

## EMN FOCUSSED STUDY 2013

### Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures in the Slovak Republic

#### Top-line “Factsheet”

(Slovak Republic)

#### Executive Summary

(Synthesis Report)

#### National contribution (one page only)

*Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.*

Under the EMN Work Programme 2013, the Steering Board of the European Migration Network (EMN) approved the preparation of a focussed study with the topic *Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures*. The aim of this study is to examine how (potential) victims of trafficking in human beings are identified in EU Member States and Norway (MS) in procedures for international protection and in forced returns of rejected applicants for asylum. The study also aims to provide an overview of how the identification of a (potential) victim of trafficking in human beings conducts to the residence granting procedure (e.g. residence permit granted under the conditions laid down in Directive 2004/81/EC or other national legislation providing protection and residence to trafficked persons). The study also contains information about the numbers of victims identified in this way and about related educational and training activities and manuals for workers coming into contact with (potential) victims of trafficking in human beings in international protection or forced returns procedures.

The focussed study has been prepared by the Slovak Republic on the basis of a common specification identical for all Member States in the form of a questionnaire. The European Commission will compile a Synthesis Report from the national contributions of the Member States, informing about the procedures and measures undertaken in this field in the different Member States to help them in the first stage of implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims in the context of the new EU Strategy towards the Eradication of Trafficking in Human Beings 2012–16.

The Slovak Republic has an institutional and coordinated structure of cooperation among relevant state authorities and non-state entities aimed to combat trafficking in human beings and protect and help the victims of this criminal activity. Section 1 describes the structure of the National Referral Mechanism and the information about the Programme of Support and Protection of Victims of Trafficking in Human Beings in the SR. Section 1 also describes the conditions and procedures for the granting of tolerated stay which is, pursuant to Council Directive 2004/81/EC, granted to third-country nationals who are victims of trafficking in human beings and stay illegally in the territory of the SR. Tolerated stay granted for this reason is the only type of residence specifically designed for victims of trafficking in human beings in the SR. With regard to international protection, the SR does not have a protection status aimed particularly for victims of human trafficking. Besides asylum and subsidiary protection, the SR – in the framework of non-harmonised types of international protection – grants asylum for humanitarian reasons, the granting of which can also be assumed in relation to victims of human trafficking. Section 1 deals with these issues in more details.

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Sections 2 and 3 describe the process of detection and identification of victims of trafficking in human beings in the procedure for international protection (Section 2) and forced returns of rejected applicants for asylum (Section 3), as well as further procedures concerning victims under the system of assistance and residence in the SR. Slovak legislation does not regulate the procedures for the detection and identification of victims of trafficking in human beings. General measures are specified either in the – internal regulations of the MoI which are binding for all affected organisations (decree, order, instruction):

- Decree of the Minister of Interior no. 47/2008 of 30 June 2008 on ensuring the programme of assistance to and protection of the victims of trafficking in human beings amended by Decree of the Minister of Interior of the SR no. 170/2010 of 29 December 2010;
- Decree of the Minister of Interior of the SR 1/2007 of 11 January 2007 on the procedures of MO and departments of the Police Force while implementing the Act No. 480/2002 Coll. on Asylum and on Changes and Amendments to Some Acts as amended;
- Instruction No. 13/2012 of the Director of MO MoI SR of 31 May 2012 on issuing a guide to ensure the identification of potential victims of trafficking in human beings under the competence of the MO MoI SR;
- Instruction No. 5/2011 of the Director of BBAP PFP of 12 December 2011 on issuing a guideline for members of the Border Police Service and Aliens Police Service and members of the National Unit to Combat Irregular Migration of the BBAP PFP to ensure common identification of potential victims of trafficking in human beings;
- Order of the Minister of Interior of the Slovak Republic No. 126/2012 of 24 September 2012 on the Expert Group for Combating Trafficking in Human Beings;

or in other manuals or guidances which are of recommendatory nature:

- Guideline specifying the actions by all stakeholders in providing assistance to victims of trafficking in human beings with a special focus on the particular features of the procedure in the case of foreign and minor victims of trafficking in human beings<sup>1</sup>.

Some of these documents contain parts which are specifically designed for and regulate the procedures concerning minors and women. Both sections (2 and 3) describe the procedures and conditions for including identified victims of human trafficking in the programme of assistance to trafficked persons during different procedures (international protection, tolerated stay, forced return procedure). The information provided herein suggests that the identified victims of trafficking in human beings have access to assistance in all procedures, and no formal identification by law enforcement authorities is needed.

Section 2 also describes the procedure of how a trafficked person – applicant for asylum – can switch from the procedure for international protection to the procedure for granting a tolerated stay, or whether both procedures can run in parallel. The information provided in this section show that the Slovak legislation does not allow individuals to be in a procedure for international protection and, at the same time, in the procedure to grant a residence permit which is specifically designed for victims of trafficking in human beings (i.e. tolerated stay). The condition for the initiation of a new procedure is the termination or suspension of the previous one. Section 3 also describes the process of how a rejected applicant for asylum who is under a forced return procedure and has been identified as a victim of trafficking can be referred to the procedure to grant tolerated stay. It should be noted that the SR has no practical

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<sup>1</sup> Guideline specifying the actions by all stakeholders in providing assistance to victims of trafficking in human beings with a special focus on the particular features of the procedure in the case of foreign and minor victims of trafficking in human beings. Ministry of Interior of the Slovak Republic, Office of the Minister of Interior of the Slovak Republic, Kosice 2012.

experience in this regard. The same applies to the implementation of Article 3(2) of the Dublin Regulation concerning identified victims of human trafficking among applicants for asylum who are subject to this regulation, as described in one of the parts of Section 2. The SR has not faced such a case yet, but according to the opinion of the Dublin Centre of the Migration Office of the MoI SR, the Slovak Republic could apply this article in the identification of victims of human trafficking.

Sections 2 and 3 also contain information on the evaluation of the existing systems and applied procedures for the identification of trafficked persons in the procedures for international protection, forced returns or switch between procedures. The SR has not performed any special focus evaluation yet. The Slovak Republic was comprehensively evaluated with regard to trafficking in human beings by the GRETA<sup>2</sup> expert group in 2011. The evaluation report suggested several recommendations concerning, *inter alia*, the improvement of the identification of victims in the migration process and introduction of coherent procedures to ensure the provision of assistance to trafficked persons. The SR reacted to these recommendations with the above-mentioned internal regulations analysed in this study.

Section 4 describes the mechanism of detection, identification and referral of (potential) victims of trafficking placed in asylum facilities or police detention facilities. This procedure, in principle, does not differ from procedures described in Sections 2 and 3.

Regular training activities on identification of trafficked persons under the migration procedure, specifically adapted to employees of state administration authorities working in this field are, together with manuals, a prerequisite for an efficient implementation of procedures laid down in internal regulations in this area. Since 2009, the SR has implemented the training module *Identification of the Victims of Trafficking in Human Beings*. In 2013, a new series of training activities has been launched with training modules based on the manual prepared by FRONTEX also in cooperation with Slovak expert. More information about training activities and available manuals is presented in Section 5.

According to the study specification, Section 6 of the study is expected to provide an analysis of statistical data and inform about relevant researches in this field. In the SR, no similar research has been conducted so far, and given the low numbers of victims of human trafficking identified in the procedures for international protection or forced returns (six foreigners during the reference period) it is not possible to draw any relevant conclusions.

The above- mentioned information suggests that the SR (in line with the recommendations of the GRETA expert group and upon fulfilment of tasks arising from the national Programme to Combat Trafficking in Human Beings 2011–14), through its internal regulations or guidelines (Instruction of the MO Director, Instruction of the BBAP PFP Director), has procedures defined for the identification and mutual coordination of all actors with the aim to ensure assistance and protection to trafficked persons as soon as possible. The drawing of procedures for minors is very important in this regard. It should be noted, however, that the SR has no practical experience with certain procedures described in the study, which therefore remain at the level of a theoretical description. Annual evaluation of the fulfilment of tasks of the current National Programme to Combat Trafficking in Human Beings (with effect from 2012)

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<sup>2</sup> Group of Experts on Action against Trafficking in Human Beings which monitors the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

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will enable to analyse, on an annual basis, the efficiency and effectiveness of set measures in the future, and, if needed and if evaluated as not working, modify them. The Synthesis Report compiled by the EMN on this topic and the knowledge obtained from other EU Member States can also serve as a source of information and suggestions for further measures in this regard.

*Synthesis Report (up three pages)*

*Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.*

**Section 1**

**Residence permits, protection statuses and national programmes available to victims of trafficking in Member States**

*(Maximum ½ page)*

*This section briefly outlines the residence permits and protection statuses available to victims of trafficking in human beings in Member States. The aim of this section is to contextualise the section on referral. Information on rights should not be provided in detail, as it falls outside of the scope of this Study.*

*Q.1 What residence permit(s) specifically for victims of trafficking in human beings are available in your Member State? (list them here)*

*Q1a. Are they conditional on cooperation with the authorities?*

*Q1b. In which year was it/were they introduced?*

In line with Council Directive 2004/81/EC, the Slovak Republic has been granting tolerated stay since 01 January 2007 to third-country nationals who are victims of trafficking in human beings and stay illegally in the territory of the Slovak Republic. Since 2007, the conditions and procedures for the granting of this type of residence permit to trafficked persons have changed by amendments to the Act on Residence of Aliens, and the granting of tolerated stay is currently governed by the relevant provisions of Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments of Some Acts in the wording of Act No. 75/2013 (hereinafter referred to as “Act on Residence of Aliens”).

