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**Third-country national victims of trafficking in human beings: detection, identification and protection contribution of the Slovak Republic**

EMN Study – Questionnaire Form  
January 2022



MINISTRY  
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EMN activities are focused on topics related to migration of third-country nationals. The activities are implemented through national contact points in EU Member States, Georgia, Moldova and Norway in coordination with the European Commission (Directorate-General for Migration and Home Affairs).

Elaboration of the study was conducted by the International Organization for Migration (IOM) Bratislava as the coordinator of the EMN National Contact Point for the Slovak Republic. The Slovak EMN National Contact Point comprises of the Ministry of Interior of the Slovak Republic (the Bureau of Border and Foreign Police of the Police Force Presidium, the Migration Office, the Department of Foreign and European Affairs of the Office of the Minister of Interior), the Ministry of Labour, Social Affairs and Family of the Slovak Republic (the Department of International Relations and European Affairs), the Statistical Office of the Slovak Republic (the Section of Social Statistics and Demography) and IOM.

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Except for the questionnaire specification, the text of the study is an unofficial translation prepared by IOM Bratislava as the coordinator of the EMN National Contact Point for the Slovak Republic provided for reference only. In the event of any ambiguity about the meaning of certain translated terms or of any discrepancy between the Slovak version and the translation, the Slovak version shall prevail. Users are advised to consult the original Slovak language version of the study.

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## Preface

The aim of the EMN study is to examine national procedures and practices of detection, identification and protection of victims of trafficking in human beings from non-EU countries. The study updates the EMN 2013 publication *Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures*. The target group covered by the study includes third-country nationals who are asylum applicants, irregular migrants (who are not subject to a return decision), or those who have a valid residence permit.

In terms of the methodological approach (contribution of the Slovak Republic), the study is mostly based on secondary resources, especially legislative and information documents related to the topic. An important source of information and statistics were materials provided by the Information Centre for Combatting Trafficking in Human Beings and Crime Prevention, the Bureau of Border and Foreign Police of the Police Force Presidium (BBFP PFP) and the Migration Office of the Ministry of Interior of the Slovak Republic. A valuable source of information were answers provided to the questionnaires or e-mail questions by concerned state and non-state actors and institutions at the national, regional and local level, more precisely: the Ministry of Labour, Social Affairs and Family of the Slovak Republic, the National Labour Inspectorate and the Crime Prevention Section of the Office of the Minister of Interior of the Slovak Republic.

Based on the questionnaires from EU Member States and Norway, the European Commission prepares a synthesis report covering the main findings. The questionnaire form of the study from the Slovak Republic in Slovak and English language and the synthesis report are available on the Slovak EMN National Contact Point website [www.emn.sk](http://www.emn.sk).

## List of abbreviations

**BBFP P PF** – Bureau of Border and Foreign Police of the Presidium of the Police Force  
**CCF** – Centre for Children and Families  
**ICMI** – Information Centre for Combatting Trafficking in Human Beings and Crime Prevention of the Ministry of Interior of the Slovak Republic  
**EMN** – European Migration Network  
**IOM** – International Organization for Migration  
**Labour Ministry** – Ministry of Labour, Social Affairs and Family of the Slovak Republic  
**LEAs** – law enforcement authorities  
**MI SR** – Ministry of Interior of the Slovak Republic  
**MIC IOM** – Migration Information Centre of the International Organization for Migration  
**Migration Office/MO** – Migration Office of the Ministry of Interior of the Slovak Republic  
**NCP** – National Contact Point  
**NGO** – non-governmental organisation  
**NRM** – National Referral Mechanism  
**NUCIM** – National Unit for Combating Illegal Migration  
**Programme** – Programme of Support and Protection for Victims of Trafficking in Human Beings  
**SCC** - Slovak Catholic Charity  
**SLPCH** – social and legal protection of children and social guardianship  
**THB** – trafficking in human beings

## Summary

The European Migration Network's (EMN) study entitled "Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection" has been chosen for preparation by the EMN Steering Board under the Work Programme 2021. The study is prepared for each EU Member State using a common specification – questions included further in the text. Based on these national contributions, the European Commission will prepare a synthesis report containing the key findings from EU Member States and Norway.

This questionnaire-based study is divided into five chapters.

The first chapter provides an overview of the development of Slovak policies and legislation in the area of detection, identification and protection of third-country national victims of trafficking in human beings for the reference period of 2015-2020,<sup>1</sup> along with a profile of the victims of this criminal offence. Two conceptual documents were prepared in said period – national programmes for the fight against trafficking in human beings designed to implement a coordinated system within Slovakia to reduce human trafficking crime rates. The national programmes also included action plans containing a broad range of tasks and activities to be performed by multiple stakeholders, including their deadlines. Since 2017, a situational report on combating trafficking in human beings is prepared annually to summarise and evaluate latest trends and activities in the area of human trafficking in Slovakia in accordance with the duties of national correspondents or a similar mechanism for combatting trafficking in human beings. Evaluations of the Programme of Support and Protection for Victims of Trafficking in Human Beings (hereinafter only referred to as the "Programme") were published for the reporting period 2015 and 2016. The "National Referral Mechanism" document which specifies the procedure for identification of victims of human trafficking – adults and children – as well as the specifics of this procedure when applied to third-country nationals, was also updated in 2020. Concerning the legislation, the changes were made particularly in access to health care. By an amendment to Act No. 580/2004 Coll. on health insurance<sup>2</sup>, the access to health services has improved for THB victims included in the Programme whose access to health care was limited before if they had debts towards a public health insurance scheme. Under a 2020 amendment to the same act, access to a comprehensive health insurance has been granted to third-country nationals with a tolerated residence who are identified as victims of trafficking in human beings and included in the Programme. As far as the protection of victims of trafficking in human beings is concerned, amendments to the Penal Code and the Code of Criminal Procedure adopted in 2020 extended the scope of legal immunity to include victims of trafficking in human beings as well.

The number of identified third-country national victims of trafficking in human beings was low in Slovakia during the reference period of 2015-2020. Therefore, we do not provide information about the exact numbers and nationalities of the victims. THB cases involved mainly labour and sexual exploitation, as well as forced marriages, with victims being both male and female adults.

The first chapter of the study focuses on the detection of victims of trafficking in human beings among third-country nationals, namely the various mechanisms and tools that help discover trafficking in human beings and the self-reporting of its victims. This chapter also contains a list of bodies that can detect victims of trafficking in human beings in Slovakia. Generally speaking, even though various mechanisms and means to detect potential victims of human trafficking are employed, the systems in the SR is failing to detect any larger numbers of THB victims among third-country nationals.

The second chapter contains a summary of individual procedures for identification of victims of trafficking in human beings in Slovakia. The basic document on the identification of victims of human trafficking is the National Referral Mechanism (hereinafter only referred to as "NRM") that defines the basic framework for victim identification procedures. The specific steps of the identification process, as well as bodies qualified to detect victims, are specified in detail in regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic. Individual stakeholders engaged in contacts with third-country nationals are regularly trained in this area. As far as identification of third-country nationals is concerned, Slovakia has little experience in this regard, including due to a low detection rate. The identification of the THB victims among third-country nationals remains a challenge. It should be examined whether the low number of such victims is linked to

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<sup>1</sup> Some data also refer to 2021, a year when the study is being prepared.

<sup>2</sup> Amendment to Act no. 580/2004 Coll. on health insurance and on the amendment of Act no. 95/2002 Coll. on Insurance and on Amendments to Certain Acts, as amended.

the lack of implementation of procedures for identifying (and detecting) the victims of trafficking and thus to the failure of actors to identify such victims, or to a poorly set up system of protection and assistance for such victims.

The third chapter of the study discusses the protection of third-country nationals who have become victims of trafficking in human beings and a set of assistance services to which the victims are entitled depending on their migration status. The central mechanism designed to assist the victims of human trafficking is the Programme specified in regulation of the Ministry of Interior of the Slovak Republic No. 161/2020. Based on the identified individual victim needs, they are provided services from the program. All victims are treated on a case-by-case basis while respecting the principles of protection of human rights, freedoms and human dignity. As regards compliance with the obligations under the so-called Istanbul Convention (Articles 60 and 61), Slovakia is not bound by them because it has not ratified the Convention so far. Nevertheless, Slovakia takes a non-discriminatory approach to all victims of human trafficking as enshrined both in its national legislation and in legally binding international documents. In the SR there is a lack of experience with granting tolerated residence to victims of THB. During the reporting period, no third-country national was granted tolerated residence for victims of trafficking in human beings, as none of the identified victims of trafficking among third-country nationals had irregular residence status at the time of identification and provision of assistance. This poses a challenge that arises from the lack of experience in dealing with such cases.

The fourth chapter describes international cooperation in detection, identification and protection of third-country national victims of trafficking in human beings. Given the fact that Slovakia has long been reporting small numbers of such victims, its cooperation with countries outside the EU in this area is also low. Nevertheless, Slovakia has a cooperation mechanism for the protection of presumed victims of human trafficking in place. At the EU level, we can see the benefits of the joint investigation teams, which achieve the desired results due to faster processes.

The final, fifth chapter discusses the key challenges and good practices in detection, identification and protection of third-country national victims of trafficking in human beings, taking into account the COVID-19 pandemic. The small number of identified victims remains the primary challenge for Slovakia. It is reasonable to assume that the real number of third-country national victims of trafficking in human beings is higher than officially reported. Among the reasons for the small number of detected victims may be Slovakia's character as a transit country, as well as third-country nationals' lack of trust in government authorities.<sup>3</sup> Good practices in this area include addressing the acute problems related to trafficking in human beings within a narrow group of stakeholders which contributes to their accelerated and, above all, better targeted solutions. Efforts to put victims in direct contact with non-governmental organisations are also considered a good practice in this respect, as it not only increases a victim's trust in the system of assistance but facilitates investigation of crimes, as well. One of the most important negative impacts the COVID-19 pandemic has had on the victims of trafficking in human beings is their limited access to assistance and services. In the area of providing assistance and services, the most often encountered issue was more difficult and time-consuming provision of the assisted voluntary returns. The pandemic has also fundamentally changed the modus operandi of perpetrators but the scope and extent of this change is yet impossible to assess.

## **Introduction – National situation with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (2015-2020)**

Q1. Please describe the main policy developments and debates that have occurred in the reference period 2015-2020 with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (e.g., parliamentary debates, policy reforms, draft/adopted legislation, media coverage, awareness-campaigns, relevant publications).

