trafficking (both Slovak nationals and foreign minors) and disseminate information and guidance about the application of this procedure to relevant professionals;
  - ensuring that legal guardians are appointed without delay and are able to carry out their tasks in an efficient manner. In this respect, the provision of training on the assistance and protection of child victims of trafficking to persons who are likely to be appointed as legal guardians is crucial;
  - taking steps to address the problem of disappearance of unaccompanied minors from child care facilities;
  - reviewing the legislation concerning the presumption of age with a view to bringing it in conformity with Article 10(3) of the Convention;
- provide in the national legislation for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, as provided for in Article 13 of the Convention, and ensuring that all possible victims of trafficking, including EU and EEA citizens, are offered an effective recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period;
- adopt measures to facilitate and guarantee access to compensation for victims of trafficking, including by:
  - ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
  - enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary;

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- encouraging prosecutors to request compensation orders to the largest possible extent;
  - making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of trafficking;
  - establish the actions provided in Article 20 of the Convention in relation to travel and identity documents as criminal offences when committed intentionally and for the purpose of enabling the trafficking in human beings;
  - take additional legislative and practical measures to ensure that:
    - human trafficking cases are investigated proactively, prosecuted successfully and lead to effective, proportionate and dissuasive sanctions;
    - financial investigations are systematically carried out to locate the proceeds of crime and other assets of the traffickers;
    - the offence of trafficking in human beings is excluded from the plea bargaining procedure;
  - make full use of measures available to protect victims and witnesses of human trafficking and take additional measures to ensure that they are adequately protected from potential retaliation or intimidation in the course of judicial proceedings, including by reviewing the practice of direct confrontation of victims with suspected traffickers;
  - ensure that child victims of trafficking are afforded special protection measures taking into account the best interests of the child. The police, prosecutors and judges, as well as social workers acting as legal guardians of children, should be trained and made aware of the particular vulnerability of child victims of trafficking.
3. Requests the Government of the Slovak Republic to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **30 November 2016**.
4. Recommends that the Government of the Slovak Republic takes measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of the Slovak Republic to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.