According to the current provisions of this Act, the police department or person authorised by the Ministry of Interior shall inform the third-country national who is a victim of human trafficking and is at least 18 years old about the possibilities and conditions of granting tolerated stay, and about the related rights and obligations.

A third-country national – victim of trafficking in human beings – is entitled to a tolerated stay for a maximum period of 90 days under law. During this reflection period the third-country national can decide whether s/he would cooperate with law enforcement authorities in the investigation of the crime of human trafficking. At the request of a person authorised by the Ministry of Interior, this period can be extended by 30 days. Cooperation with the police during this period is not the condition for the granting of tolerated stay. During this period, the victim also has the right to receive services and assistance arising from the Programme of Assistance and Protection of Victims of Trafficking in Human Beings (see also response to Q3). Further granting/extension of tolerated stay (after expiry of the reflection period) is conditioned by the victim’s decision to cooperate with law enforcement authorities. The application for the granting/extension of tolerated stay is filed on behalf of the third-country national by the law enforcement authority. The police department shall grant tolerated stay for a minimum period of 180 days, also repeatedly, provided that the presence of the third-country national in the territory of the Slovak Republic is inevitable for the purposes of criminal proceedings. If it is established that the applicant, of his/her own will, has not broken

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his/her or has renewed his/her contacts with persons suspected of having committed a crime related to trafficking in human beings, the police department shall not grant such alien a tolerated stay. The police department shall decide on the application for tolerated stay or extension of tolerated stay no later than within 15 days following the submission of the application to the police department.

The Slovak Republic does not grant to third-country nationals other than the above-mentioned type of residence which was specifically designed for victims of trafficking in human beings. Upon fulfilment of the legal conditions, the Slovak legislation enables third-country nationals who are victims of human trafficking and who have been granted tolerated stay to apply for another type of residence in the territory of the Slovak Republic (temporary or permanent)<sup>3</sup>. After a different type of residence permit has been granted, the tolerated stay shall be cancelled.

*Q.2 Are international protection status(es) granted to third-country nationals for the reason of being a victim of trafficking in human beings in your Member State? Yes / No*

*Q2a. If yes, please name which statuses are granted here*

With regard to international protection statuses, no status specifically granted for reason of being a victim of trafficking in human being exists in the legislation of the Slovak Republic. The victim of trafficking in human being that applied for international protection can be granted asylum or subsidiary protection. Besides these harmonised types of protection, aliens in the territory of the Slovak Republic can also be granted asylum on humanitarian grounds, which represents a non-harmonised type of protection. The granting of such protection is possible pursuant to Art. 9 of Act No. 480/2002 Coll. on Asylum and on Changes and Amendments to Some Acts as amended. This type of protection can be granted to an alien under asylum procedure, unless the Migration Office of the Ministry of Interior of the SR (MO) establishes reasons demonstrating that fears of being persecuted on grounds of race, ethnic origin or religion, for reasons of holding certain political opinions or belonging to a certain social group are well-founded, and also where there are certain reasons in the case of an alien that the MO considers worth of protecting<sup>4</sup>. The specific conditions are laid down in the Decree of the Minister of Interior<sup>5</sup> under which the reasons for granting asylum on humanitarian grounds include, in particular, rejected applicants who are older, traumatised or severely sick persons for whom the return to the country of origin could represent significant physical or psychological suffering or death. Hence, the granting of this type of international protection, provided that the set conditions have been met, can also be expected in the case of the victims of trafficking in human beings. The granting of asylum on humanitarian grounds is examined on an individual basis, and the person granted this type of asylum receives the permanent residence.

*Q3. Does your Member State have a national referral mechanism? Yes / No*

<sup>3</sup> In these types of residences (and the major part of purposes for which they can be granted) the fact that the applicant for a residence has been identified as a victim of human trafficking is not taken into consideration. There are two exceptions in the granting of the permanent residence where the fact that the alien has been identified as a trafficked person is considered. For more details see response to Q12.

<sup>4</sup> Šnirerová, Volanská (2009): The Different National Practices Concerning Granting of Non-EU Harmonised Protection Statuses in the Slovak Republic. European Migration Network, Bratislava, p. 16.

<sup>5</sup> Decree of the Minister of Interior of the SR 1/2007 on the procedures of MO and departments of the Police Force while implementing the Act No. 480/2002 Coll. on Asylum and on Changes and Amendments to Some Acts as amended.

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The Slovak Republic has an institutional and coordinated structure of cooperation among all state and non-state organisations involved aimed to combat the trafficking in human beings and protect and help the victims of such criminal activity. The institutional structure of the National Referral Mechanism in the SR consists of the following entities:<sup>6</sup>

- National coordinator for combating trafficking in human beings – State Secretary of the Ministry of Interior of the Slovak Republic;
- Office of the Minister of Interior of the Slovak Republic – Information Centre for Combating Trafficking in Human Beings and Crime Prevention;
- Expert Group for Combating Trafficking in Human Beings;
- Multi-disciplinary working groups on combating trafficking in human beings;
- multi-disciplinary working group for prevention of trafficking in human beings;
- multi-disciplinary working group for provision of complex care for victims of human trafficking;
- Office of International Police Cooperation;
- National Europol Bureau – organised smuggling, trafficking in human beings, etc.;
- Bureau of the Criminal Police of the Police Force Presidium;
- Bureau of the Border and Aliens Police of the Police Force Presidium;
- Migration Office of the Ministry of Interior of the Slovak Republic;
- FRONTEX;
- International Organisation for Migration (IOM) (cooperating international organisation);
- Slovak Catholic Charity (cooperating non-governmental organisation);
- Slovak Crisis Centre DOTYK (cooperating non-governmental organisation).

The Slovak Republic provides assistance and protection to trafficked persons through the Programme of Support and Protection of the Victims of Trafficking in Human Beings (hereinafter referred to as the „Programme“). Since 2007, the Programme has been part of the national strategy of the Slovak Republic for combating trafficking in human beings, defined and detailed in the National Programme to Combat Trafficking in Human Beings valid and approved for consecutive time periods<sup>7</sup>. The aim of the Programme is to provide assistance to the victims of human trafficking, ensure their rights, freedoms and dignity, and encourage victims to give testimony that would facilitate the detection, prosecution and conviction of perpetrators by law enforcement authorities. For the purposes of ensuring a single procedure for all actors in the implementation of the Programme, the Ministry of Interior of the SR issued a Decree<sup>8</sup> laying down and defining the scope and conditions for the provision of support and protection to trafficked persons, and defines the responsibilities, tasks and coordination of processes<sup>9</sup>. The Programme is designed for the victims of trafficking in human beings – citizens of the SR, and also for the victims of aliens<sup>10</sup> or stateless persons where there is a well-founded suspicion that they have become victims of this crime in the

<sup>6</sup> Available at: [http://www.minv.sk/?referencny\\_mechanizmus](http://www.minv.sk/?referencny_mechanizmus) (consulted on 18/09/2013).

<sup>7</sup> National Action Plan for Combating Trafficking in Human Beings 2006–07, National Action Plan for Combating Trafficking in Human Beings 2008–10, and 2011–14 (currently in force).

<sup>8</sup> Decree of the Minister of Interior no. 47/2008 of 30 June 2008 on ensuring the programme of assistance to and protection of the victims of trafficking in human beings amended by Decree of the Minister of Interior of the SR no. 170/2010 of 29 December 2010 (hereinafter referred to as the “Decree”).

<sup>9</sup> At the time of the preparation of the study, the process of approval of the amended Decree was in place; the amended Decree is expected to enter into force on 01 November 2013 (see also replies to Q 17 and 26). The information provided herein is based on the Decree that was valid at the time of the compilation of this study.

<sup>10</sup> Under Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments to Some Acts, an alien is defined as anyone who is not a citizen of the SR.

territory of the SR or abroad.

## Section 2

### Detection, identification and referral of victims in International Protection Procedures

(Maximum 7 pages)

*This section first examines the mechanisms that are used to detect and identify victims in the procedure for international protection.<sup>11</sup> It then explores how identified victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.*

*Where relevant, please distinguish between first instance and appeal procedures, where applicable.<sup>12</sup>*

**2.1 Legislative framework** *Q.4 Are there established mechanisms for detecting and identifying victims of trafficking in human beings in the procedure for international protection?<sup>13</sup> Yes/No*

Identification of victims of trafficking in human beings in the Slovak Republic is not outlined in the legislation. The source document in the SR is the Decree mentioned in Q3 which also specifies the organisations involved in the implementation of the Programme which, at the same time, are allowed to identify victims of human trafficking. These entities also include the MO which is a first-instance administrative authority deciding on the granting of asylum and subsidiary protection to aliens. Pursuant to the Decree, the MO is due to fulfil, in particular, the following tasks<sup>14</sup>:

- a) to identify victims and inform them about the possibility to participate in the Programme;
- b) to hand over identified victims to service provider (cooperating non-profit organisation – note by the author);
- c) to immediately inform the Office of Judicial and Criminal Police of the Police Force Presidium in the case of detecting any of the facts mentioned in Article 8<sup>15</sup>.