Several legislative and non-legislative regulations related to trafficking in human beings were updated during the reference period. The main activity relied on two conceptual documents, the so-called national programmes for the fight against trafficking in human beings, which have responded and respond to the current challenges and trends in the field of combatting the human trafficking. Their goal is to implement

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<sup>3</sup> Blažek, M., Andrášová, S., Paulenová N.: Skúsenosti migrantov a migrantiek na Slovensku s násilím [*Migrants' Experience with Violence in Slovakia*], IOM Bratislava, 2013. Available at: [https://www.iom.sk/sk/publikacie/integracia-migrantov.html?download=158:mic/iom\\_vyskum-skusenosti-migrantov-s-nasilim\\_2013.pdf](https://www.iom.sk/sk/publikacie/integracia-migrantov.html?download=158:mic/iom_vyskum-skusenosti-migrantov-s-nasilim_2013.pdf)

a coordinated system in Slovakia that will help reduce trafficking in human beings, that is, to narrow room for this type of criminal activities, which requires targeting attention both on perpetrators and potential victims. The national programmes also include action plans containing a broad range of tasks and activities to be performed by multiple stakeholders, including their deadlines. In addition, the Information Centre for Combatting Trafficking in Human Beings and Crime Prevention of the Ministry of Interior of the Slovak Republic (hereinafter only referred to as the "ICMI"), carrying out the tasks of the national correspondent for the area of combatting trafficking in human beings, prepares annual situational reports on combatting the human trafficking in which it summarises and analyses latest trends and activities in human trafficking in Slovakia, always for the previous calendar year. Several changes in legislative rules were adopted between 2015 and 2020. It should be noted in this respect that the aforementioned conceptual documents and action plans apply to all victims of trafficking in human beings, including third-country nationals.

The 2018 may be considered a breakthrough year with respect to the provision of health care to victims of trafficking in human beings who are included in the Programme. An amendment to Act No. 580/2004 Coll. on health insurance<sup>4</sup> was approved at the end of 2018 in order to improve the provision of and access to healthcare services to THB victims included in the Programme (not only third-country nationals). The amendment improved access to health care for the victims included in the Programme which had been limited in the past if they had had debts on public health insurance. Conditions have been created for trouble-free provision of comprehensive healthcare services covered from the public health insurance scheme to all THB victims included in the Programme (including third-country nationals).

Another change in the area of protection of victims of trafficking in human beings was a 2020 amendment to the Penal Code which extended the scope of legal immunity to also include human trafficking victims, where the offences were committed under coercion.<sup>5</sup> The Code of Criminal Procedure<sup>6</sup> was simultaneously amended to enable prosecutors to stay criminal prosecution in the case of offences committed by persons who have been forced to do so in direct connection with a THB crime committed on them.<sup>7</sup> Before the amendment, this had only been possible with respect to offences that had qualified as misdemeanours, not crimes.

The experience with identification of third-country national victims of trafficking in human beings has resulted in the need to amend some laws and regulations, as it turned out that third-country nationals with a tolerated residence who were identified as victims of human trafficking would not have access to full health care. Therefore, in 2020, the ICMI in cooperation with the Ministry of Health of the Slovak Republic initiated an amendment to Act No. 580/2004 Coll. on health insurance<sup>8</sup> to amend said law in the part regarding the transfer of responsibility for the payment for healthcare services provided to a third-country national granted subsidiary protection and third-country national granted tolerated residence who has been included in the Programme<sup>9</sup>. The amendment resolved the issue of healthcare payments for third-country national THB victims with a granted tolerated residence included in the Programme up to the moment they are excluded from the Programme.

An internal regulation of the Ministry of Interior of the Slovak Republic governing the organisation of the Programme also underwent a major change in the course of 2020, resulting in regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings which has been in force and effect since 1 January 2021. The regulation governs national procedures for the identification of potential victims of trafficking in human beings (including third-country nationals). The changes introduced by the new internal regulation respond to the needs of application practice, make the provision of assistance and support to THB victims, put in place procedure for the departments of the Ministry of Interior of the Slovak Republic for identification of the victims prior to their conclusion in the Programme together with the identification interviews, and refine the provisions on child victims of human trafficking.<sup>10</sup>

Instruction No. 5/2021 of the Director of the Bureau of Border and Foreign Police (BBFP) had been in force until March 2021, containing a methodology guidelines for border and foreign police officers and officers of the National Unit for Combatting Illegal Migration (NUCIM) of the BBFP P PF to ensure uniform identification of potential victims of human trafficking; the guidelines were incorporated in regulation No. 161/2020 of

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<sup>4</sup> Act no. 366/2018 Coll., Amending Act no. 461/2003 Coll. on social insurance, as amended, and amending Act no. 580/2004 Coll. on health insurance and on the amendment of Act no. 95/2002 Coll. on Insurance and on Amendments to Certain Acts, as amended, with effect from 30 December.

<sup>5</sup> §40(2) of Act No. 300/2005 Coll. the Penal Code, as amended.

<sup>6</sup> §215(2)(d) of Act No. 301/2005 Coll., the Code of Criminal Procedure, as amended.

<sup>7</sup> §215(2)(d) of Act No. 301/2005 Coll., the Code of Criminal Procedure, as amended.

<sup>8</sup> Act no. 393/2020 Coll. of 24 November 2020 amending Act no. 580/2004 Coll. on health insurance and on the amendment of Act no. 95/2002 Coll. on Insurance and on Amendments to Certain Acts, as amended, and Amending Certain Acts.

<sup>9</sup> § 9h par. 1 letter b) of Act no. 580/2004 Coll. on health insurance and on the amendment of Act no. 95/2002 Coll. on Insurance and on Amendments to Certain Acts, as amended.

<sup>10</sup> BBFP P PF instruction No. 11/2021 of 19 March 2021 on the repealing of some internal BBFP P PF regulations and on the issuance of an overview of valid internal BBFP P PF regulations.

the Ministry of Interior of the Slovak Republic in a section related to the identification of human trafficking victims along with a set of questions designed to identify adult and child victims.<sup>11</sup> At the same time, there is the instruction No.13/2012 of the Director of the Migration Office of the Ministry of Interior of the Slovak Republic (hereinafter referred to as the "MO MI SR") currently in force. The said instruction contains methodology guidelines to ensure identification of potential victims of human trafficking under the responsibility of the MO MI SR.

In 2020, the Ministry of Foreign and European Affairs of the Slovak Republic in cooperation with the Ministry of Interior of the Slovak Republic, updated its procedures concerning the contacts with the household personnel of foreign diplomats posted in Slovakia. As part of formal procedures, the NGO in charge of the programme services also conducts interviews with diplomats' household personnel with focus on the identification of trafficking in human beings and provides them with contact information they may use should they become victims of human trafficking. Since they often come from poor countries of the world with minimum information about trafficking in human beings, the ancillary personnel in diplomatic households may become, very covertly and in isolation, victims of this crime. It is therefore important that they receive the basic information where to seek help and assistance if necessary.

In cooperation with members of the Expert Group for Combatting Trafficking in Human Beings, the ICMI prepared an update to the National Referral Mechanism document in 2020.<sup>12</sup> A major section of this document specifies the procedure for identification of victims of human trafficking – adults and children – as well as the specifics of this procedure when applied to third-country nationals.

As part of its awareness-raising activities, the Ministry of Interior annually organised information and preventive billboard campaign "*Nie som na predaj*" [I'm Not for Sale] (until 2018) and "*Nezatváraj pred tým oči*" [Don't Close Your Eyes] (until 2019) to promote the National Help Line for Victims of Human Trafficking 0800 800 818. In 2020, the publication of preventive information on trafficking in human beings through social media also intensified. The majority of awareness-raising activities carried out in the reference period focused on Slovak nationals, also due to the fact that most human trafficking victims identified in Slovakia are Slovak citizens.<sup>13</sup>

**Q2. Please elaborate on the characteristics of detected, identified and protected (presumed) third-country national victims of human trafficking (including age, gender, country of origin, migration status), trafficking purposes (e.g., sexual exploitation, including forced prostitution, forced labour or services, slavery and servitude related practices, as well as the removal of vital organs), latest patterns and trends in the reference period 2015-2020.**

The number of identified third-country national victims of trafficking in human beings was low in Slovakia during the reference period of 2015-2020. Therefore, we do not provide information about their exact numbers and nationalities. THB cases involved mainly labour and sexual exploitation, as well as forced marriages, with both male and female victims.<sup>14</sup> Due to the small number of identified victims among third-country nationals, individual characteristics cannot be considered representative. All cases differed so much that it is difficult to talk about any common characteristics. Nevertheless, one THB case where the victim was a third-country national revealed certain legislative gaps with respect to equal access to health care when compared to victims with Slovak citizenship. It was also for this reason that an amendment to the Health Insurance Act<sup>15</sup> was proposed and became effective at the beginning of 2021. The amendment resolved the issue of healthcare payments for third-country national THB victims with a tolerated residence included in the Programme up to the moment they are excluded from the Programme (see Q1). This is an example that the measures for the protection of third-country national victims of trafficking in human beings are a "living" process that evolves over time in response to the needs of THB victims and problems arising from their application in practice.

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<sup>11</sup> Source: BBFP P PF questionnaire (of 20 September 2021).

<sup>12</sup> National Referral Mechanism. Available at:

[https://www.minv.sk/swift\\_data/source/mvsr/obchodovanie\\_ludmi/2020/NRM\\_final\\_2020.pdf](https://www.minv.sk/swift_data/source/mvsr/obchodovanie_ludmi/2020/NRM_final_2020.pdf)

<sup>13</sup> Situational reports on combatting trafficking in human beings for 2018 through 2020. Available at:

<https://www.minv.sk/informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>

<sup>14</sup> Situational reports on combatting trafficking in human beings for 2017 through 2020. Available at:

<https://www.minv.sk/informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality> and Evaluations of the Programme of Support and Protection for Victims of Trafficking in Human Beings for 2015-2016. Available at: [https://www.minv.sk/?program\\_podpory\\_a\\_ochrany\\_obeti](https://www.minv.sk/?program_podpory_a_ochrany_obeti)

<sup>15</sup> Act no. 393/2020 Coll. of 24 November 2020 amending Act no. 580/2004 Coll. on health insurance and on the amendment of Act no. 95/2002 Coll. on Insurance and on Amendments to Certain Acts, as amended, and Amending Certain Acts.

## Section 1: Detection of third-country nationals (presumed) victims of trafficking in human beings

**Q3.** Please describe the national procedures to detect (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

**a)** Are there measures in place to detect (presumed) third-country national victims of trafficking in human beings?  Yes  No

If so, please further elaborate in the table below.

