

Slovakia - United States Department of State

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. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Slovakia remained on Tier 2. These efforts included increasing prosecutions and convictions, and extraditing more suspected traffickers. The government also increased cooperation on international investigations, which resulted in the identification of victims and the conviction of traffickers abroad. However, the government did not meet the minimum standards in several key areas. The government did not adequately and proactively identify foreign or domestic trafficking victims within the country, it decreased overall investigations, and it decreased efforts to identify labor trafficking victims through joint-inspections. The high number of suspended sentences for trafficking convictions, with only 45 percent of convicted traffickers in 2019 serving prison time, did not meet the minimum standard generally requiring incarceration for convicted traffickers. The government continued to lack legal safeguards to protect victims against potential prosecution for administrative offenses committed; it did not publish revised formal written procedures for victim referral; and it did not report adequately training prosecutors and judges on trafficking or on victim-centered and trauma-informed approaches.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to significant prison terms. • Increase training for judges and prosecutors with a focus on a victim-centered, trauma-informed approach to law enforcement efforts and trial as well as the use of psychological coercion and fraud as means of trafficking. • Improve sentencing norms by sensitizing judges to the severity of trafficking crimes and the full range of penalties available. • Improve efforts to proactively identify victims within the country, especially foreign and child victims, including by training government officials, particularly border police, labor inspectors, and municipal law enforcement, on proactive victim identification among vulnerable groups. • Improve the coordination and provision of protection services to children. • Ensure labor trafficking is investigated and prosecuted as a trafficking offense and not pursued as an administrative labor code violation. • Increase migrant worker protections by implementing strong regulations and oversight of recruitment companies that are consistently enforced, including prosecutions for fraudulent labor recruitment. • Amend the law on the non-punishment of victims to ensure that trafficking victims are not inappropriately penalized for acts traffickers compelled them to commit, including administrative offenses. • Continue efforts to inform foreign worker groups of worker rights and responsibilities and victim assistance resources in their native languages, including at foreign registration centers. • Streamline definitions and methodologies for gathering law enforcement and victim data. • Create a specialized prosecution unit to increase focus on and experts dedicated to

trafficking crimes. • Update public awareness campaigns to portray human trafficking in a more realistic manner. • Issue and implement 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; train all relevant officials on the revised procedures.

PROSECUTION

The government increased 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. Government officials initiated investigations of 16 cases (27 cases in 2018 and 37 cases in 2017), with 27 ongoing investigations initiated in prior reporting periods. Of the 16 investigations, eight cases were for sex trafficking and eight were for labor trafficking (three for forced begging, one for forced criminality, two combination cases, and two for forced labor); all suspects were Slovak nationals. Prosecutors indicted 38 alleged traffickers in 2019 (21 in 2018, 25 in 2017) and entered plea bargains for an additional three alleged traffickers. Prosecutors obtained convictions of 11 traffickers in 2019 (eight in 2018, 14 in 2017). Of the 11 convictions, five traffickers received prison sentences and six traffickers received suspended sentences. Courts sentenced two traffickers to four years' imprisonment, two traffickers to five years' imprisonment, and one trafficker to 8.6 years' imprisonment. In 2019, the government issued prison sentences to 45 percent of convicted traffickers, a significant percentage increase compared with zero percent of traffickers receiving prison sentences in 2018; however, it still did not meet the minimum standard generally requiring incarceration for convicted traffickers. Alleged corruption, inefficiency, and lack of accountability within the judicial branch remained concerns during the reporting period and hindered law enforcement efforts. Additionally, over the past six years, approximately 70 percent of trafficking convictions resulted in fully suspended sentences; the low number of significant prison terms in Slovakia contributed to impunity for traffickers and undermined rule of law. Slovak authorities said the high percentage of suspended sentences and plea bargains were due to a weak body of evidence, unreliable victim testimony, and the fact that many domestic investigations resulted in the prosecution only of low-level recruiters and not the organizers of the trafficking operation, who were often located in other jurisdictions. In 2019, police and prosecutors cooperated on three international investigations with the Government of the United Kingdom (UK), which resulted in the identification of 34 victims of labor trafficking in the UK. An international investigation from a prior reporting period resulted in the conviction of four traffickers in the UK in November 2019, with the prosecutions of an additional six alleged traffickers ongoing. During the reporting period, the government extradited two trafficking suspects to foreign countries and received three Slovak suspects from Croatia, Germany, and Italy. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The irregular migration unit within the Bureau of Border and Alien Police (BBAP) coordinated all national anti-trafficking law enforcement efforts; though there was no dedicated trafficking unit within the prosecution service, trafficking cases usually were assigned 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 an organized crime nexus in the specialized criminal court. Coordination between law enforcement and prosecutors remained effective. There were no specialized judges or courts to hear trafficking cases, and cases were randomly assigned to judges by an electronic system to increase fairness; however, general allegations of system-wide manipulation prompted an investigation, which remained ongoing. Civil society and the victim-care service provider continued to express concern that many prosecutors and judges assigned to trafficking cases were not adequately trained on victim-centered and trauma-informed approaches or on the specificities of trafficking crimes. Some prosecutors and judges continued to misunderstand non-violent, psychological coercion, and fraud as means for the crime of human trafficking, had not used either in any recent trafficking cases, and continued to rely predominately on evidence of force and physical limitations on victims' liberty in trials. Prosecutors and some front-line officials continued to view possible cases of labor trafficking as administrative labor code violations and did not prosecute as trafficking crimes. The national police continued to provide training for and cooperate 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. 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 effective comparison and monitoring of trafficking-related efforts. In 2019, the government provided anti-trafficking training on victim identification for 300 officers and 25 border guards stationed at the airport. To address the vulnerability of Romani communities, the government provided anti-trafficking training to 25 trainers from the Plenipotentiary for Romani Communities. The MOI's information center provided extensive training to 130 police investigators on victim-centered, trauma-informed approaches to victim interviewing.