*Q4a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:*

- a. *Process for detection and identification of victims in the procedure for international protection is outlined in legislation (if yes, provide reference to the legislation) NO*
- b. *Process for detection and identification in the procedure for international protection is outlined in soft law – e.g. a ‘protocol’ (if yes,*

<sup>11</sup> In **Ireland**, this would imply covering both procedures for asylum and subsidiary protection, as no single procedure is in place.

<sup>12</sup> For example, in **Ireland** there is no appeal procedure for subsidiary protection application, and this is decided on the basis of papers submitted. (The implications of CJEU Judgment of 22/11/12 and Irish HC Judgment of 23/1/13 in *MM v Min.* for J&E case that applicants for Sub/Protection have ‘a right to be heard’ are currently being considered in DJ&E.)”

<sup>13</sup> (Member) States should here **only** refer to mechanisms for detection/identification used in international protection procedures – i.e. they should not refer to those used specifically by law enforcement, NGOs or other persons coming into contact with victims in situations outside of international protection procedures.

<sup>14</sup> Art. 10, par. 7. of the Decree.

<sup>15</sup> Art. 8 concerns exclusion of the victim from the Programme.

***provide the reference) YES***

- c. *Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description) NO*

b)

The specific process in the detection and identification of victims of trafficking in international protection procedures and the coordination of different actors is to a various extent detailed in three documents which, on one hand, are not laid down in law, but are binding for the workers of the designated organisations.

The first document is related to the fulfilment of tasks of the MO under the above-mentioned Decree and implementation of the Programme (published in 2007). In this document, the MO Director specifies the mechanism for MO workers to inform the competent decision-maker about the victim of trafficking in human beings and the subsequent actions to be taken to enter the Programme.

The second document is *Instruction of the Director of MO MoI SR of 31 May 2012 on issuing a guide to ensure the identification of potential victims of trafficking in human beings under the competence of the MO MoI SR*<sup>16</sup> (hereinafter referred to as the “Instruction of the MO Director”). The Instruction of the MO Director lays down the procedure for the identification of potential victims of trafficking in human beings – applicants for asylum and subsidiary protection (hereinafter referred to as “applicants”) by MO staff, i.e. social workers of the MO reception facilities or by competent staff of the MO Procedural Department making decisions in the first instance administrative procedure under the Act on Asylum. The document is designed for vulnerable groups of applicants for asylum and specifically focuses on the identification of potential victims of trafficking in human beings who are either minor applicants/unaccompanied minors (hereinafter referred to as “minor applicants”) or adult females. The document contains a set of questions concerning these two target groups to be asked by the MO staff during interview for the purposes of identification. The Instruction of the MO Director and the questions therein can also be adapted and used in the identification of adult men<sup>17</sup>. The document defines the procedure to be followed by MO staff after establishing that the applicant is a potential victim. The subsequent actions to be taken after the identification of the victim are described in the document for both target groups (minor applicants and adult women – aliens), and can also be applied with regard to male victims of trafficking in human beings.

The third document (published in 2011) which is relevant to and designed for all actors of the National Referral Mechanism is the *Guideline specifying the actions by all stakeholders in providing assistance to victims of trafficking in human beings with a special focus on the particular features of the procedure in the case of foreign and minor victims of trafficking in human beings* (hereinafter referred to as the “Guideline”). Unlike the previous document, the Guideline focuses on mutual coordination and awareness of all actors about the way of providing effective protection and assistance to victims of trafficking in human beings. As its title suggests, the Guideline specifically describes the coordination of procedures in relation to minors (Slovak citizens and aliens) and adult aliens who became victims of trafficking in human beings.

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<sup>16</sup> The document was prepared on the basis of par. 11, letter b) of the Proposal for measures to implement the recommendations of the Group of Experts on Action against the Trafficking in Human Beings (GRETA) for the SR.

<sup>17</sup> This information is provided by the MO.



Q5. Are there different protocols and/or **practices for children and adults?** Yes / No

Q5a. If yes, please briefly describe how these differ and why.

There are documents (Instruction of the MO Director and Guideline) whose internal structure focuses on the identification and coordination for specific target groups of victims of human trafficking – minor applicants and adult women. The specific procedures are detailed mainly in relation to minors. As already mentioned above, the Instruction of the MO Director contains a separate set of questions to be asked from minor applicants, and through these questions the MO staff can identify potential victims of trafficking. The procedure for international protection of minor applicants has its specific nature mainly with regard to procedural questions. Interviews are conducted by qualified MO staff. Questions are asked in a suitable way, taking into consideration the minor's age and physical and psychological condition.

Further procedures and coordination of the protection and assistance to minors who are child victims of trafficking (irrespective of whether it is a minor victim identified in the international protection procedure or beyond it) must always follow the principle of the child's best interest and child's protection and must always stand above other priorities. The Guideline is more detailed in regards to minor aliens than to adult aliens. Minor aliens must be provided with basic needs; interpreting in a language the minor understands must be ensured in all acts; they cannot be detained or administratively expelled; must have a guardian from the Office of Labour, Social Affairs and Family appointed (in the case of unaccompanied minors) who is present or gives consent to identification; and a psychologist or sexologist must also be present when needed. A child victim of human trafficking is placed in a foster home designed for the reception of minor victims of trafficking in human beings.

Q6. Are there different protocols and/or **practices for men and women?** Yes / No

Q6a. If yes, please briefly describe how these differ<sup>18</sup> and why.

Apart from specific questions asked for women and listed in the Instruction of the MO Director, interviews are always conducted and interpreting is made by persons of the same sex.

## 2.2 Detection and identification of victims

Q7. How are (potential) victims of trafficking in human beings detected in procedures for international protection?

Q7a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:

- a. The competent authority<sup>19</sup> proactively screens all applicants for indications of trafficking in human beings; **YES**

Detection (screening) aimed to obtain indication about trafficking in human beings is conducted in case of all applicants for international protection<sup>20</sup>. After the alien makes

<sup>18</sup> E.g. only female officers can screen / assess women.

<sup>19</sup> Here, "competent authority" refers to the authority competent for examining the merit of the third-country national's case for international protection. In many (Member) States, this is a 'case worker'.

<sup>20</sup> Information provided by the MO.

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a statement about requesting asylum, s/he is placed in a reception centre of the MO. The initial screening is conducted by reception staff or social workers at the reception centre<sup>21</sup> who, upon their first contact with the applicant, observe whether they could potentially be trafficked persons. In a positive case, they inform the competent decision-maker (assessing the merit of the case) about the indicative evidence/suspicion. The competent decision-maker obtains further information during entry interview with the applicant. If the obtained information proves the suspicion, the competent MO worker, with the applicant's consent, conducts an information interview with the aim to identify a potential victim of trafficking in human beings<sup>22</sup>.

*b. The competent authority proactively screens applicants with a particular profile<sup>23</sup> for indications of trafficking in human beings (please provide information on the type of profile); **YES***

Particular attention is paid to the screening of minor applicants and adult women, as they represent a vulnerable group of applicants for international protection.

*c. Victims self-report **YES**;*

A suspicion that the applicant is a potential victim of human trafficking can also arise from the fact that applicants themselves or through their legal representatives inform about facts indicating trafficking.

*d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed) **YES**;*

There can be also cases where another worker who is in contact with applicants for asylum draws attention to such suspicion on the basis of certain indicators (e.g. social worker, worker of a non-governmental organisation, other worker of a MO reception centre).

*e. Other (please specify) **YES**.*

There are multi-lingual information leaflets at reception centres, police detention facilities, and border crossing points aimed to help the self-identification of potential victims of human trafficking. The information brochure published by the International Organisation for Migration (IOM) also serves for the same purpose, as it contains questions focused on self-identification (in 15 languages).

*Q7b. Is there a stage the applicant for international protection can no longer be screened (e.g. after the first negative decision)? Yes / **No**. If yes, please describe the circumstances.*

According to practice and available documents, there is no such stage after which it is no longer possible to examine whether the applicant for asylum is a potential victim of trafficking in human being.

*Q8. If the competent authority detects that an applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?*

**In case the MO detects that an applicant is a potential victim of trafficking in human beings, it**

<sup>21</sup> This procedure can also be initiated by other entities or their workers who come into contact with applicants for asylum, such as members of the Police Force receiving applications for asylum, other MO workers, etc.

<sup>22</sup> Art. 2, par. 1 of the Instruction of the MO Director.

<sup>23</sup> E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

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shall perform identification by means of an information interview. For this purpose, the set of questions specified in the Instruction of the MO Director shall be used. If needed, a cooperating non-profit organisation can be invited to take part in the identification of the victim<sup>24</sup> as a contracting supplier of services related to care for victims of human trafficking under the Programme (see response to question Q8). This organisation would perform the identification of the victim of human trafficking by assessing the indicators and conducting an identification interview with the potential victim.