Measures in place to detect (presumed) third-country national victims of trafficking in human beings	Details
Self-reporting	<p>The ICMI regularly sends information materials to asylum facilities MO MI SR, detention facilities and border crossing points – posters and self-reporting leaflets in several languages. Similar information materials can be found at labour offices, MO MI SR, BBFP P PF, foreign police departments, and individual departments of police force.</p>
Awareness raising campaigns	<p>If necessary, the ICMI provides self-reporting leaflets in eight languages, including information posters with the National Help Line for Victims of Human Trafficking telephone number 0800 800 818, to all asylum facilities/reception centres, detention facilities and border crossing points, including airports.</p> <p>Also, the ICMI annually organised awareness-raising and preventive billboard campaigns “<i>Nie som na predaj</i>” [I’m Not for Sale] and “<i>Nezatváraj pred tým očami!</i>” [Don’t Close Your Eyes!] to raise awareness of the existence of the National Help Line for Victims of Human Trafficking 0800 800 818. The Ministry of Interior also used discussion programmes, public and private media (radio, TV), and social networks to raise public awareness of THB issues. NGOs run their own awareness-raising campaigns as well.<sup>16</sup></p> <p>In accordance with the contractual relationship with the Ministry of Interior of the Slovak Republic, the SCC also engages in identification of the THB victims among foreigners in the asylum facilities. They do so through the interviews and consultations with potential victims, namely asylum seekers and irregular migrants. They organised lectures on trafficking in human beings in English language. To illustrate the topic they screened the different films selected based on the target audience. These films were either from the Film pack 2014 (films on trafficking in human beings in English language shared with SCC) or the film “0800 800 818” with English subtitles. However, screening of the films was not organised on regular basis, and it was not available in the languages spoken by the target audience.</p> <p>From 2020, the NGO <i>Slovenská humanitná rada</i> [Slovak Humanitarian Council] runs a project that provides comprehensive care to asylum applicants throughout Slovakia by delivering additional services beyond the standard services provided by state authorities. Project activities/services are available to all persons placed in the facilities run by the Migration</p>

<sup>16</sup> Situational reports on combatting trafficking in human beings for 2017 through 2020. Available at: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>

	<p>Office of the Ministry of Interior of the Slovak Republic, as well as to asylum seekers outside these facilities. Special attention is paid to the needs of vulnerable groups, such as people with disabilities, victims of trafficking in human beings, pregnant women, single parents with minor children, traumatised persons, tortured persons, victims of violence, people with mental disorders, older people, etc. The project aims to ensure dignified and decent living conditions to persons placed in all facilities of the Migration Office. Provision of legal services is also part of the project.<sup>17</sup> Through this extensive portfolio of services and direct contacts with asylum seekers, the Slovak Humanitarian Council staff are in good position to actively detect victims of trafficking in human beings. In the reporting period, there were other projects related to provision of legal services to asylum seekers implemented by the Centre for Legal Aid and Human Rights League.<sup>18</sup></p> <p>Third-country nationals who are victims of trafficking in human beings can also seek information and help in information offices established to assist victims of crime. These offices are located in eight regional cities and eight district cities. Their staff is also trained for working with victims of trafficking in human beings. They provide assistance to any victim who asks them for help, including victims who are third-country nationals.<sup>19</sup></p>
<p>Collection of indicators</p>	<p>A structured identification interview is used to collect data. It is specified in the regulation of the Ministry of Interior no.161/2020 and also in NRM, which contains the whole section that addresses the identification of the victims of trafficking in human beings and the indicators.</p>
<p>Intelligence gathering by investigative services (e.g., police, labour inspectorate)</p>	<p>From 2012, the police in cooperation with labour inspectorates carry out inspections in business entities<sup>20</sup> aimed at detecting illegal employment, irregular stay of third-country nationals, and victims of trafficking in human beings. The businesses to be inspected are chosen by labour inspectorates, bodies of the Central Office of Labour, Social Affairs and Family, and Bureau of Border and Foreign Police. The labour inspectorates and the bodies of the Central Office of Labour, Social Affairs and Family make decisions based on reported complaints/suggestions to perform labour inspections and based on their previous inspection experience. The BBFP P PF suggests businesses to be inspected based on its operative intelligence indicating suspicions of illegal employment of third-country nationals and trafficking in human beings. The BBFP P PF officers focus mainly on search for third-country nationals who are staying in Slovakia irregularly and on other violations of the provisions of Act No. 404/2011 Act on the Residence of Foreigners<sup>21</sup> and on search for and identification of victims of trafficking in human beings.<sup>22</sup> Labour inspectors check whether third-country nationals are engaged in dependent work</p>

<sup>17</sup> Source: Effective Services for Asylum Applicants in Slovakia III. Available at: [www.shr.sk](http://www.shr.sk)

<sup>18</sup> Interim evaluation report within AMIF. Available at:

[https://www.minv.sk/swift\\_data/source/mvsr\\_a\\_eu/simons/nove/Hodnotiaci%20sprava%20AMIF.docx](https://www.minv.sk/swift_data/source/mvsr_a_eu/simons/nove/Hodnotiaci%20sprava%20AMIF.docx)

<sup>19</sup> Source: Request for information to prepare the study (email response by CPS of 20 October 2012).

<sup>20</sup> Inspections are carried out on the basis of the Agreement on Cooperation in Performance of Inspections of Business Entities Enabling Illegal Work concluded between the Ministry of Interior of the Slovak Republic and the National Labour Inspectorate on 13 April 2012, and later replaced by the Agreement on the Performance of Cooperative Inspections in Business Entities of 30 December 2013. Inspections are also carried out in accordance with the Agreement on Cooperation in Inspection of Illegal Work and Illegal Employment concluded between the Ministry of Interior of the Slovak Republic and the Central Office of Labour, Social Affairs and Family on 10 June 2013.

<sup>21</sup> Act No. 404/2011 on the residence of foreigners and on amendments to certain acts.

<sup>22</sup> Source: BBFP P PF questionnaire (of 20 September 2021).

	and verify whether they have written employment contracts; whether they are registered in the insurance and old-age pension saving scheme administered by the Social Insurance Agency or have documents confirming their registration in a social security system of another country (where international agreements so permit); or whether they have a residence permit for the purpose of work, including additional data about employment, and/or a work permit. <sup>23</sup>
Proactive screening in asylum procedures	The Migration Office proactively screens documents submitted by asylum seekers in the asylum procedure and then checks their situation during asylum interviews. In case there are any indications that the person interviewed may be a victim of trafficking in human beings, questions about possible trafficking of human beings are posed during this interview.  During interviews with a social worker in the asylum facility, asylum seekers are asked questions related to potential trafficking in human beings. <sup>24</sup>
Proactive screening in migration procedures	Diplomatic Missions of the Slovak Republic conduct personal interviews with applicants for temporary residence in Slovakia as part of preliminary assessment of their applications. Since the consular personnel is trained to identify victims of trafficking in human beings, they are able to detect a potential victim already at this stage.
Other	-

#### b. What measures are in place to promote and facilitate self-reporting by (presumed) third-country national victims of trafficking in human beings?

Self-reporting leaflets for potential victims of trafficking in human beings are available in eight language versions in asylum facilities/reception centres and in the Migration Office of the Ministry of Interior of the SR. Also, questions aimed at victims' self-reporting are part of an interview with a social worker present in the facility who is trained in detecting and identifying victims of trafficking in human beings.

Information materials in different language versions were provided to the Border and Foreign Police Directorates, as well as to the border crossing points used by the non-EU/EEA nationals to enter the SR (including the airports). These materials are also distributed to places where third-country nationals are being employed, for example during the so called Joint Action Days aimed at combatting and preventing the trafficking in human beings.

At the same time, the victims of trafficking in human beings (third-country nationals) can identify themselves as victims by researching this issue on various websites. They can also find more information on assistance to victims of human trafficking in Slovakia, e.g. on the following websites:

- <https://www.minv.sk/?information-centre-for-combating-trafficking-in-human-beings-and-for-crime-prevention>
- <https://iom.sk/en/activities/counter-trafficking-in-human-beings/national-helpline-0800-800-818.html>

Furthermore, all personnel conducting the asylum procedures is properly trained and they closely monitor potential victims of trafficking in human beings.

#### c. Please indicate whether (and in what way) these specific measures differ for any of the cases below.

<sup>23</sup> Source: Request for information to prepare the study (email response by the National Labour Inspectorate of 21 October 2012).

<sup>24</sup> Source: Migration Office questionnaire (of 22 September 2021).

Specific measure to detect (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	Asylum seekers may provide necessary data to a BBFP P PF officer as soon as they enter the asylum procedure, anytime during the procedure to a Migration Office officer. They can also provide the necessary information to the social worker anytime during their stay in MO MI SR facilities
within other migration procedures (e.g., seasonal workers, domestic workers, au pairs, students)	In order to ensure a multidisciplinary approach, the labour inspectorates carry out each year, together with BBFP P PF officers, including the NUCIM, and officers from individual regional police directorates, cooperative inspections in business entities aimed at discovering cases of illegal employment, irregular stay of third-country nationals, and victims of trafficking in human beings with focus on human trafficking identifiers. Labour inspectors follow the rules specified in "Methodology Guidance for the Performance of Labour Inspections with Focus on Compliance with the Prohibition of Illegal Work and Illegal Employment", prepared by the National Labour Inspectorate and last updated on 15 November 2019. If they have a suspicion of trafficking in human beings, the labour inspectorates must forward their findings to law enforcement authorities. <sup>25</sup>
who are voluntary returnees	No difference.
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g., minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	<p>During the asylum procedure, the same procedures and measures apply to vulnerable persons with the exemption of unaccompanied minors who are placed in specialised facilities for minors (Centres for Children and Families (hereinafter only referred to as "CCFs"), operated by the Ministry of Labour, Social Affairs and Family. In case of identification of children, the procedure is specified in the Regulation of the Ministry of Interior of the SR no. 161/2021<sup>26</sup>.</p> <p>Once the unaccompanied minor is placed in the CCF, they are regularly screened for potential risks by means of such techniques as controlled interviews interpreted to their native language (social worker, psychologist), case conferences held within 48 hours of their placement in the CCF, observation (direct-contact employees), and informal interviews (social worker, psychologist, direct-contact employees).<sup>27</sup></p> <p>The CCF uses the services of an interpreter-mediator who individually and regularly works with the unaccompanied minor by engaging them in conversations in their native language. The interpreter-mediator is a close person to the unaccompanied minor and, at the same time, represents an authority who speaks their native language in the foreign environment. This may help build an open relation of mutual trust that is necessary for early identification of THB indicators. Based on the controlled interview and summary findings made by the cultural mediator, psychologist, and social worker, indicators of the unaccompanied minor being potentially at risk of trafficking in human beings are ascertained and evaluated.<sup>28</sup></p>
who are in an irregular situation	These persons are identified by the Border and Foreign Police service. National procedures for the identification of potential victims of

<sup>25</sup> Source: BBFP P PF questionnaire (of 20 September 2021).

<sup>26</sup> Annex no. 1 to the Regulation of the Ministry of the Interior of the Slovak Republic no. 161/2020.

<sup>27</sup> Source: Slovakia's contribution to EMN report "Children in Migration" of 2019.