PROTECTION

The government maintained protection efforts. The government identified 53 victims (46 in 2018 and 75 in 2017) and NGOs identified an additional 13. Of the victims identified by police, 24 were female (nine of whom were children) and 29 were male (one of whom was a child). Some victims experienced multiple forms of trafficking, making the statistics uncertain; the government identified at least 11 victims of sex trafficking, seven victims of forced begging, and four of forced criminality, with the remainder being labor trafficking victims or unspecified. The national police reported 37 of the 48 victims identified by law enforcement were Slovaks exploited in other countries; only two victims were foreign nationals (one from Serbia and one from Afghanistan). The government continued to use its National Reference Framework for victim identification and referral, but as previously reported by GRETA in 2015 and an NGO in 2019, the identification of foreign national, unaccompanied minor, and Slovak victims within the country remained a challenge. In 2019, the government trained employees of the Ministry of Foreign Affairs on victim identification and distributed written guidelines to those within Slovakia and its embassies abroad; employees were then required to provide the guidelines to foreign nationals, including domestic workers, but the government did not report how many foreign nationals received this guidance. The government provided victim identification and referral training to 150 teachers at high schools across Slovakia and employees of Legal Aid centers, which included a lesson they could teach on trafficking prevention, and at least one victim was later identified by a teacher. The government made efforts to identify foreign victims through joint interagency inspections, but an NGO reported the government's ability to

identify foreign victims of trafficking in Slovakia remained limited and would pose a potentially greater problem in the future, as the number of foreign workers continued to grow in response to labor shortages. Civil society experts alleged the government arrested and later deported 47 suspected foreign trafficking victims for illegal employment and tax evasion in October 2019, but the government reported it did not find indicators of trafficking among this population. A government-funded NGO administering the victim-care program conducted 10 visits to asylum-seeker facilities and detention facilities for irregular migrants, but it did not identify any victims in 2019 or in any prior year. Slovak embassies abroad reported providing pre-return assistance to 14 Slovak nationals and voluntary returns to seven. Neither of the two foreign victims opted to enter the victim assistance program, but were voluntarily repatriated by an international organization.

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. 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 did not finalize the national reference framework to include procedures for these professionals during the reporting period. Of the 66 total victims identified by the government and NGOs, 17 entered the government-funded victim-care program in 2019 (16 of 56 in 2018 and 19 of 88 in 2017); police referred nine, embassies abroad referred four, civil society referred three, and one self-identified. The program continued to assist an additional 14 victims enrolled from previous years. In 2019, the government provided €215,000 (\$241,570) to one NGO that provided the victim assistance program, voluntary return, and the national trafficking hotline, the full amount requested by the NGO, compared with €275,000 (\$308,990) in 2018. The government-funded and NGO-run assistance program provided Slovak and foreign victims with shelter, financial support, repatriation to Slovakia, health care, psycho-social support, legal assistance, interpretation services, and job training. However, government officials and the victim-care service provider noted that after concluding the victim-care program, survivors were still in poor physical and mental states and frequently ended up on the streets, which raised some concerns. Foreign victims, including both EU nationals and third country nationals, had access to the same scope and quality of victim care and support. 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. The government did not have dedicated shelters for trafficking victims but rather accommodated victims in domestic violence shelters, with men and women housed separately, or in 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. Referral of child victims to care was not systematic. Although 10 children were identified in 2019, no children entered the care program, but the government reported that they received the same scope of protection services provided through the program by child protective services. Similarly, no children entered the program in 2017 or 2018. 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.