*Q8a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? **Yes** / No*

*a. If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?*

In 2009, the IOM prepared a manual entitled *Identification of Victims of Trafficking in Human Beings among Migrants in the SR*<sup>25</sup> specifying the recommended procedure for identification, conducting of interviews with potential victims, and assessment of indicators, in particular for the purpose of early identification of victims of human trafficking among irregular migrants and applicants for asylum. The procedures and indicators described in the manual are primarily designed for workers who are in contact with applicants for asylum or irregular migrants, and are elaborated in line with international standards. The manual practically and in detail describes the possible situation that can occur under the identification process, as well as proven methods, indicators and the assessment thereof. A shortened version of indicators serving for the purpose of identification of trafficking in human beings based on this manual is presented in the Guideline referred to above. These indicators include:<sup>26</sup>

- restricted access to personal documents;
- indication that the potential victim of trafficking has been instructed by traffickers or third parties involved in trafficking about how and what to tell to the police or asylum workers;
- forced performance of other than the promised work;
- deduction of a part of salary or failure to pay any salary;
- forced repayment of debts (for travel, accommodation, work mediation, etc.);
- restricted freedom of movement and contact with close persons;
- intimidation, threat of bodily harms;
- threat of deportation and handing over to the police;
- (physical or psychological) harm, lack of food, water, sleep, medical care or other basic needs;
- it is a minor that has been in any manner involved in the sex industry or other forced work.

*Q8b. Are other mechanisms<sup>27</sup> used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? **Yes/No***

*a. If yes, what are these?*

<sup>24</sup> In 2013, the cooperation with the following cooperating non-profit organisations was undertaken within the Programme: International Organisation for Migration (IOM), Slovak Crisis Center Dotyk, Slovak Catholic Charity.

<sup>25</sup> Identification of Victims of Trafficking in Human Beings among Migrants in the SR. IOM International Organisation for Migration. Bratislava 2009.

<sup>26</sup> Guideline, p. 8.

<sup>27</sup> E.g. interviews.

b. *If no, why not?*<sup>28</sup>

As mentioned in the response to question Q8a, besides the assessment of indicators, an interview is conducted as part of the identification procedure. It has not been necessary in the SR so far to amend this procedure by other mechanisms.

*Q8c. If, following detection, the third-country national concerned is not assessed as a (potential) victim, what happens? Can the third-country national seek an alternative assessment elsewhere?*

The identification process can run repeatedly. For identification purposes, any other cooperating non-profit organisation different from the one previously carrying out identification can be contacted in this regard. However, the decision on including a victim in the Programme and hence on granting the victim access to assistance and services covered by the Programme is always made by a single entity – the national coordinator for combating trafficking in human beings<sup>29</sup> (hereinafter referred to as the “National Coordinator”).

*Q9. Have methods for the detection and/or identification of victims in international protection procedures been evaluated in your Member State? Yes/No*

*Q9a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.*  
*Q9b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in international protection procedures.*

The existing system of identification of victims of trafficking in human beings in international protection procedures has not been specifically evaluated in the SR.

In 2011, the Group of Experts on Action against Trafficking in Human Beings (GRETA) published a report on the implementation of the Convention of the Council of Europe on Action against Trafficking in Human Beings in the SR under its first round of evaluation. This report highlighted several shortcomings concerning the implementation of measures aimed for victims of trafficking – aliens and specifically minors. The report contains several suggestions concerning the identification of victims of trafficking, which, *inter alia*, highlight the need<sup>30</sup>:

- to make the procedures for the identification of child victims of trafficking more effective;
- to ensure better identification of trafficked persons through a coherent national mechanism of identification and referral for assistance purposes;
- to ensure access to services and improve the awareness of victims about their rights in a language they understand.

The SR reacted on GRETA’s recommendations by incorporating changes in the national legislation<sup>31</sup>, amending the Decree, and preparing separate internal regulations (e.g.

<sup>28</sup> E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

<sup>29</sup> Under Art. 3, letter a) of the Decree, the National Coordinator is the Deputy Minister of the MoI SR. The National Coordinator is appointed by the Minister of Interior of the SR, and covers the activities related to the fight against the trafficking in human beings in the SR. The National Coordinator fulfils several coordination, conceptual and decision-making tasks arising from related strategic or implementation documents (e.g. National Programme for Combating Trafficking in Human Beings and its action plans, Decree, etc.).

<sup>30</sup> Free translation of some of GRETA’s recommendations for the SR.

<sup>31</sup> Amendment to Act No. 300/2005 Coll. Penal Code as amended by Act No. 204/2013 Coll. on Changing and Amending Act No. 300/2005 Coll. Penal Code as Amended by Later Regulations and on Changing and Amending Some Acts with effect from 01 August 2013. Amendment to Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts.

Instruction of the MO Director and Instruction of the BBAP PPF Director<sup>32</sup>). In line with GRETA's recommendations, the expert group for combating the trafficking in human beings<sup>33</sup> was given the task to make annual evaluations of the actions arising from the current National Plan to Combat Trafficking in Human Beings and to propose measures to improve the efficiency of the fight against trafficking in human beings.<sup>34</sup> This ensures evaluation of the efficiency of individual tasks, including tasks concerning enhancement of the identification procedure among aliens.

Bearing in mind the short time period of implementation of the above mentioned internal regulations, it is not possible to liably evaluate their effectiveness. Nevertheless they have an influence on the more active attitude of the relevant staff towards screening and identification.

### **2.3 Referral**

*Q10. If an applicant is identified as a (potential) victim, can s/he access tailored statutory assistance and support whilst remaining in the international protection procedure (i.e. without referral to other procedures)? **Yes/No***

If an applicant for international protection is identified as a (potential) victim<sup>35</sup> of trafficking in human beings, such applicant can remain in the procedure of assessment of his/her asylum application, and is provided with assistance and protection via the Programme.

*Q10a. If yes, please briefly describe how the assistance is provided (e.g. state programme, access to general state welfare services, government-funded assistance provided by NGOs, etc.).*

The MO staff will immediately inform the applicant through an interpreter that there is reasonable suspicion that s/he has become a victim of human trafficking and about the possibility to enter the Programme provided by one of the cooperating non-profit organisations (see response to question Q3) and financed from the budgetary chapter of the MoI SR<sup>36</sup>. If the applicant agrees to enter the Programme, the MO will hand him/her over to the cooperating non-profit organisation that would perform further actions.

*Q10b. If yes, describe under what conditions the assistance can be provided (without referral to other procedures) – specifically, does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to access the assistance? (Yes / **No**) – if yes, state which authorities are competent.*

The condition for including a victim in the Programme is to break contacts with the criminal environment and to give voluntary consent to his/her inclusion in the Programme. No formal identification is required from other state authorities (e.g. law enforcement authorities) prior

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<sup>32</sup> See below in Section 3.

<sup>33</sup> Order of the Minister of Interior of the Slovak Republic No. 126/2012 of 24 September 2012 on the Expert Group for Combating Trafficking in Human Beings defines the expert group on combating trafficking in human beings as an advisory, initiative and coordination body of the National Coordinator ensuring the fulfilment of tasks arising from the National Programme to Combat Trafficking in Human Beings.

<sup>34</sup> On 26 September 2013, the Slovak Republic sent to the Council of Europe a report on the fulfilment of recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA), as approved by Government Resolution No. 549/2013. The resolution includes an evaluation of the fulfilment of tasks by an expert group arising from the National Programme to Combat Trafficking in Human Beings 2011–14 for the year 2012.

<sup>35</sup> I.e. (pursuant to the Instruction of the MO Director or Decree): there is reasonable suspicion that the alien has become a victim of human trafficking in the territory of the SR or abroad.

<sup>36</sup> The cooperating non-profit organisations financed from these funds to provide services are selected in public procurement under a special regulation in the form of a subsidy.

to the entry of the victim to the Programme. Identification by MO staff and/or cooperating non-profit organisation that was invited to take part in the identification by MO staff is sufficient for sending a proposal to the National Coordinator to include the victim in the Programme.

*Q10c. What mechanisms are in place to facilitate this type of referral (to assistance, whilst remaining in international protection procedures)? Are there any agreements in place? Does it form part of a National Referral Mechanism?*

After the cooperating non-profit organisation is contacted by the MO, it must carry out further actions related to the victim's inclusion in the Programme. Besides a written proposal to include a victim in the Programme, the organisation would send an individual assistance plan to the coordinator. The National Coordinator then immediately issues a decision on this proposal<sup>37</sup>. The entire mechanism for including a victim in the Programme is described in the Decree and forms part of the National Referral Mechanism.

*Q10d. Are there any obstacles to this type of referral?*

No.

*Q11. If an applicant is identified as a (potential) victim and there is the possibility to change to (or participate in parallel in) procedures as foreseen under Directive 2004/81/EC or national equivalent measures<sup>38</sup> how does this work in practice?*

In line with Council Directive 2004/81/EC, the Slovak Republic grants tolerated stay (see response to Q1). This type of stay cannot be granted to a victim of trafficking in human beings who is an applicant for asylum at the same time.

*Q11a. Does the applicant have to withdraw from the procedure for international protection in order to do so? Yes/No*

The information provided above suggests that the applicant for international protection would have to withdraw his/her application for international protection, or a final decision would have to be made on such application in order to start a new procedure for granting tolerated stay. Both procedures cannot run in parallel. The SR has not had any practical experience with such cases. The victims of trafficking in human beings who have been identified so far in the international protection procedure have remained in the procedure. The type of their stay has not changed.