<sup>28</sup> Source: Request for information to prepare the study (email response by the Labour Ministry of 21 October 2012)

	trafficking in human beings (including irregular migrants) are contained in Articles 3 and 4 of regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings. Following a detention and/or an arrest of a third-country national, a border and foreign police officer interrogates that person and if the police officer reasonably concludes from the information received that the third-country national could have been a victim of trafficking in human beings, an identification interview is conducted. Subsequently, the police officer suggests a possibility to the third-country national to join the Programme. <sup>29</sup>
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**d. What procedural safeguards exist for each category presented above?**

Pursuant to §58 of Act No. 404/2011 on the residence of foreigners, a police department will grant a tolerated residence to a third-country national victim of trafficking in human beings if there are no reasons to reject the application pursuant to §59(12) and the person is over 18. The police department or a person authorised by the Ministry of Interior of the Slovak Republic will advise the third-country national on the possibility and conditions of tolerated residence granted for this reason and on the rights and obligations arising from it. Pursuant to §58(2) of said act, the police department may, upon request of a law enforcement authority, grant a tolerated residence to a third-country national who has been employed illegally under especially exploiting working conditions, or to an illegally employed minor, if the presence of that third-country national in the territory of the Slovak Republic is necessary for the purpose of criminal proceedings. The police department grants a tolerated residence for 180 days. The police department may extend the tolerated residence for another 180 days, even repeatedly, until the final closure of criminal proceedings or until the moment when the third-country national is paid the remuneration for the work performed owed to them.<sup>30,31</sup>

In the case of asylum applicants, this involves procedural safeguards (e.g. provision of psychological services, postponements of asylum proceedings, conducting of the asylum procedure by a specialist on the trafficking in human beings) within asylum procedure. There is no legal definition of these safeguards, but they are granted as needed by a particular person in the asylum procedure.<sup>32</sup>

In the case of irregular migrants and persons following different types of migration procedures, the procedural safeguards are enacted by § 83 of Article 8(c) of the Act No.404/2021 on the residence of foreigners, which states that the third-country national who is a victim of trafficking in human beings can not be administratively expelled during the so called reflection period.<sup>33</sup>

The children are covered by special category and their procedural safeguards are enacted by § 83 of Article 8(a) of the Act No.404/2021 on the residence of foreigners, according to which the police cannot administratively expel a child under 18 years of age, excluding the case when it is in the best interest of the child.<sup>34</sup>

**e. What organisations / authorities are trained / competent to detect (presumed) third-country national victims of trafficking)?<sup>35</sup>**

Organisation / authorities	Trained to detect (presumed) third-country national victims of trafficking? Y/N	Competent to detect (presumed) third-country national victims of trafficking? Y/N	Details
Police	Y	Y	Mandated police officers and police investigators are regularly trained to identify trafficking in

<sup>29</sup> Regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings.

<sup>30</sup> Act No. 404/2011 on the residence of foreigners and on amendments to certain acts.

<sup>31</sup> Source: BBFP P PF questionnaire (of 20 September 2021).

<sup>32</sup> Source: Migration Office questionnaire (of 22 September 2021).

<sup>33</sup> § 83 par. 8 letter c) of Act No. 404/2011 on the residence of foreigners and on the amendment of certain acts.

<sup>34</sup> § 83 par. 8 letter c) of Act No. 404/2011 on the residence of foreigners and on the amendment of certain acts.

<sup>35</sup> EMN NCPs are invited to address this question by using as source the European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_reviewing\\_the\\_functioning\\_of\\_member\\_states\\_national\\_and\\_transnational\\_referral\\_mechanisms.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf), last accessed on 15 May 2021.

			<p>human beings under the project funded by the European Commission entitled "Special Interrogation Rooms for Child Victims and Other Particularly Vulnerable Victims of Crime", running since 2018.</p> <p>One part is dedicated to trafficking in human beings. It is presented by the representative of the Information Centre for Combatting Trafficking in Human Beings and Crime Prevention of the Ministry of Interior of the Slovak Republic (hereinafter referred to as "ICMI").<sup>36</sup></p> <p>The Crime Prevention Section (CPS) of the Office of the Minister of the Interior organised training for 300 police officers in 2017 in order to reinforce the preparedness of the police in prevention and identification of trafficking in human beings, including potential third-country national victims, as well.<sup>37</sup></p>
Border guards	Y	Y	<p>In 2018, the ICMI organised three training workshops on identification of victims of human trafficking for 55 BBFP P PF officers in Bratislava, Banská Bystrica, and Sobrance.</p> <p>The Education Department of the Border and Foreign Police Directorate in Sobrance organised training workshops on trafficking in human beings for 13 new recruits and 310 officers serving at individual units reporting to the Sobrance Border and</p>

<sup>36</sup> Situational reports on combatting trafficking in human beings for 2018 through 2020. Available at: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>

<sup>37</sup> Source: Request for information to prepare the study (email response by CPS of 20 October 2012).

			Foreign Police Directorate in 2018. <sup>38</sup>
Labour inspectors	Y	Y	Two multidisciplinary training workshops for labour inspectors were organised in 2017. The training were prepared by the ICMI and focused on identification of trafficking in human beings with special focus on forced labour. <sup>39</sup>
Migration services	Y	Y	This group was trained within workshops for police officers. See above in the table.
Asylum case officers	Y	Y	Training workshops for the Migration Office employees were organised in 2021.
General practitioners	N	N	
Other health workers	Y	Y	Paramedics and several experts in psychiatry were also trained to detect and identify victims of trafficking in human beings.
Employers	N	N	
Trade unions	N	N	
Civil society organisations	Y	Y	The ICMI organised training activities on identification of trafficking in human beings for employees of DEPAUL Slovensko (an NGO that provides support and assistance to homeless people) in 2020. <sup>40</sup>
Others	Soldiers, CCF employees, 112 emergency line employees	Consular personnel	In general, anybody  In 2021, for the first time, the THB trainings of the advocates specialised in children's

<sup>38</sup> Situational report on combatting trafficking in human beings for 2018. Available at: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>

<sup>39</sup> Situational report on combatting trafficking in human beings for 2017. Available at: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>

<sup>40</sup> Situational report on combatting trafficking in human beings for 2020. Available at: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>

			rights have been carried out. The training focused on the rights of the third-country nationals. The trainings were organised through cooperation with the Slovak Bar Association with a view to further cooperation.
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f. Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the detection of (presumed) third-country national victims of trafficking in human beings?<sup>41</sup>

The NRM was last updated in 2020, from its 2015 version.<sup>42</sup> The update responded to the need to define stakeholders' tasks in the identification process more clearly and to make the system of initial detection of trafficking in human beings more transparent. The last update also included information about third-country nationals who became victims of trafficking in human beings and stay in Slovakia irregularly. Such persons are granted a tolerated stay.

The NRM update refined the procedures for referral of adult and child victims for access to necessary help and assistance. The document describes the basic pillars of the NRM from the point of view of their focus on victims, human rights, and institutional framework. The NRM document is mainly intended for practitioners and experts that may get in contact with potential victims of trafficking in human beings, and can help them decide on the correct procedure and approach to victims, if necessary.

## Section 2: Identification of (presumed) third-country national victims of trafficking in human beings

Q4. Please describe the national procedures to identify (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

a) What organisations / authorities are competent to identify (presumed) third-country national victims of trafficking?

Organisation / authorities	Competent to identify (presumed) third-country national victims of trafficking? Y/N	Details
Police	Y	Law enforcement authorities are the only ones that can formally identify victims of trafficking in human beings. <sup>43</sup> According to the NRM, victims of human trafficking may be identified by any government, public or local authority, or any international and/or non-governmental organisation. However, only the law enforcement authorities are entitled to formally declare whether a person really is the victim of the crime of trafficking in human beings. Departments, facilities and organizations of the Ministry of Interior of the Slovak Republic are bound by the procedure in accordance with

<sup>41</sup> EMN NCPs are invited to address this question by using as source the European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_reviewing\\_the\\_functioning\\_of\\_member\\_states\\_national\\_and\\_transnational\\_referral\\_mechanisms.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf), last accessed on 15 May 2021.

<sup>42</sup> National Referral Mechanism. Available at: [https://www.minv.sk/?referencny\\_mechanizmus](https://www.minv.sk/?referencny_mechanizmus)

<sup>43</sup> National Referral Mechanism. Available at: [https://www.minv.sk/?referencny\\_mechanizmus](https://www.minv.sk/?referencny_mechanizmus)

		the regulation of the Ministry of Interior of the SR no.161/2020, which contains a detailed procedure for identifying the victim and the next steps.
Border guards	Y	Border police is in its practice of identification of victims of trafficking in human beings bound by the procedures for identifying THB victims specified in the regulation of the Ministry of Interior of the SR no.161/2020.
Labour inspectors	Y	Labour inspectors also pay attention to indicators of trafficking in human beings when conducting inspections, and check whether third-country nationals have/have no access to their personal documents, whether they have been instructed how to testify (justify their presence at the workplace), and whether they are/are not permitted to testify in the absence of other persons (witnesses, employer's representative). If labour inspectors find that the third-country nationals are forced to work against their will, that their wage, or its part, is withheld, that they have no freedom of movement and are not allowed to keep contacts with other persons, or that they are intimidated or tortured, they report these finding to law enforcement authorities. <sup>44</sup>
Migration services	Y	
Asylum case officers	Y	The identification is undertaken within the process of screening of all the documents in the asylum procedure, during the interviews in asylum procedure, and also during the stay in the facilities of the Ministry of Interior of the SR, where questions related to trafficking of human beings are included in the interviews with social workers working in the facilities.
Civil society organisations	Y	
Others	Selected employees of defence, education, foreign affairs sectors, personnel in Centres for Children and Families, social guardianships officers.	

b) Are there specific measures in place to identify (presumed) third-country national victims of trafficking in human beings?  Yes  No

If so, please elaborate.

<sup>44</sup> Source: Request for information to prepare the study (email response by the National Labour Inspectorate of 21 October 2012).

Measures and/or procedures for identification of potential victims of trafficking in human beings (including third-country nationals) are specified in Articles 3 and 4 of the regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic. The regulation also contains a set of questions which should make it easier for relevant Programme stakeholders to identify victims of trafficking in human beings, including child victims.<sup>45</sup> One of the measures in place is the free National Help Line for Victims of Human Trafficking 0800 800 818 which can be contacted by any person, including third-country nationals.

c) Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to identify (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	<p>All Migration Office employees are regularly trained by the ICMI staff on identification of victims of trafficking in human beings. If they suspect that an asylum seeker could be a victim of trafficking in human beings, the Migration Office employees proceed in line with the regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings.</p> <p>The Migration Office also has a set of questions prepared to identify asylum seeker as potential victim of trafficking in human beings. The questions are explicitly defined in instruction No. 13/2012 of the Director of the Migration Office of the Ministry of Interior of the Slovak Republic issuing a methodology guideline to ensure identification of potential victims of trafficking in human beings within the responsibility of the Migration Office.<sup>46</sup></p>
within other migration procedures (e.g., seasonal workers, domestic workers, au pairs, students)	<p>In order to ensure a multidisciplinary approach, the labour inspectorates carry out each year, together with BBFP officers, including the NUCIM, and officers from individual regional police directorates, cooperative inspections in business entities aimed at discovering cases of illegal employment, irregular stay of third-country nationals, and victims of trafficking in human beings with focus on human trafficking identifiers. The labour inspectors follow the rules specified in "Methodology Guidance for the Performance of Labour Inspections with Focus on Compliance with the Prohibition of Illegal Work and Illegal Employment" prepared by the National Labour Inspectorate and last updated on 15 November 2019. If they have a suspicion of trafficking in human beings, the labour inspectorates must forward their findings to law enforcement authorities.<sup>47</sup></p>
who are voluntary returnees	No difference.
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g., minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	<p>Procedural safeguards are provided to these vulnerable persons throughout the entire asylum procedure as necessary in individual cases. These safeguards are also observed during identification of the person as a potential victim of trafficking in human beings.<sup>48</sup> In addition, officers of the foreign police departments are retrained on the trafficking in human beings on yearly basis, which also include information on potential vulnerable groups.</p> <p>In the case of unaccompanied minors, the CCF cooperates in identification with the police and an authority of social and legal protection of children and social guardianship (hereinafter only</p>

<sup>45</sup> Regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings.