In 2019, all but one victim identified by police cooperated with police and prosecutors; victims who decide to cooperate with law enforcement were eligible to access victim care for the duration of the investigation and trial. It was

unnecessary for the government to grant work permits as foreign victims received subsidiary protection and could work legally. The law authorized permanent residency for foreign victims who would face hardship or retribution if returned to their country of origin; authorities issued no such residence permits during the reporting period. The pre-trial and trial process was lengthy and not always adapted, nor 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 continued to lack proper interviewing rooms. 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 to remove the suspected trafficker from the courtroom during victim testimony. Witness protection programs existed, but the government reported it was not needed to protect trafficking victims. Though the process was complicated and the amount small, the 2018 crime victims protection act enabled the government to grant €5,200 (\$5,840) in compensation to victims from state funding, which the victim service provider requested in two cases; however, the Ministry of Justice did not make a decision in either case during the reporting period. Prosecutors could file for restitution from traffickers in criminal cases, and restitution for €2,000 (\$2,250) was awarded to one victim in 2019. However, civil society continued to allege that prosecutors were frequently reluctant to request restitution in trials to avoid prolonging already lengthy proceedings. Additionally, victims could seek damages through civil suits and in 2019 one victim was awarded €29,000 (\$32,580); however, the trafficker did not pay, and courts failed to enforce the payment. NGOs continued to argue excessive legal costs and length of proceedings discouraged many victims from filing civil suits. Under the 2018 act, victims who opted to seek compensation from their traffickers through a civil suit could not also request restitution from the state through criminal proceedings. Experts noted judges did not award criminal restitution or civil damages in the majority of cases. The law provided 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 five years' imprisonment; it did not cover administrative offenses.

PREVENTION

The government maintained efforts to prevent trafficking. The government began implementation of a new anti-trafficking national action plan for 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 MOI's crime prevention office and information center effectively coordinated the government's anti-trafficking activities. The crime prevention office convened the Expert Working Group, coordinated policy documents, implemented anti-trafficking programs with civil society, organized trainings, and coordinated awareness-raising campaigns. The information center administered contracts for the victim-care program, gathered trafficking data, published an annual human trafficking report, and functioned as the national rapporteur. The information center continued to face challenges reconciling the data from different institutions. The MOI did not report how much they allocated in 2019 for grants for prevention activities and awareness-raising on a variety of crimes, including on trafficking, this

compared with €39,700 (\$44,610) in 2018. The MOI maintained staff at eight regional centers throughout Slovakia who could offer information and assistance on trafficking prevention, victim identification, and assistance, in addition to help with other crimes.

The government launched extensive trafficking prevention and public awareness campaigns to engage the public, students, employers, and at-risk children in orphanages; though trafficking was sometimes portrayed in a sensationalized manner. Anti-trafficking awareness campaigns conducted via various social media platforms reached approximately 528,000 people. The crime prevention office conducted awareness-raising sessions that reached 700 high school students, and the information center reached an additional 1,300 students. The government also used television, radio, and billboards to help raise trafficking awareness. In the prior reporting period, the labor ministry issued a brochure for temporary workers on trafficking indicators, the labor code, and the rights and obligations of foreign employees in four languages; during the reporting period, the ministry translated the brochure into Macedonian and Bosnian and distributed it to relevant Slovak embassies, and in areas with a sizeable community of foreign workers in Slovakia through local employers and municipalities, but it did not report how many workers this reached. With the growing number of foreign workers in Slovakia, fraudulent labor recruitment remained a significant concern during the reporting period. Labor recruiters were prohibited from charging a recruitment fee to workers; however, no labor recruiters were investigated or prosecuted for fraudulent labor recruitment as trafficking crimes, though several were fined for labor code violations. While experts reported that national government-run integration programs for foreigners, except for asylum-seekers, did not exist, which contributed to their vulnerability to traffickers, some regional governments did provide integration programs. NGOs reported 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 lack of pre- and post-arrival training for foreign workers continued to concern civil society organizations. In 2019, the labor inspectorate and BBAP conducted 101 joint inspections (330 in 2018) of worksites, screening 1,522 individuals, including 891 foreign workers (3,000 in 2018, including 1,200 foreign workers), a significant decrease. As in 2018, officials did not uncover any victims on these inspections, continuing to raise concerns regarding their ability to identify trafficking victims. Civil society continued to recommend anti-trafficking training for labor inspectors, especially on victim identification and referral. Police conducted inspections of an additional 190 businesses and screened 661 workers, including 31 foreign nationals, and also found zero trafficking victims. A government-funded anti-trafficking hotline, operated by an NGO, took calls for 12 hours a day in five languages and received approximately 551 calls related to trafficking. The hotline identified two victims; both were enrolled in the victim-care program. The government did not make efforts to reduce the demand for commercial sex acts.

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 labor trafficking in agriculture, manufacturing, and construction in Western Europe, increasingly in German-speaking countries. 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 men and women, mostly from the Balkans and South-East Asia, are vulnerable to forced labor in Slovakia and may be unable or afraid to seek assistance from authorities. Some temporary workers from non-EU European countries, recruited for the manufacturing and construction industries, are subjected to conditions indicative of forced labor, including non-payment of wages. Women from South-East Asia are vulnerable to sex trafficking and forced labor in domestic service, restaurants, massage parlors, or spas. Slovak women of Romani descent are particularly vulnerable to sex trafficking; traffickers transport them to the UK by force or deception for sham marriages for the purpose of sex trafficking or forced labor. Parents of Slovak children of Romani descent exploit their children in sex trafficking through forced marriage in Slovakia and forced criminal activity in the UK. Traffickers force Slovak men, women, and children of Romani descent and Slovaks with physical and mental disabilities to beg throughout Western Europe. Traffickers exploit children without family or relevant support structures who leave institutional care facilities in sex and labor trafficking.