- a. *If yes, can s/he re-open the procedure for international protection if s/he is not granted a residence permit under Directive 2004/81/EC? Yes/No, please elaborate the process.*

If an alien is not granted tolerated stay under Directive 2004/81/EC, s/he would have to file a new application for international protection.

- b. *If no, please elaborate – how does this work in practice? Does the victim have to be formally identified by a different competent authority? (Yes / No) – if yes, state which authority*

Not applicable.

<sup>37</sup> In the case of alien victims, the National Coordinator is submitted, along with the documents referred to above, a photocopy of the tolerated stay permit, but this obligation is not applicable to applicants for asylum, since they have their residence in the SR legalised, and tolerated stay is not granted as long as they remain in the asylum procedure.

<sup>38</sup> As mentioned, Denmark, **Ireland** and the **United Kingdom** have not opted into Directive 2004/81/EC.

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*Q11b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised? Please highlight which one option, or a combination thereof, is applicable in your Member State:*

- a. The victim is given information on his/her rights and possibilities, but has to initiate the procedure on his/her own (where applicable with the help of his/her legal representative). **No**,*
- b. The competent authority contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate) **YES***
- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate). **YES***

b) and c)

As mentioned, the SR has no practical experience with such cases. The procedure would be coordinated among the actors of the National Referral Mechanism under the current legislation, the Decree, and the Guideline. The victim would be informed about the conditions and the possibilities of granting tolerated stay. Depending on the situation and the period that would elapse from the identification of the victim and his/her inclusion in the Programme, either the competent authority responsible for the international protection procedure (i.e. MO) and/or the cooperating non-profit organisation providing assistance under the Programme or the law enforcement authority would contact the authority responsible for the granting of tolerated stay (Bureau of the Border and Aliens Police of the Police Force Presidium – BBAP PFP).

*Q11d. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? **Yes / No / in some cases** (please elaborate)*

Yes, the information gathered in the procedure for international protection can also be used in the procedure for tolerated stay.

*Q12. If an applicant is identified as a victim and there is the possibility to change to obtain a residence permit (other than that described in Q11) or international protection status on grounds of being a victim of trafficking in human beings, how does this work in practice?*

As already described in the response to question Q1, pursuant to Directive 2004/81/EC, other than tolerated stay, the SR does not grant any type of residence that would be specifically designed for victims of trafficking in human beings. Upon fulfilment of the legal conditions, aliens, including those who have become victims of trafficking in human beings, may apply for another type of residence granted by the SR to aliens: temporary or permanent residence. Aliens, however, cannot request these types of residences as long as they are in the asylum procedure. The asylum procedure must be terminated, and unless no international protection has been granted, the procedure for granting tolerated stay can be initiated. An alien may apply for another type of residence (temporary or permanent) as soon as s/he has been granted tolerated stay. Since the fact that being a trafficked person is no longer considered in assessing the fulfilment of legal conditions for other types of residence (temporary or permanent), the granting of such types of residence is irrelevant for the purposes of this study. The granting of a permanent residence to aliens (including victims of trafficking in human beings) provided that it is in the interest of the SR and in line with the Slovak legislation is an exception in this regard. In the case of victims of human trafficking, such interest of the SR would have to be confirmed by the National Coordinator. Another exception is the possibility

to grant a permanent residence by the Ministry of Interior for an indefinite period of time, even without having fulfilled the legal conditions, if needed for the purpose of providing protection and assistance to witnesses under a special act<sup>39</sup> for reasons worth considering at the request of the Slovak Intelligence Service with regard to the security interests of the Slovak Republic<sup>40</sup>.

The granting of asylum on humanitarian grounds, mentioned as a possibility of non-harmonised type of international protection in the SR in the response to question Q2, is assessed under a single procedure for international protection.

For these reasons, the sub-questions Q12 are irrelevant to the legal conditions of the SR.

*Q12a. Can the applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to apply for the residence permit / international protection on these grounds? Yes/No*

Not applicable.

*Q12b. If yes, please name the title of the residence permit / protection status and the conditions under which (potential) victims of trafficking in human beings can apply for it.*

Not applicable.

*Q12c Does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to apply for the residence permit / protection status? (Yes / No) – if yes, state which authorities are competent. Can the authorities responsible for processing applications for international protection formally identify in these circumstances?*

Not applicable.

*Q12d. When can the application procedure be started?*

Not applicable.

*Please highlight which one option, or a combination thereof, is applicable in your Member State:*

- a. When a first instance decision has been made as to whether the applicant can be granted asylum;*
- b. When a first instance decision has been made both in regard of whether the applicant can be granted asylum and, if not, whether s/he can be granted subsidiary protection;*
- c. When the third-country national has received a (final) negative decision on his/her application for asylum;*
- d. When the third-country national has received a (final) negative decision on his/her applications for (other types of) international protection;*
- e. Other, please specify.*
- f.*

<sup>39</sup> Act No. 256/1998 Coll. on Protection of Witnesses and on Changes and Amendments of Some Acts as Amended.

<sup>40</sup> Art. 46, par. 2, letters a), c) and d) of Act No. 404/2011 Coll..



Q12e. How is referral to the procedure for the residence permit / international protection on grounds of being a victim of trafficking in human beings organised?

Not applicable.

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The victim is given information on his/her rights and possibilities, but has to initiate the procedures on his/her own (where applicable with the help of his/her legal representative).
- b. The competent authority starts up the procedure for the other form of protection. (If yes, please elaborate)
- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).

Q12f. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure? Yes / No / in some cases (please elaborate)

Not applicable.

Q13. Have systems of referral of (potential) victims of trafficking in human beings from international protection procedures to other procedures been evaluated in your Member State?<sup>41</sup> Yes /**No**

The SR has no practical experience in this field.

Q13a. If yes, how well are they considered to be working? Provide evidence.

Q13b. If no, please provide any other evidence of the effectiveness (or otherwise) of referral here.

## 2.4 Detection and identification and referral in relation to Dublin procedures

Q14. If, in accordance with Council Regulation 343/2003, the competent authority decides that another Member State is responsible for examining the application for international protection (i.e. Dublin procedures apply) and the applicant is detected as a (potential) victim of trafficking in human beings, does this trigger Article 3(2)<sup>42</sup> and/or Article 15<sup>43</sup> of the Regulation – i.e. can the Dublin transfer be suspended? **Yes/No/other response**

The Dublin Centre of the MO as the national access point of the Slovak Republic for the application of the Dublin Regulation has not faced any cases so far where another Member State is responsible for an applicant for asylum identified as a (potential) victim of human

<sup>41</sup> For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

<sup>42</sup> Article 3(2) states that “each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation.”

<sup>43</sup> Article 15(1) states that, “Any Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must consent.” Article 15(3) refers specifically to Unaccompanied Minors and states, “If the asylum seeker is an unaccompanied minor who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor”.

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trafficking. In case an applicant is identified as a victim of human trafficking, Article 3(2) of the Dublin Regulation could apply. In such case, the transfer to the competent Member State would not only be suspended, but it would be fully cancelled, since the Slovak Republic has become responsible for the assessment of applications for asylum. Article 15 of the Dublin Regulation is applied in the case of humanitarian reasons based on mainly family or cultural aspects.

*If yes, please answer the following questions:*

*Q14a. If yes, how are (potential) victims subject to Dublin transfers detected? Please specify which applies:*

The procedure for the detection/identification of victims of trafficking in human beings among applicants for asylum subject to the Dublin Regulation is the same as with all other applicants for asylum in the territory of the Slovak Republic since they are subject to all actions and procedures under the asylum procedure.

- a. *The competent authority<sup>44</sup> proactively screens all applicants subject to Dublin transfer for indications of trafficking in human beings YES;*

Any suspicion of trafficking in human beings is detected via interviews with all applicants for international protection, including those subject to Dublin transfer.

- b. *The competent authority proactively screens applicants subject to Dublin transfer with a particular profile<sup>45</sup> (please provide information on the type of profile) NO;*

- c. *There is no systematic screening, but victims can self-report / other actors can draw attention to the potential victimisation (cf. section 3.4 if (optionally) completed) YES;*

Such suspicion can also be reported by another worker coming into contact with the applicant, or it can be reported by the applicants themselves.

- d. *Other (please specify).*

*Q14b. If a (potential) victim is detected, what are the next steps in terms of assessment and identification? Is there a specific level of evidence needed to suspend a Dublin II transfer?*

Where there is a suspicion that the applicant for international protection subject to Dublin Regulation could be a victim of trafficking in human being, the Instruction of the MO Director would apply in the form of conducting an identification interview. If needed, one of the cooperating non-profit organisations would be invited to take part in the identification. If the indication of trafficking in human being is confirmed by the competent MO staff and/or non-profit organisation, it would be sufficient to delay/cancel the Dublin transfer.

*Q15. If being a victim of trafficking in human beings does not trigger Article 3(2) or Article 15 in your Member State can Dublin II transfers be suspended anyway? Yes / No / in some cases. Please elaborate on your answer.*

If it is a victim of trafficking in human beings, the SR could apply Article 3(2).

<sup>44</sup> Here, “competent authority” refers to the authority competent for examining the merit of the third-country national’s case for international protection. In many (Member) States, this is a ‘case worker’.