<sup>46</sup> Source: Migration Office questionnaire (of 22 September 2021).

<sup>47</sup> Source: BBFP P PF questionnaire (of 20 September 2021).

<sup>48</sup> Source: Migration Office questionnaire (of 22 September 2021).

	referred to as "SLPCH"). An SLPCH authority or a CCF immediately reports any suspicion of THB to law enforcement authorities. <sup>49</sup>
who are in an irregular situation	No difference.

d) Does a (presumed) third-country national victim have to be formally identified by a competent authority in order to apply for / be granted a reflection period / residence permit / protection status?  Yes  No

e) Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the identification of (presumed) third-country national victims of trafficking in human beings?<sup>50</sup>

The NRM was last updated in 2020, from its 2015 version.<sup>51</sup> The update responded to the need to define stakeholders' tasks in identification process more clearly and to make the system of initial detection of trafficking in human beings more transparent. The last update also included information about third-country nationals who became victims of trafficking in human beings and stay in Slovakia irregularly. Such persons are granted a tolerated residence.

The NRM update refined the procedures for referral of adult and child victims for access to necessary help and assistance. The document describes the basic pillars of the NRM from the point of view of their focus on victims, human rights, and institutional framework. The NRM document is mainly intended for practitioners and experts that may get in contact with potential victims of trafficking in human beings, and can help them decide on the correct procedure and approach to victims, if necessary.

### Section 3: Protection of (presumed) third-country national victims of trafficking in human beings

Q5. In line with the Anti-trafficking Directive, please describe in the table below what kind of assistance, support and protection (presumed) third-country national victims of trafficking in human beings are given access to in your Member State who are in the reflection period, in the Dublin III procedure, in the asylum procedure or who have a valid authorization to stay (residence permit, short term visa or visa-free stay) respectively. Please also indicate, for each type of assistance the competent authority that can trigger its provision.

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/visa-free stay
Information on risks and protection mechanisms	BBFP P PF, SCC advise on the possibility to receive help through the Programme.	Migration Office advises on the possibility to receive help through the Programme.	Migration Office advises on the possibility to receive help through the Programme.	BBFP P PF, SCC, LEA advise on the possibility to receive help through the Programme.	SCC, LEA advise on the possibility to receive help through the Programme.
Appropriate and safe accommodation	BBFP P PF provides adequate accommodation if the person cannot afford one.	Migration Office provides accommodation in one of its facilities.	Migration Office provides accommodation in one of its facilities.	SCC (provided that the victim entered the Programme) provides safe accommodation in its facility.	SCC (provided that the victim entered the Programme) provides safe accommodation in its facility.

<sup>49</sup> Source: Request for information to prepare the study (email response by the Labour Ministry of 21 October 2012) and Slovakia's contribution to EMN report "Children in Migration" of 2019.

<sup>50</sup> EMN NCPs are invited to address this question by using as source the European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_reviewing\\_the\\_functioning\\_of\\_member\\_states\\_national\\_and\\_transnational\\_referral\\_mechanisms.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf), last accessed on 15 May 2021.

<sup>51</sup> National Referral Mechanism. Available at: [https://www.minv.sk/?referencny\\_mechanizmus](https://www.minv.sk/?referencny_mechanizmus)

Necessary medical treatment	BBFP P PF ensures urgent medical care; once the person enters the Programme, they become entitled to full health care.	Migration Office ensures the medical care within the asylum procedure.	Migration Office ensures the medical care within the asylum procedure.	SCC (provided that the victim entered the Programme) provides full health care.	SCC (provided that the victim entered the Programme) provides full health care.
Counselling and information	BBFP P PF advises the person on the possibilities of cooperation with law enforcement authorities.	Migration Office advises the person on the possibilities of cooperation with law enforcement authorities and provides basic counselling by the person conducting the asylum procedure or by the social worker.	Migration Office advises the person on the possibilities of cooperation with law enforcement authorities and provides basic counselling by the person conducting the asylum procedure or by the social worker.	SCC (provided that the victim entered the Programme) advises the person on the possibilities of cooperation with law enforcement authorities. MIC IOM provides free legal and work counselling to third-country nationals with resident permits in Slovakia; therefore, this counselling can also be provided to victims of trafficking in human beings having this residence status.	SCC (provided that the victim entered the Programme) advises the person on the possibilities of cooperation with law enforcement authorities. MIC IOM provides free legal and work counselling to third-country nationals with resident permits in Slovakia; therefore, this counselling can also be provided to victims of trafficking in human beings having this residence status.
Legal assistance	No	No	Migration Office	SCC (provided that the victim entered the Programme) provides free legal counselling to victim of trafficking in human beings. MIC IOM (in the form of legal counselling)	SCC (provided that the victim entered the Programme) provides free legal counselling to victim of trafficking in human beings. MIC IOM (in the form of legal counselling)
Translation and interpretation	BBFP P PF provides interpreting and translation services.	Migration Office provides interpreting and translation services.	Migration Office provides interpreting and translation services.	LEA, SCC (provided that the victim entered the Programme)	LEA, SCC (provided that the victim entered the Programme)
Psychological assistance	BBFP P PF	Migration Office	Migration Office	SCC (provided that the victim entered the Programme) provides psychological counselling and psychotherapeutic services.	SCC (provided that the victim entered the Programme) provides psychological counselling and psychotherapeutic services.

Subsistence (material assistance)	BBFP P PF	Migration Office (provided that the person is accommodated in a Migration Office facility) provides subsistence allowance.	Migration Office (provided that the person is accommodated in a Migration Office facility) provides subsistence allowance.	SCC (provided that the victim entered the Programme) ensures that the person's basic needs are satisfied.	SCC (provided that the victim entered the Programme) ensures that the person's basic needs are satisfied.
Social and economic integration	No	No	Migration Office (only if the person concerned has been granted international protection) provides services helping with social and economic integration.	SCC (provided that the victim entered the Programme) provides requalification training, short-term or specialised language courses, assistance to job seekers.  MIC IOM provides Slovak language courses and education to third-country nationals with a valid residence permit in Slovakia, which may also be provided to victims of trafficking in human beings.	SCC (provided that the victim entered the Programme) provides requalification training, short-term or specialised language courses, assistance to job seekers.
Protection against re-victimisation	BBFP provides safe accommodation and isolation from the criminal environment.	No	No	SCC (provided that the victim entered the Programme) provides safe accommodation and isolation from the criminal environment.	SCC (provided that the victim entered the Programme) provides safe accommodation and isolation from the criminal environment.
Other					

**Q6. How does your Member State apply the principle of non-refoulement for victims of trafficking in human beings? Please indicate whether (and in what way) specific measures differ from general practice.**

The principle of non-refoulement, or the barriers to administrative deportation of third-country nationals, is governed by §81 of Act No. 404/2011 on the Residence of Foreigners.<sup>52</sup> In practice, each case needs to be assessed individually. Specific attention needs to be paid to the residence status of victims of trafficking in human beings.

Where the victim of human trafficking is an asylum seeker, the mere fact that this person has been a victim of trafficking in human beings is not a sufficient reason for granting international protection; the national legislation, however, contains provisions that permit to grant that person an asylum for humanitarian reasons.<sup>53</sup>

**Q7. How does your Member State implement Article 60 and 61 of the 'Istanbul Convention'?**<sup>54</sup>

Slovakia has yet not ratified the so-called Istanbul Convention. Nevertheless, Slovakia takes a non-discriminatory approach to all victims of human trafficking as enshrined both in its national legislation and in legally binding international documents. Under Article 12(2) of the Constitution of the Slovak Republic,<sup>55</sup> the fundamental rights and freedoms are guaranteed in the territory of the Slovak Republic to all persons regardless of their sex, race, colour of skin, belief and religion, political or other opinion, national or social background, nationality or ethnicity, property, gender, or other status. No person can be harmed, favoured, or disadvantaged on these grounds. Another legal document by which Slovakia is bound is the EU Charter for Fundamental Rights which enshrines the principle of non-discrimination in its Article 21. Specifically with respect to victims of trafficking in human beings, Slovakia is bound by the Council of Europe Convention on Action against Trafficking in Human Beings that entered into force in Slovakia on 1 February 2008, whose Article 3 contains the non-discrimination principle.

**Q8. Please describe what typology(ies) of reflection periods, residence permit(s), protection status(es) and national programme(s) are available to protect (presumed) third-country national victims of trafficking, by answering the following questions.**

**a) What organisations / authorities are competent to trigger the request for a (presumed) victim to remain on the territory of your Member State? Please indicate if the organisations / authorities differ between cases of presumed and identified third-country national victims of trafficking in human beings.**

The amendment to the Regulation of the Ministry of Interior of the SR no. 161/2020 implies that where there is a reasonable suspicion that a person has been a victim of trafficking in human beings, a Programme stakeholder conducts an identification interview<sup>56</sup> with that person and, if the person is positively identified as a victim of human trafficking, offers them to enter the Programme. If the person is a third-country national in an irregular situation and agrees to join the Programme, the Programme service provider contracted by the Ministry of Interior of the SR to provide the services, arranges for their visit to the competent local foreign police department in order to register them for a tolerated residence. If the potential third-country national victim does not want to enter the Programme, the identification procedure is performed by the border and foreign police and if the victim is positively identified, the police grants them a tolerated residence for 90 days pursuant to §58(3) of Act No. 404/2011 Coll. on the Residence of Foreigners and on amendment to certain acts as amended. During this period the person can decide whether they want to cooperate with law enforcement authorities. The tolerated residence may be extended for another 30 days at the request of a person authorised by the Ministry of Interior of the Slovak Republic.<sup>57</sup> According to NRM, a potential victim is a person identified by any actor who is involved in the NRM, or by the victim themselves. The person is considered as an identified victim when they are included in the Programme. In terms of the procedures enshrined in the Regulation of the Ministry of Interior of the SR no. 161/2020, there is a difference between potential victim and identified victim when considering the third-country nationals with irregular residence status. In the case of third-country national who has entered the Programme, and is therefore considered an identified victim by the NRM, the foreign police should consider this when granting the tolerated residence, or so called reflection period, if this person

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<sup>52</sup> Act No. 404/2011 on the residence of foreigners and on amendments to certain acts.

<sup>53</sup> Source: Migration Office questionnaire (of 22 September 2021).

<sup>54</sup> CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, last accessed on 9 May 2021.

<sup>55</sup> The Constitution of the Slovak Republic 460/1992

<sup>56</sup> Annex No. 1 to regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings.

<sup>57</sup> Regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings.

does not cooperate with the police yet and no criminal proceedings have been instituted, and so the police should grant such person tolerated residence.

In the case of third-country national victim who has not entered the Programme, the foreign police proceeds according to Act no. 404/2011 Coll.<sup>58</sup>

If the victim decides to cooperate with law enforcement authorities, the policy department will grant them a tolerated residence for 180 days, even repeatedly, if their presence in the territory of the Slovak Republic is necessary for the purpose of criminal proceedings.<sup>59</sup>

b) Can third-country national victims of trafficking in human beings submit a request for a reflection period themselves?  Yes  No

If so, to whom? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

c) Does your Member State provide for a reflection period also for presumed third-country national victims of trafficking in human beings?  Yes  No

d) How long does the reflection period last to decide if presumed third-country national victims of trafficking in human beings want to cooperate with the authorities? Does it have the same duration in case it is provided to identified victims?

The reflection period for third-country national victims of trafficking in human beings is 90 days and may be extended by another 30 days at the request of a person authorised by the Ministry of Interior of the SR<sup>60</sup>. The reflection period for making a decision on cooperation with law enforcement authorities is the same for identified as well as for presumed victims of trafficking in human beings.

e) Are (presumed) third-country national victims of trafficking in human beings expected to cooperate with the authorities during the reflection period?  Yes  No

If so, what is expected from them (e.g., report to the police, refer to support organisations, discontinue contact with traffickers)? Does cooperation differ between identified and presumed third-country national victims of trafficking in human beings?

f) What type of residence permit(s) are available specifically for (presumed) victims of trafficking in human beings in your Member State? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

Presumed victims of trafficking in human beings are granted a tolerated residence for the period of 90 days which may be extended by additional 30 days. During this period, the third-country national victim of trafficking in human beings who is at least 18 years old may decide whether they will cooperate with law enforcement authorities in the investigation of the THB-related crime. If the victim cooperates, they may be granted a tolerated residence for at least 180 days, even repeatedly, if their presence in the Slovak Republic is necessary for the purpose of criminal proceedings. Theoretically, the victim of human trafficking may be granted tolerated residence until the perpetrator is convicted with finality. Both categories, that is, presumed as well as identified victims of human trafficking, receive identical assistance services, including the same type of residence, i.e., tolerated residence. The difference is that as soon as the law enforcement authorities find that the presumed victim is not a victim of trafficking in human beings, that person automatically loses entitlement to tolerated residence.

g) What are the conditions for getting these permit(s) granted? Do conditions differ between presumed and identified (i.e., not yet identified) third-country national victims of trafficking in human beings?

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<sup>58</sup> Act no. 404/2011 on the residence of foreigners and on the amendment of certain laws

<sup>59</sup> Act No. 404/2011 on the residence of foreigners and on amendments to certain acts.

<sup>60</sup> § 58 par. 3 of Act no. 404/2011 on the residence of foreigners and on the amendment of certain laws.

The conditions for being granted a tolerated residence are basically the same for presumed as well as identified third-country national victims of trafficking in human beings. For both categories, a justified conclusion must exist that the person could have become a victim of trafficking in human beings and is at least 18 years old.

For persons who want to enter the Programme, the procedure is governed by the Regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings. The regulation defines that the application for tolerated residence is filed by a competent Programme service provider (an organisation contracted by the Ministry of Interior of the SR), on behalf of the victim, and provides them with the information about the Programme and related rights and obligations. The victim is also provided with the information on tolerated residence in the Slovak Republic, and if necessary, also with the information on the options to apply for international protection for person who enters the Programme. The entry declaration, which must be signed by the victim entering the Programme, contains also information that Programme service provider will submit the application for the tolerated residence (or its prolongation) on behalf of the victim.<sup>61</sup> Therefore, informed consent is required from the victim to make sure that the victim understands all actions and procedures to which they are subject. Entering the Programme is not conditional upon cooperation with law enforcement authorities.

The procedure in the case of third-country national victims with irregular residence status, who do not want to enter the program, is governed by § 58 para. 3 of Act no. 404/2011 Coll. A presumed victim of trafficking in human beings is granted a tolerated residence after being identified as a potential victim of THB by state authorities, local governments, international or non-governmental organizations, or from abroad. This fact will be reported by one of the above-mentioned entities to the Foreign Police Department, which grants such a person a tolerated residence for a period of 90 days. During this period a third-country national victim of trafficking, who is at least 18 years, old decides whether they want to cooperate with the law enforcement authorities in the investigation of the THB-related crime. This period may be extended by 30 days at the request of a person authorized by the Ministry of the Interior. (In practice, during this period, the tolerated residence is entered into the information system of the Ministry of the Interior of the Slovak Republic.) This means that a victim of trafficking in human beings does not have to apply to any authority for a tolerated residence, as this stay is granted on the basis of a previous identification.<sup>62</sup>

Information on the granting of tolerated residence is communicated to third-country nationals by the subject of the program, the police department or a person authorized by the Ministry of the Interior of the Slovak Republic.

The police department grants a tolerated residence to minors irrespective of whether they are victims of trafficking in human beings.<sup>63</sup>

h) Are other protection status(es) and national programme(s) offered to protect (presumed) third-country national victims of trafficking in human beings?  Yes  No

If so, please indicate the extent to which they differ between presumed and identified third-country national victims of trafficking in human beings.

Under Act No. 404/2011 Coll. on the Residence of Foreigners<sup>64</sup> and on amendments to certain acts, victims of trafficking in human beings are considered vulnerable persons, thus deserving special protection. It applies both to identified and presumed victims of trafficking. Each presumed and identified victim of trafficking in human beings is offered to enter a specialised programme for human trafficking victims, governed by regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic. To qualify for the Programme, the person must meet the following three conditions:

1. a justified conclusion must exist that the person became a victim of trafficking in human beings;
2. the victim voluntarily severs their contact with the criminal environment;
3. and expresses interest to join the Programme.

The difference is that as soon as the law enforcement authorities find that the presumed or identified victim is not a victim of trafficking in human beings, that person is automatically excluded from the

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<sup>61</sup> Source: Information provided by ICMI (of 21 December 2021).

<sup>62</sup> Source: Information provided by BBFP P PF (of 4 January 2022).

<sup>63</sup> § 58 par. 1 letter a) of Act no. 404/2011 on the residence of foreigners and on the amendment of certain acts.

<sup>64</sup> Act No. 404/2011 on the residence of foreigners and on amendments to certain acts.

Programme.<sup>65</sup> From the perspective of NRM, whose main objective is to refer victims to the system of assistance, the presumed victim is anyone, even if the person does not accept the assistance, they stay being presumed victims.

## Section 4: International cooperation between Member States and with third countries in addressing detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

Q9. Please describe how your Member State cooperates within the scope of the Dublin III Regulation:

a) How does your Member State deal with cases of (presumed) third-country national victims of trafficking in human beings that fall under the Dublin III Regulation?

Since it is a procedure involving asylum applicants, they are subject to the same rules that apply to the asylum procedure. If – either during communication with the police or during an interview with a Migration Office of the Ministry of Interior of the SR decision maker, or during their stay in Migration Office facilities – it turns out that the asylum applicant is a (presumed) victim of trafficking in human beings, a coordinator for trafficking in human beings is notified to that effect and chooses appropriate actions to take next. The applicant may at the same time make use of the possibility of entering the Programme.<sup>66</sup>

b) What is the national policy and practice regarding Dublin transfers of (presumed) third country national victims of trafficking in human beings?

The same as with other persons in the asylum procedure.<sup>67</sup>

c) How does identification and referral take place during the Dublin Procedure?

Using the set of predefined questions (the same ones as in the asylum procedure).<sup>68</sup> Similarly as in the asylum procedure, the questions are contained in Annex no.3 of the instruction No.13/2012 of the Director of the Migration Office of the Ministry of Interior of the Slovak Republic, which established a methodology guideline to ensure identification of potential victims of human trafficking under the responsibility of the MO MI SR.

d) Are presumed third country national victims of trafficking in human beings identified during the Dublin procedure entitled to a reflection period?  Yes  No

Rather not; if such a person were to be identified – the time limits under the Dublin Regulation do not reflect the reflection period.<sup>69</sup>

e) What, if any, are the situations in which Dublin transfers are halted for presumed third-country national victims of trafficking in human beings?

There has been no such case in Slovak so far.

f) Has your Member State used the humanitarian and sovereignty clauses under Articles 3 and 17 of Dublin III Regulation for cases of trafficking in human beings?  Yes  No

Q10. What (other) intra-EU cooperation mechanisms are in place regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?<sup>70</sup>

At the EU level, the NUCIM, tasked with verifying, detecting, and investigating THB crimes, cooperates, through the Office of International Police Cooperation, mainly with EUROPOL and INTERPOL by exchanging operative information and requests among EU Member States concerning THB cases. Close and intensive

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<sup>65</sup> Regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings.

<sup>66</sup> Source: Migration Office questionnaire (of 22 September 2021).

<sup>67</sup> Source: Migration Office questionnaire (of 22 September 2021).

<sup>68</sup> Source: Migration Office questionnaire (of 22 September 2021).

<sup>69</sup> Source: Migration Office questionnaire (of 22 September 2021).

<sup>70</sup> EMN NCPs are invited to address this question by using as source the EMN AHQ 2019.91 on victims of trafficking of human beings exploited in another Member State, requested by LU NCP on 10 October 2019, last accessed on 13 June 2021. The AHQ was not made publicly available on the EMN website.

cooperation at the EU level is also maintained through police attachés abroad, especially with police attachés based in London and Berlin. There is a very intensive international cooperation through EUROJUST, an EU institution for cooperation and investigation of THB cases by joint investigation teams (hereinafter only referred to as "JITs"). Since 2013 (when it was assigned authority to investigate THB crimes), the NUCIM has been part of five JITs on trafficking in human beings; all five JITs were established upon agreement with the United Kingdom of Great Britain and Northern Ireland.<sup>71</sup>

**Q11. What cooperation mechanisms with third countries, if any, are in place in your Member State regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?**

The NUCIM exchanges the information and handles the third -country queries, mainly through the INTERPOL.

In the case of Ukraine (it being a neighbouring country), in addition to the above, the cooperation takes place on the basis of the good police relations between NUCIM and relevant authorities in Ukraine. At the same time, if necessary, it is possible to use the services of a police attaché in Ukraine.