<sup>45</sup> E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

*Q16. Are third-country nationals subject to Dublin procedures informed of possibilities offered under Directive 2004/81/EC or national equivalent measures, or other residence possibilities?*

Information on the possibility to obtain tolerated stay (under Directive 2004/81/EC) and on the possibility of assistance and protection to trafficked persons under the Programme would be provided to third-country nationals where there are reasonable grounds to suspect that they have become victims of trafficking in human beings. Such information is not provided to all persons subject to the Dublin Regulation.

## **2.5 Future measures**

*Q17. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for international protection? Yes/No, other*

According to the MO statement, the current measures related to the detection and identification of trafficked persons who are applicants for international protection are sufficient, and no changes or modifications are planned in the near future in this regard.

Further to the need to implement Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, and the need to incorporate changes arising from practice, the MoI SR prepared a new Decree on the Programme expected to enter into force on 01 November 2013. The new Decree stipulates the conditions of the Programme and the tasks of actors involved in the Programme, while describing in detail the procedures and information obligations of actors for the purpose of common coordination with the aim to provide targeted assistance to victims of human trafficking. After the Decree enters into force, further actions of the MO concerning common coordination and fulfilment of tasks by actors involved in the Programme will be adapted and modified.

*Q17a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.*

*Q17b. If no, are there any obstacles to the introduction of measures?*

### Section 3

#### Detection, identification and referral of victims in Forced Return Procedures

*(Maximum 4 pages)*

*This section first examines the mechanisms that are used to detect and identify victims who have received a (final) negative decision on their application(s) in international protection, or who have abandoned the procedure, i.e. “rejected applicants”, who are subject to a forced return procedure. It then explores how (potential) victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.*

*Please note that wherever reference is made to forced return in this section, it relates to the **forced return of rejected applicants for international protection** only rather than other persons subject to forced return measures (e.g. irregular migrants).*

### 3.1 Legislative framework

Q18. Are there established mechanisms for detecting and identifying victims of trafficking in human beings in forced return procedures<sup>46</sup>? **Yes/No**

The SR makes no specific distinction between the procedures and mechanisms of identification and referral of victims with regard to different groups of aliens in forced return procedures. For this reason, it is not possible to describe procedures that would be only applicable to rejected applicants who are in forced return procedures, as required by the specification of this study. The procedures and mechanisms, as described below, apply to all categories of foreign nationals who are seized or detained by members of Border and Aliens Police Service, including rejected applicants for asylum in forced return procedures.

Q18a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

- a. Process for detection and identification in forced return procedures is outlined in legislation (if yes, provide the reference) **NO**
- b. Process for detection and identification in forced return procedures is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference) **YES**

In order to ensure a single procedure for the identification of potential victims of trafficking in human beings by members of the Border Police Service and Aliens Police Service and members of the National Unit to Combat Irregular Migration of the BBAP PFP (hereinafter referred to as the “members of the PF”), the BBAP PFP Director issued an instruction in 2011<sup>47</sup> (hereinafter referred to as the “Instruction of the BBAP PFP Director”). This Instruction details the actions to be undertaken by members of the PF in the identification of potential victims, as well as the procedure after detecting that the alien is a potential victim. The target groups of potential victims of trafficking in human beings, as specified in the Instruction of BBAP PFP Director and for which a set of mandatorily asked questions are specified, are the following:

- detained aliens who entered the territory of the Slovak Republic by illegally crossing the state border of the SR;
- detained aliens inland who are illegally employed or stay illegally within the territory of the SR for a longer period of time.

As mentioned in the introductory part of this section and in the statement of the BBAP PFP,<sup>48</sup> the Instruction of BBAP PFP Director is applicable to and binding for also other procedures, including forced returns of rejected applicants for asylum.

Another document used in forced return procedures is the Guideline mentioned in the response to question Q4.

- c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description) **NO**

<sup>46</sup> (Member) States should here **only** refer to mechanisms for detection/identification used in forced return procedures – i.e. they should not refer to those used to detect/identify in situations outside of forced return procedures.

<sup>47</sup> Instruction No. 5/2011 of the Director of BBAP PFP of 12 December 2011 on issuing a guideline for members of the Border Police Service and Aliens Police Service and members of the National Unit to Combat Irregular Migration of the BBAP PFP to ensure common identification of potential victims of trafficking in human beings.

<sup>48</sup> Information provided by the BBAP PFP.

Q19. Are there different protocols and/or practices for children and adults? Yes / **No**

Q19a. If yes, please briefly describe how these differ and why.

Q20. Are there different protocols and/or practices for men and women? Yes / **No**

Q20a. If yes, please briefly describe how these differ and why<sup>49</sup>

Q19 a Q20

The specific features of the coordination of actions concerning minor aliens are described in the Guideline (see response to question Q5) which is binding for the members of the PF. The Instruction of BBAP PFP Director also contains several provisions on actions concerning unaccompanied minors. In general, members of the PF are due to consider the physical and psychological condition of aliens from the first contact, and ask as brief, simple and concise questions as possible, taking into account the level of education of aliens.<sup>50</sup>

### 3.2 Detection of victims

Q21. How are (potential) victims of trafficking in human beings detected, amongst rejected applicants, in forced return procedures?

Q21a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:

- a. The competent authority<sup>51</sup> proactively screens all rejected applicants for indications of trafficking in human beings; **YES**

While preparing a report, the member of the PF asks mandatory questions from an alien to detect whether s/he can be a victim of trafficking in human beings. If needed, additional questions can be asked to clarify his/her answers.

- b. The competent authority proactively screens all rejected applicants with a particular profile<sup>52</sup> for indications of trafficking in human beings (please provide information on the type of profile); **NO**
- c. Victims self-report **YES**;

There is a possibility that the victim himself/herself reports on facts indicating trafficking in human beings.

- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);
- e. Other (please specify).

As mentioned in the response to question Q7e), the IOM brochure can also be used. The member of the PF presents the brochure to the alien for consultation, and the alien can self-identify himself/herself as a victim on the basis of questions contained in the brochure.

<sup>49</sup> E.g. only female officers can screen / assess women.

<sup>50</sup> Art. 2, par. 3 of Instruction of BBAP PFP Director.

<sup>51</sup> Here, "competent authority" refers to the law enforcement official or other authority competent to supervise and enforce forced return process of applicants for international protection who are subject to a return order.

<sup>52</sup> E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

*Q22. If the competent authority detects that a rejected applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?*

The next steps are specified in the Instruction of BBAP PFP Director. If a member of the PF detects through questions, after interviewing the alien, that there is a reasonable suspicion that the alien can be a potential victim, s/he must immediately contact by phone one of the cooperating non-profit organisations and inform it about the findings. The staff of the cooperating non-profit organisation would subsequently conduct a detailed identification interview and evaluation of the indicators of human trafficking. If the staff member of the cooperating non-profit organisation confirms that the alien is a victim of trafficking in human beings and the alien meets the conditions for receiving care, the member of the PF hands the alien over to the representative of the non-profit organisation. The partner non-profit organisation carries out further actions related to the victim's entry in the Programme.

*Q22a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? **Yes** / No*

- b. If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?*

The indicators for the identification of victims of trafficking in human beings described in the response to question Q8a) are used in these cases.

*Q22b. Are other mechanisms<sup>53</sup> used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? Yes/**No***

- a. If yes, what are these?*  
*b. If no, why not?<sup>54</sup>*

There has been no need in the SR so far to amend this procedure by other mechanisms.

*Q22c. What happens if, following the assessment, the competent authority decides that the third-country national concerned is not a (potential) victim? Can the third-country national seek an alternative assessment elsewhere?*

No.

*Q23. Have methods for the detection and/or identification of victims in forced return procedures been evaluated in your Member State? Yes/**No***

*Q23a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.*

*Q23b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in forced return procedures here.*

The methods have not been evaluated in the SR so far. In a more general context, the response to question Q9 applies here.

<sup>53</sup> E.g. interviews.

<sup>54</sup> E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

### 3.3 Referral

Q24. If a rejected applicant is identified as a (potential) victim and there is the possibility to open up a procedure as foreseen under Directive 2004/81/EC, how does this work in practice?

Q24a Can the rejected applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to access the provisions of Directive 2004/81/EC or national equivalent measures? **Yes/No**

The rejected alien can decide whether s/he wants to enter the procedure for tolerated stay (pursuant to Directive 2004/81/EC).

Q24b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised? Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The (potential) victim is given information on his/her rights and possibilities, but has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).
- b. The authorities competent for implementing the forced return procedure contact the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)
- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).

A combination of above-mentioned options is applicable in the SR. The member of the PF and/or partner non-profit organisation inform the alien – victim of trafficking in human beings on the possibilities and conditions of granting tolerated stay, as well as on the possibility to enter the Programme. The referral from the forced return procedure to the tolerated stay procedure is administratively executed within a single entity – BBAP PFP. The granting of the tolerated stay – the period of reflection – is directly enshrined in law. The application for granting tolerated stay on the grounds that the victim cooperates with the police is filed by the law enforcement authority.

Q24c. Can the applicant's dossier /evidence gathered to date by the law enforcement authorities be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? **Yes / No / in some cases** (please elaborate)

The gathered information is available and can be used in the procedure for granting tolerated stay.

Q25. Have systems of referral of (potential) victims from forced return procedures to other procedures been evaluated in your Member State?<sup>55</sup> **Yes/No**

Q25a. If yes, how well are they considered to be working? Provide evidence.

Q25b. If no, please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms.

Due to the very low number of identified victims of human trafficking in the SR - foreigners, the SR has no practical experience to be assessed.

<sup>55</sup> For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

### 3.4 Future measures

Q26. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for forced return?

Yes/No

Q26a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

New Decree mentioned in the response to question Q17.

In 2013 and 2014, further training activities for members of the PF are planned to be held (for more details see Section 5), including those who implement measures related to the execution of forced returns.

Q26b. If no, are there any obstacles to the introduction of measures?

## Section 4

### Detection, identification and referral of victims by other related actors

(Maximum 2 pages)

This section looks at detection, identification and referral of (potential) victims who are residing in (i) reception centres; and (ii) detention facilities awaiting forced return. It optionally looks at detection and referral by other actors.

#### 4.1 Detection and identification of victims in reception centres / detention facilities

Q27. How are (potential) victims of trafficking in human beings detected in the following situations:

Whilst residing in reception centres for applicants of international protection (where these exist in Member States)?

The procedure is the same as described in the response to question Q7.

- a. Whilst detained in detention facilities for irregular migrants awaiting return (where these exist in Member States)<sup>56</sup>?

The procedure pursuant to the Instruction of BBAP PFP Director (which is also binding for the staff of police detention facilities) is followed. See also responses to the question Q21.

Q27a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State:

- a. All residents / detainees are screened for indications of trafficking in human beings; **YES**
- b. All residents /detainees with a particular profile<sup>57</sup> for indications of trafficking in human beings; **NO**
- c. Victims self-report; **YES**

<sup>56</sup> In some (Member) States, third-country nationals awaiting return are not detained at all, whereas in some (Member) States, returnees are detained in regular prisons or in migration reception centres. These cases fall outside of the scope of this Study, and only detention facilities will be covered.

<sup>57</sup> E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.



- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed); **YES**
- e. Other (please specify).

As mentioned in the responses to questions Q7e) and Q21e), brochures and leaflets with questions facilitating self-identification are available in these facilities.

*Q28. Is the practice described above based on established guidelines / protocol (if yes, please provide a reference / information)*

The staff members of reception centres and police detention facilities observe the Instruction of the MO Director and the Instruction of BBAP PFP Director.

*Q29. Are there different protocols and/or practices for children and adults? Yes / No*

*Q29a. If yes, please briefly describe how these differ.*

*Q30. Are there different protocols and/or practices for men and women? Yes / No*

*Q30a. If yes, please briefly describe how these differ<sup>58</sup>*

With regard to reception centres, see the responses to questions Q5 and Q6.

With regard to police detention facilities, see responses to questions Q19 and Q20.

*Q31. What are the next steps in terms of assessment and identification?*

The next steps are described in the responses to questions Q8 and Q22.

*Q31a. Is there a standard set of indicators used to assess whether the suspected victim should be identified as a victim? **Yes** / No*

- a. If yes, please give further details, provided the information is not considered of a sensitive nature.

See the response to question Q8.

*Q31b. Are other mechanisms<sup>59</sup> used to assess whether a suspected victim should be identified as such? Yes/**No***

- a. If yes, what are these?
- b. If no, why not?<sup>60</sup>

#### **4.2 Referral of (potential) victims in reception centres / detention facilities**

*Q32. What are the next steps in terms of referral?*

- a. The (potential) victim is provided information on his/her rights and possibilities, but s/he has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).
- b. The reception centre / detention facility manager or other contact point in these institutions contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)

<sup>58</sup> E.g. only female officers can screen / assess women.

<sup>59</sup> E.g. interviews.

<sup>60</sup> E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

- c. *There is a centralised national referral / coordination mechanism/contact point that helps him/her. (If yes, please elaborate).*

The identified victim of trafficking in human beings is informed about the possibilities of granting tolerated stay and on the conditions of entering the Programme. The facility staff would contact the authority responsible for the granting of tolerated stay and one of the cooperating non-profit organisations performing further actions related to the granting of tolerated stay (if relevant) and entering the Programme.

*Q33. Have systems of detection and referral by actors in reception centres or detention facilities to procedures for victims of trafficking in human beings been evaluated in your Member State?<sup>61</sup> Yes / **No***

*Q33a. If yes, how well are they considered to be working? Provide evidence.*

*Q33b. Please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms here. .*

#### **4.3 Role of other actors (optional)**

*Q34. Do other actors coming into contact with applicants and rejected applicants – e.g. legal representatives, civil society organisations, medical staff – formally detect (potential) victims amongst third-country nationals in international protection and/or forced return procedures and refer them onto other authorities competent to identify and assist<sup>62</sup>? Yes / No/ **Other***

*Q34a. If yes, describe the mechanisms for detection.*

As mentioned in the response to question Q8, the cooperating non-profit organisations which are part of the National Referral Mechanism carry out the identification of trafficked persons in procedures for international protection or forced returns. Suspicions of trafficking (but not formal identification) can also be reported by other actors, e.g. other non-governmental organisations performing social work, or legal representatives of applicants or rejected applicants for international protection.

*Q34b. If yes, describe what happens in terms of referral.*

If an indication of trafficking in human beings exists, the respective actors contact the relevant state administration authority and the cooperating non-profit organisations. These institutions subsequently perform and individually assess the next steps and the inclusion of the victim in the Programme, provided that the victim wishes so.

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<sup>61</sup> For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

<sup>62</sup> **Only** describe detection amongst third-country nationals in international protection / forced return procedures; not for detection in general.

Section 5  
Training

(Maximum 2 pages)

Q35. *What guidance and training do competent authorities (and optionally other actors) receive regarding the detection and identification of victims? Please specify the following for each type of training described:*

*a. Content of training, specifically:*

Since 2009, the Information Centres for Combating Trafficking in Human Beings and Crime Prevention<sup>63</sup> (IC) has been organising, together with the IOM, the training module *Identification of Victims of Trafficking in Human Beings* for various groups of workers of the departments of Border and Aliens Police Service of the Police Force, and for the members of the National Unit to Combat Irregular Migration of the BBAP PFP, as well as for the MO staff<sup>64</sup>. It is usually a two-day training session and its content is adapted to the work needs of the participants and their expectations and priorities.

*i. Indicators for detecting / identifying victims*

The introductory part of the training always focuses on the definition of trafficking in human beings and its application in the identification process, the differences compared to other crimes on the basis of case studies, and identification interviews. The participants learn about the indicators for the detection/identification of victims of human trafficking, and about questions to be asked during the identification of potential victims. The indicators defined by the IOM are used in the training activities (see the response to question Q8a)).

*ii. Profiling techniques*

The training also includes information on current trends in human trafficking and on specific cases recorded by actors involved in the referral system of assistance to victims under the Programme (gender, national, geographic features and new trends in the purposes of human trafficking).

No particular manual exists for the profiling of potential victims on the basis of certain factors, such as country of origin, social status, detained group of people and other. Upon contact with an alien detained by the police or with an applicant for asylum, the competent authorities mandatorily detect, pursuant to internal regulations (Instruction of the MO Director and Instruction of BBAP PFP Director), whether it is a potential victim of trafficking in human beings.

*iii. Gender-sensitive approaches for engaging with victims*

During training, the need to apply a sensitive approach is highlighted with regard to the purpose for which the victim was exploited and the victim's gender. As mentioned, the Instruction of the MO Director applied in practice and also specifically used at training activities, describes women as a specific group for the purpose of identification of potential victims of trafficking in human beings, and defines a particular set of questions asked from women which is different from those asked from other groups of potential victims.

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<sup>63</sup> The Information Centre for Combating Trafficking in Human Beings and Crime Prevention was established as the organisation of the Ministry of Interior pursuant to Art. 7, par. 3 of Act No. 583/2008 Coll. on Crime Prevention and Other Anti-Social Activities and on Changes and Amendments to Some Acts.

<sup>64</sup> The given training module is also used in the training of other target groups working in areas other than those specified in this focussed study (e.g. in the field of prevention). Its content is always adapted to the expert focus of participants.

*iii. Building trust and engaging with (potential) victim*

Building trust, the conducting of interviews, evaluation and choosing the right approach form also part of the training.

No detailed manual or internal instruction for MO staff or members of the PF has been published on building trust with potential victims. As mentioned in the responses to questions Q19 and Q20, the Instruction of BBAP PFP Director guides the members of the PF to take into consideration, from the very first contact with an alien, his/her physical and psychological condition and ask as brief, simple and concise questions as possible regarding his/her level of education. The questions asked from potential victims are also formulated in this way. Since this document is binding for the work of specialised policed forces, it is observed in practice and can constitute part of the training module for the competent police forces.

*iv. Others (please briefly describe)*

The other training topics include: aliens as victims of trafficking in human beings, relevant legislation in the SR, practical steps, case studies, trauma and its manifestations and treatment.