The cooperation with some countries outside the EU takes place on the basis of the agreements between these countries and the Slovak Republic such as the agreement between the SR and Vietnam signed in 2017. It is an agreement on cooperation in preventing and combatting the crime, in particular the transnational organised crime, trafficking in human beings, smuggling of migrants, terrorism and its financing, corruption, counterfeiting and arms trafficking. The agreement aims to strengthen cooperation through the exchange of operational information and experience, while supporting the development of professional competence through the training of staff of the relevant executive authorities of the countries.<sup>72</sup>

**Q12. Does your Member States cooperate with third countries in the context of voluntary return of (presumed) third-country national victims of trafficking in human beings?  Yes  No**

**If so, in what way?**

Assisted voluntary returns of victims of trafficking in human beings – third-country nationals as well as Slovak citizens – are organised in accordance with the article 8 of the Regulation no. 161/2021 of the Ministry of Interior of the SR. These returns are realised by the Programme service provider which is currently the SCC. The mechanism of pre-return assistance, the conduct of assisted voluntary returns of THB victims, and the provision of assistance services to trafficked persons is governed by a specific contract<sup>73</sup> signed between the services provider and the Ministry of Interior of the Slovak Republic.

The Programme service provider is an active member of Caritas International, an international network of Christian charities all around the world. Caritas International is a coordinator of COATNET, a global network of Christian organisations working to combat human trafficking. This network helps organise and coordinate assisted voluntary returns of trafficked persons including third-country nationals who are staying in Slovakia legally, i.e., they are not asylum seekers or irregular migrants, to their countries of origin or last residence. Under the contract, the Programme service provider must arrange for third-country national victims of trafficking in human beings their pick-up and escort from the point of arrival in their country of origin or last residence in cooperation with other NGOs or international organisations. Also, the service provider must find and put the returnees in contact with organisations that provide assistance in their country of origin or last residence.<sup>74</sup>

The IOM implements assisted voluntary returns for persons who are rejected asylum seekers or who are irregular migrants and, at the same time, victims of trafficking in human beings. These persons usually do not want to join the Programme, or cooperate with law enforcement authorities, but they want to return to their country of origin. These returns are carried out on the basis of a cooperation agreement concluded

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<sup>71</sup> Source: BBFP P PF questionnaire (of 20 September 2021).

<sup>72</sup> Source: Information provided by the BBFP P PF (of 1 December 2021).

<sup>73</sup> Contract on the provision of Programme services: "Provision of pre-return assistance and assisted voluntary returns to victims of trafficking in human beings, namely 100 victims of trafficking in human beings throughout the term of this contract" Available at: [https://www.crz.gov.sk/data/att/4076973\\_dokument1.pdf](https://www.crz.gov.sk/data/att/4076973_dokument1.pdf)

<sup>74</sup> Contract on the provision of services. Available at: [https://www.crz.gov.sk/data/att/4076973\\_dokument1.pdf](https://www.crz.gov.sk/data/att/4076973_dokument1.pdf)

between the Ministry of Interior of the Slovak Republic and the IOM.<sup>75</sup> The IOM carries out these returns in cooperation with its national IOM offices in respective countries of return.

Until the end of October 2016, the Slovak Republic was involved in the international project “TACT-Transnational Action - Safe and sustainable return and reintegration for Victims of Trafficking returning from France, Greece, Italy Poland and Spain to priority countries (Albania, Morocco and Ukraine)”. In terms of the number of third-country national victims, the Ukraine was a priority country for the Slovak Republic. The project was funded by the European Commission and implemented by the International Organization for Migration in France.

Q13. Is your Member State considering any future cooperation mechanisms with third countries and with other Member States regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?  Yes  No

If so, please explain.

## Section 5: Key challenges and good practices in Member States, including in light of the COVID-19 pandemic.

Q14a. What are the key challenges faced in the i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings?	
Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.	
Challenge (Please list in order of importance or chronological order as instructed under the first question)	Stage
<p><b>Please describe the challenge.</b></p> <ul style="list-style-type: none"> <li>• <i>Detection of third-country national victims of trafficking in human beings in practice</i></li> </ul> <p>Slovakia has so far detected and identified only a few cases of third-country national victims of trafficking in human beings. During the reviewed period, these were the third country nationals with regular residence status at the time of identification or assistance or they were asylum seekers. The SR did not record any victims with irregular residence status. Given the very low numbers of third-country nationals and the indications that there are more such victims out there, the actual detection of THB victims represents a challenge. On the experience of neighbouring countries, we assume that the number of third-country national victims of trafficking in human beings in Slovakia is much higher than officially reported. The absence of THB victims in the statistics does not mean they are not present in Slovakia. The situation has worsened in the wake of the COVID-19 pandemic due to the closed borders and a slowdown in migration flows to Europe. Third-country nationals largely perceive Slovakia as a transit country, which makes the detection of THB victims all the more difficult because their actual exploitation usually takes place in a country of destination. Another important aspect is that third-country nationals are staying in Slovakia under several types of permits (e.g., Schengen visas, temporary residence for business purposes) and one may quite reasonably assume that this group, too, may include THB victims whom, however, Slovakia is unable to identify at the moment.</p>	<input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input type="checkbox"/> Protection

<sup>75</sup> Agreement on Cooperation between the IOM and the Ministry of Interior of the Slovak Republic on the assistance with the return of unsuccessful asylum seekers and illegal migrants to the country of origin (Bratislava, 20 August 1998).

Also answer the following questions:

a) For whom is this a challenge (e.g., policymakers, competent authorities, third-country nationals, other stakeholders.)?

This challenge was concluded during several informal working discussions, meetings and training workshops of stakeholders involved in this field of work (e.g., ICMI, BBFP, Migration Office, NUCIM, non-governmental sector).

Reasons for insufficient identification of third-country nationals should be addressed by all policy makers at national level in cooperation with those who come into contact with this target group. It requires a detailed analysis in order to identify reasons why the third country national victims with irregular residence status are absent from the statistics. The Expert group for combatting the trafficking in human beings could be the best platform for addressing this issue. The Slovak Republic is being criticised for the insufficient identification of these victims also by the evaluating mechanisms. It is therefore very relevant to address this topic.<sup>76</sup>

b) Why is it considered a challenge?

Slovakia has so far identified very low number of third-country national victims of trafficking in human beings. The problems with their detection are associated, for example, with the fact that Slovakia is mainly a transit country, and these victims are often very vulnerable persons who have fear of, or do not trust government authorities. Last but not least, these persons are difficult to access, especially when relevant authorities have no information about them or if these persons have a valid authorisation to stay in Slovakia.

c) What is the source of the statement (e.g., based on input from experts, surveys, evaluation reports, other sources)?

Situational reports on combatting trafficking in human beings which are published annually and provide a summary overview of THB related trends and statistics for a given calendar year. This challenge was also identified during workshops of relevant groups and at working meetings of the ICMI with the NUCIM, the SCC, and other relevant stakeholders. The Slovak Republic is being criticised for the insufficient identification of the foreigners who are victims of trafficking also by the international evaluating mechanisms.

**Please describe the challenge.**

- *Lack of practical experience with the reflection period for the victims of trafficking in human beings, who did not enter in the Programme and whose residence status is irregular*

During the reviewed period, the persons identified as the victims of trafficking in human beings were third-country nationals with regular residence status at the time of identification or assistance or they were asylum seekers. The SR did not record any victims with irregular residence status, who did not decide to enter the Programme. Therefore, the Slovak Republic does not have a practical experience with procedure for tolerated residence for 90 days, during which the victim, who does not want to enter the Programme, can decide whether they want to cooperate with LEA or not.<sup>77</sup>

- Detection
- Identification
- Protection

<sup>76</sup> Source: ICMI.

<sup>77</sup> §59 (1), 3rd sentence of Act No.404/2011 on the residence of foreigners and on amendments to certain acts.

<p>This situation creates to some extent uncertainty in how to proceed in practice when detecting a victim who would not enter the Programme even though the procedure is established in the Regulation no.161/2020 of the Ministry of Interior of the SR.</p> <p>a) For whom is this a challenge (e.g., policymakers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>BBFP P PF, third-country nationals, ICMI.</p> <p>b) Why is it considered a challenge?</p> <p>As there is lack of such cases in the SR, it is not possible to assess the implementation of the procedures, that are established in the Regulation of MI SR no. 161/2021.<sup>78</sup></p> <p>c) What is the source of the statement (e.g., based on input from experts, surveys, evaluation reports, other sources)?</p> <p>As such cases are absent in practice, it is difficult to identify challenges and possible changes in procedures or Act no. 404/2011 Coll. in the part concerning the submission of an application for tolerated stay.</p>	
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<p><b>Please describe the challenge.</b></p> <ul style="list-style-type: none"> <li>Legislative barrier – absenting definition and legal elements of labour exploitation<sup>79</sup></li> </ul> <p>The absenting definition and legal elements of labour exploitations is seen as a challenge by labour inspectorates in the detection and identification of presumed THB victims. Further challenges include language barrier and third-country nationals’ lack of trust towards representatives of state authorities.</p> <p>a) For whom is this a challenge (e.g., policymakers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>National Labour Inspectorate, labour inspectorates</p> <p>b) Why is it considered a challenge?</p> <p>Inspection authorities may only oversee compliance with the laws and regulations that fall within their powers. In order for their findings to be relevant and justify penalties against employers that have breached their obligations under applicable legislation, inspection authorities must base their findings on relevant statutory provisions.</p> <p>c) What is the source of the statement (e.g., based on input from experts, surveys, evaluation reports, other sources)?</p>	<input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input type="checkbox"/> Protection
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<sup>78</sup> Source: ICMI.

<sup>79</sup> Source: Request for information to prepare the study (email response by the National Labour Inspectorate of 21 October 2012).

Comments provided by the National Labour Inspectorate.

Further challenges according to the National Labour Inspectorate include:<sup>80</sup>

- *language barrier; and*
- *third-country nationals' mistrust of state authorities*

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<sup>80</sup> Source: Request for information to prepare the study (email response by the National Labour Inspectorate of 21 October 2012).

Q14b. What are the specific challenges at any of the above stages concerning vulnerable persons or asylum applicants?

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge (Please list in order of importance or chronological order as instructed under the first question)	Stage
<p><b>Please describe the challenge.</b></p> <ul style="list-style-type: none"> <li>Utilisation of the Programme assistance services for trafficked persons also by asylum seekers cared for by the Migration Office of MI SR</li> </ul> <p>Currently, the asylum seekers who enter the Programme remain in the care of the Migration Office since the services the Migration Office provides overlap with those provided under the Programme. However, there are situations when it would be desirable for asylum seekers to have the opportunity to use the services of the program after entering the program, i.e. through the non-governmental sector, which is contracted to provide them by the Ministry of Interior (the SCC at the moment). It involves, for example, provision of the safe accommodation or legal assistance services(focused at the rights of trafficked persons) for those asylum seekers who are not accommodated in asylum facilities.</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g., policymakers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>Migration Office of MI SR, ICMI</p> <p>b) Why is it considered a challenge?</p> <p>Not all asylum seekers are accommodated in asylum facilities. They may be staying outside such facilities if they have enough funds to pay for their accommodation. In that case, they cannot receive the same range of services as if they were placed in asylum facilities. Therefore, the provision of services to asylum seekers who have also been included in the program as victims of trafficking could be replaced by services from the program that are targeted and individualized to the needs of trafficked persons.</p> <p>c) What is the source of the statement (e.g., based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Practical experience of Migration Office employees</p>	<input type="checkbox"/> Detection <input type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection

**Please describe the challenge.**

- Strengthening specialised training for first-contact employees

In order to improve the quality of procedures for detection and identification of victims of trafficking in human beings among unaccompanied minors, it is necessary to enhance specialised training of "first contact" officers (police, SLPCH bodies, CCFs) and develop standardised tools to assess a potential risk of unaccompanied minors being THB victims. Specialised training (focused not only on theoretical and legal bases and practices in the work with victims and language skills but also on the so-called "soft skills" and communication strategies designed to build mutual trust and motivate the victims to cooperate and participate in detecting trafficking perpetrators, etc.) and qualified professionals in multidisciplinary teams of experts will contribute to increasing work efficiency and eliminating unaccompanied minors' mistrust in the new environment, thus enhancing early and adequate identification and elimination of possible risks and their consequences.<sup>81</sup>

Also answer the following questions:

a) For whom is this a challenge (e.g., policymakers, competent authorities, third-country nationals, other stakeholders.)?

the Ministry of Labour, Social Affairs and Family of the SR, SLPCH authorities

b) Why is it considered a challenge?

Specialised training and education of first contact employees is inadequate under the current circumstances. Enhancing skills to identify THB victims is one of the most important elements of the work with THB victims from the point of view of the proper setting of protection, care, and specific assistance. In addition, it is necessary to unify recommended practices across the entire reference framework and share examples of good practice, both at the national level and internationally.<sup>82</sup>

c) What is the source of the statement (e.g., based on input from experts, surveys, evaluation reports, other sources)?

Practical experience of SLPCH bodies and CCFs.<sup>83</sup>

- Detection
- Identification
- Protection

Q14c. What are the specific challenges with regard to traffickers / criminal organisations involved in trafficking in human beings using asylum procedures for means other than intended? (for example, to temporarily house victims in a reception centre before moving them to the intended country).

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

**Challenge** (Please list in order of importance or chronological order as instructed under the first question)

**Please describe the challenge.**

<sup>81</sup> Source: Request for information to prepare the study (email response by the Labour Ministry of 21 October 2012)

<sup>82</sup> Source: Request for information to prepare the study (email response by the Labour Ministry of 21 October 2012)

<sup>83</sup> Source: Request for information to prepare the study (email response by the Labour Ministry of 21 October 2012)

Challenges related to the involvement of criminal organisations in asylum procedures cannot be described because it is first necessary to map and then analyse the actual situation in this area.

As mentioned above, it is necessary to pay attention to the topic of identification of victims of trafficking in human beings – foreigners in different various life situations in terms of their stay in the Slovak territory. The situation should be analysed. It is a cross-cutting multidisciplinary task.<sup>84</sup>

Also answer the following questions:

a) For whom is this a challenge (e.g., policymakers, competent authorities, third-country nationals, other stakeholders)? N/A

b) Why is it considered a challenge? N/A

c) What is the source of the statement (e.g., based on input from experts, surveys, evaluation reports, other sources)? N/A

**Q15. What are the consequences of COVID-19 pandemic on the detection, identification, and protection of (presumed) victims?**

As regards detection of victims of trafficking in human beings, the number of cooperative inspections in businesses dropped by more than half in 2020 compared to 2019 due to the pandemic measures in place. As far as their identification is concerned, delays in the work of law enforcement authorities occurred. In terms of providing assistance and services to victims of trafficking, the COVID-19 pandemic most often resulted in more complicated and time-demanding implementation of assisted voluntary returns.<sup>85</sup>

**Q16. What new patterns and / or trends in trafficking in human beings have emerged because of the COVID-19 pandemic?**

The pandemic has affected the modus operandi of perpetrators who, as a number of clues indicate, have shifted their illegal criminal activities to the online space. According to a EUROPOL report,<sup>86</sup> EU Member States have reported an increase in the number of blocked attempts to access websites featuring child sexual abuse material in the first months of the COVID-19 pandemic. According to these data and outcomes from international conferences and meetings of national rapporteurs at the EU level, sexual exploitation has moved to the online space, including from the recruitment stage. The actual sexual exploitation occurs through online communication applications or via various social media applications. We assume that the pandemic measures and restrictions have put even more pressure on the victims of sexual exploitation.

**Q17. How has your Member State adapted its policies and procedures due to the challenges of the COVID-19 pandemic?**

Slovakia has not amended any of its policies with respect to third-country national victims of trafficking in human beings in connection with the COVID-19 pandemic. Nevertheless, the Slovak government has adopted several measures to protect the health of all people in the territory of the Slovak Republic. They also include testing and quarantining third-country nationals in asylum procedure, as well as those in an irregular situation. At the same time, all persons legally residing in Slovakia have a right to free vaccination against COVID-19 from 14 June 2021. The only exemption are third-country nationals in an irregular situation who have no right to free vaccination (unless they enter asylum procedure).<sup>87</sup>

**Q18. Regarding the challenges identified above, does your Member State have concrete plans or proposals in place for improvements to deal with them?**

The ICMI has recently organised a series of training workshops for the Migration Office and the Slovak Humanitarian Council personnel aimed at improving identification of victims of trafficking in human beings

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<sup>84</sup> Source: ICMI.

<sup>85</sup> Situational report on combatting trafficking in human beings for 2020. Available at: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>

<sup>86</sup> EXPLOITING ISOLATION: Offenders and victims of online child sexual abuse during the COVID-19 pandemic. Available at: <https://www.europol.europa.eu/publications-documents/exploiting-isolation-offenders-and-victims-of-online-child-sexual-abuse-during-covid-19-pandemic>

<sup>87</sup> <https://www.health.gov.sk/Clanok?ockovanie-proti-ochoreniu-covid-19>

among asylum seekers. In response to discussions during these workshops, the ICMI identified the need to analyse the current situation with respect to the identification, as well as assistance and support, and subsequently in cooperation with relevant entities to seek solutions aimed at improving the identification of victims of trafficking among third-country nationals.

Task No. 17 "Defining the line between trafficking in human beings for the purpose of forced labour and the poor working conditions" is being implemented under the Action Plan to Combat Trafficking in Human Beings and set to be completed by the end of 2023.<sup>88</sup> The aim of this task is to analyse cases of trafficking in human beings for the purpose of forced labour and violation of the provisions of the Labour Code in connection with poor working conditions to determine the boundary between these phenomena. The task will be performed in cooperation with several entities. Due to the low number of identified foreign victims, it will be useful to include into the manual for control bodies, which will be prepared within the scope of this task, the situation of third-country nationals with a permit to work legally in the Slovak Republic.

Slovakia also seeks to implement GRETA recommendations by proposing an amendment to Act No. 372/1990 Coll. on offences with respect to third-country nationals. The amendment, expected to be adopted in 2022, should exempt victims of trafficking in human beings from the punishment for offences they commit in direct relation with a THB crime committed on them.

**Q19. In light of possible new trends and developments, is your Member State anticipating any new challenges in the near future?**  Yes  No

If so, please explain.

The ongoing COVID-19 pandemic is one of the greatest challenges in the fight against trafficking in human beings. We also expect a rise in online exploitation in the future. As a response of law enforcement bodies to this, we can expect an increased demand for online technology experts and professionals with expertise in crime detection in online space, including for the purpose of collecting evidence.<sup>89</sup>

<p><b>Q20. What good practices in relation to i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings exist in your Member State?</b></p> <p>Please include one good practice per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.</p>	
<p><b>Good practice</b> (Please list in order of importance or chronological order as instructed under the first question)</p>	<p><b>Stage</b></p>
<p><i>Please describe the good practice.</i></p> <p>In 2015, a working group was formed to address current issues in the provision of care to victims of trafficking in human beings. The group consists of representatives of the Ministry of Interior of the Slovak Republic (NUCIM and ICMI, in particular) and other ministries, as necessary, and representative of non-governmental sector that provide assistance and assisted voluntary returns to THB victims. The working group meets in regular, three-month intervals.<sup>90</sup></p> <p>Also answer the following questions:</p> <p>a) Who considers this a good practice (e.g., policymakers, competent authorities, third-country nationals, other stakeholders.)?</p>	<p><input checked="" type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

<sup>88</sup> National Programme for the Fight against Trafficking in Human Beings for 2019-2023. Available at: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>

<sup>89</sup> Source: ICMI.

<sup>90</sup> National Programme for the Fight against Trafficking in Human Beings for 2019-2023. Available at: <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>

<p>SCC, – ICMI – Programme Coordinator, NUCIM</p> <p><b>b) Why is it considered a good practice?</b></p> <p>The group is an excellent platform to address topical problems, share information and plan further actions in the provision of assistance to THB victims.</p> <p><b>c) What is the source of the statement (e.g., based on input from experts, surveys, evaluation reports, other sources)?</b></p> <p>These examples of good practice are based on the professional experience of individual stakeholders and on the outcomes of regular expert meetings held once in three months.</p>	
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<b>Good practice</b> (Please list in order of importance or chronological order as instructed under the first question)	<b>Stage</b>
<p><b>Please describe the good practice.</b></p> <p>Another good practice example concerns the obligations of the law enforcement authority in charge of the criminal proceedings that involve a victim of trafficking in human beings to notify this fact to the Programme service provider sufficiently in advance. It means that if the victim decides to cooperate with the law enforcement authority, the competent investigator arranges, prior to criminal proceedings, for the victim to be informed directly by the NGO about the Programme and to receive maximum possible assistance, including legal counselling, in accordance with regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic.<sup>91</sup> Each service provided under the Programme is patiently explained to the victim and provided only with the victim’s consent.</p> <p>It is extremely important that an employee of the non-governmental organisation which provides the Programme services has a possibility of direct contact with the presumed victim. The NGO is in the best position to explain to the presumed victim of trafficking in human beings the benefits of the Programme in such way that the person does not fear to enter the Programme. At the same time, it can better motivate them to cooperate with law enforcement authorities.</p> <p><b>Also answer the following questions:</b></p> <p><b>a) Who considers this a good practice (e.g., policymakers, competent authorities, third-country nationals, other stakeholders.)?</b></p> <p>SCC, ICMI- Programme Coordinator, NUCIM</p> <p><b>b) Why is it considered a good practice?</b></p> <p>These procedures provide a better protection to THB victims and enforcement of their rights. At the same time, THB victims can receive a variety of services included in the Programme. Last but not least, thanks to cooperation with the victim, chances of solving the crime and compensating the victim are higher.</p>	<p><input type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

<sup>91</sup> Regulation No. 161/2020 of the Ministry of Interior of the Slovak Republic on the organisation of the Programme of Support and Protection for Victims of Trafficking in Human Beings.

c) What is the source of the statement (e.g., based on input from experts, surveys, evaluation reports, other sources)?

These examples of good practice are based on the professional experience of individual stakeholders and on the outcomes of regular expert meetings held once in three months.