*b. Type of stakeholder trained*

In connection with the focus of the study, the training module was used to train, in the period from 2008 to 2012, the following workers who come into contact with foreigners who can be potential victims of trafficking in human beings at a certain stage of procedures for international protection or forced return:

- members of the PF  
(2008–10: 72 participants, 2011: 27 participants, 2012: 196 participants);
- MO staff  
(2008–10: 28 participants);
- employees of foster homes<sup>65</sup>  
(2008–10: 13 participants);
- employees of the Offices of Labour, Social Affairs and Family<sup>66</sup>  
(2008–10: 69 participants, 2012: 35 participants);
- judges  
(2010: 2 participants, 2011: 8 participants);
- prosecutors  
(2010: 10 participants, 2011: 10 participants).

*c. Type of training / guidance (e.g. Training module, Training workshop, Examination, Guidelines, Brochure, Other (please describe))*

Training module: “Identification of Victims of Trafficking in Human Beings”

*d. Authority / organisation providing the training*

IC and IOM.

<sup>65</sup> There are foster homes in the SR which are specifically designed for reception of unaccompanied minors and child victims of trafficking in human beings.

<sup>66</sup> These employees are appointed as guardians of unaccompanied minors staying in the territory of the SR.

*e. Frequency of the training (e.g. annually, one-off, induction training, etc.)*

The training is held in line with the annual training plan. The IC organises the training module twice a year, with ten training sessions per year for various target groups according to defined needs. The training sessions are mostly attended by members of the PF.

*f. Whether the training is obligatory. Yes / No.*

The training forms part of further learning of workers of various institutions or of new workers. The training is obligatory for employees of the MoI SR who fall under the focus of this study (i.e. MO staff or members of the PF).

Besides the training module, the training participants also dispose of the already mentioned Guideline aimed to ensure coordinated and single action and information to all stakeholders on the provision of efficient protection and assistance to mainly minors and aliens who became victims of trafficking in human beings. The Guideline also defines the indicators for human trafficking, describes the methods of identification of victims, and contains contacts of cooperating non-profit organisations involved in the National Referral Mechanism under the Programme.

Another document that started to be used as part of training activities focused on trafficking in human beings is the manual for trainers “Combating Trafficking in Human Beings by the Border Police Service” (hereinafter referred as the “Manual”) which was developed in 2011 by FRONTEX Agency with the involvement of an expert from the Slovak Republic. This document is only for the Border Police Service staff and focuses on the identification and detection of potential victims of trafficking in human beings and traffickers in the border controls procedure. It can also be used for the training of other police departments dealing with human trafficking (National Unit to Combat Irregular Migration of the BBAP PFP) or those coming into contact with aliens (police detention facilities for aliens). In line with this Manual, one training session was organised for first-line and second-line control, and a total of 25 members of the police were trained. Training activities under this Manual are also planned to be held in 2013 and 2014 for the members of the Border and Aliens Police Service of the PFP and for the staff of the police detention facilities for aliens.

*Q36a. Specifically please describe whether your Member State has organised **joint training sessions** of trainees from different backgrounds – e.g. personnel involved in procedures for international protection, forced return and those for victims of trafficking in human beings.*

The IC has only organised training activities for homogenous groups of participants, but joint activities are also planned for workers from various fields.

*Q36b. Specifically please describe whether your Member State has organised **multi-disciplinary training** – i.e. as provided by a range of experts.*

Not yet, but such training is planned by the MoI SR in the future.

**Section 6**  
**Statistics**

*(Maximum 3 pages)*

*This section provides statistics that indicate the scale and scope of (potential) victims detected and identified in procedures for international protection and forced return.*

*Q37. Has your Member State conducted any research into the scale of victims of trafficking in human beings in international protection procedures and/or procedures for forced return? Yes / **No***

The Slovak Republic has not conducted yet any research into the scale of victims of trafficking in human beings in international protection procedures and/or procedures for forced return and on the statistics thereof. As the table in the Annex 1 suggests, the numbers of aliens identified in the SR as victims of trafficking in human beings are very low, as a result of which it is not possible to provide a statistical evaluation.

Statistics on victims of trafficking in human beings who are either Slovak citizens (identified abroad or in the SR) or aliens (identified in the territory of the SR) have been gathered and analysed by the IC since 2009.

*Q37a. If yes, briefly describe it here, providing the reference to the Study, its aims, and any key findings relevant to this present study.*

*Q38. Please complete the table in **Annex 1** as far as possible, based on statistics available in your (Member) State.*

**Section 7**  
**Conclusions**

*(Maximum 2 pages)*

*The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.*

**ANNEX 1****Table 1 – Statistics on third-country national victims of trafficking in human beings identified in procedures for international protection and forced return**

	2008	2009	2010	2011	2012	Source / further information
<b><i>Third-country nationals identified as (potential) victims and who have <u>withdrawn from or stopped procedures for international protection</u></i></b>						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures (or – where relevant – have stayed in international protection procedures) <sup>67</sup> and who have (later) been granted a <b>reflection period</b> as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC, Directive 2011/36/EU or other national provisions).  Where possible, please disaggregate for: - Gender, age, nationality of the person identified	-	-	-	-	-	IC
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) <b>applied for</b> a (temporary or permanent) <b>residence permit</b> as a victim of trafficking in human beings cooperating with the authorities (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive <sup>68</sup> ).  Where possible, please disaggregate for: - Gender, age, nationality of the person identified	-	-	-	-	-	IC

<sup>67</sup> The measure provided here depends on the (Member) State's response to Q11a – i.e. whether the applicant has to withdraw from the procedure for international protection in order to be granted a reflection period and/or residence permit under Directive 2004/81/EC.

<sup>68</sup> Denmark, **Ireland** and the **United Kingdom** are not signatory to and therefore do not transpose Directive 2004/81/EC; however, each of these offers alternative procedures for granting residence permits.

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) been <b>granted</b> a (temporary or permanent) <b>residence permit</b> as a <u>victim of trafficking in human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	-	-	-	-	-	IC
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
<b><u>Third-country nationals identified as (potential) victims and who have <u>been rejected</u> from procedures for international protection <u>following a (final) negative decision</u></u></b>						
Number of third-country nationals who have been <u>rejected</u> from (EU harmonised) international protection procedures <u>following a (final) negative decision</u> on their application and who have (later) <sup>69</sup> been <b>granted</b> a ( <b>non-EU harmonised</b> ) <b>protection status or residence permit</b> (e.g. on humanitarian grounds) <sup>70</sup> as a victim of trafficking in human beings (e.g. due to humanitarian reasons).	NA					
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>been rejected</u> from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been <b>granted</b> a <b>reflection period</b> as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU or other national provisions).	-	-	-	-	-	IC

<sup>69</sup> **Note:** in some (Member) States, where all third-country nationals applying for international protection are assessed against all categories of international protection simultaneously in the same process, this reference to two separate processes may not be relevant. (Member) States with single procedure are not required to provide an answer here, and can state “Not Applicable” in the box.

<sup>70</sup> Where possible, please specify the type of protection status / residence permit.



*Identification of victims of trafficking in human beings in international protection and forced return procedures*

Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>been</u> rejected from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been <b>granted a residence permit</b> as a <u>victim of trafficking in human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	-	-	-	-	-	IC
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
<b>Statistics on referrals to national referral mechanisms (where existing in (Member) States)</b>						
If an national referral mechanism (NRM) exists in your (Member) State, please provide statistics on:						
- Number of third-country nationals referred by the authorities responsible for <u>examining and deciding upon applications</u> for international protection to the NRM	/	/	0	0	0	IC
- Number of third-country nationals referred by the authorities responsible for <u>enforcing forced returns</u> to the NRM	/	/	0	0	0	
- Number of third-country nationals referred by the authorities responsible for <u>managing reception centres</u> to the NRM	/	/	0	0	5 women, 27, Camerun women, 28, Kosovo, man, 28, Kosovo women, 20, Ukraine man, 25, Moldova	Statistics provided by IC which includes also those victims who did not enter the Programme

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- Number of third-country nationals referred by the authorities responsible for <u>managing detention facilities</u> to the NRM	/	/	0	1 women, 40, Moldova	0	. All the victims were identified in reception facilities. The age of the victims relates to their age at the time of recruitment .
- Number of third-country nationals referred by <u>legal representatives</u> to the NRM	/	/	0	0	0	
- Number of third-country nationals referred by <u>civil society</u> to the NRM	/	/	0	0	0	
- Number of third-country nationals referred by <u>other actors</u> to the NRM	/	/	0	0	0	
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
<b>General statistics</b> <sup>71</sup>						
Number of third-country nationals who have been <b>granted</b> a (non-EU harmonised) <b>protection status or residence permit</b> as a victim of trafficking in human beings (e.g. <b>due to humanitarian reasons</b> ). <sup>72</sup>	-	-	-	-	-	IC
Number of third-country nationals who have been granted a <b>reflection period</b> as a victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU).	/	/	0	1*	1*	IC

<sup>71</sup> The purpose of presenting these general statistics is to allow for the possibility to present the statistics above as a proportion of wider groups of (potential) victims of trafficking in human beings.

<sup>72</sup> Where possible, please specify the type of protection status.

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

Number of third-country nationals who have been granted a <b>residence permit as a victim of trafficking in human beings</b> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	/	/	0	0	0	IC
Number of third-country nationals <b>referred</b> to procedures for victims of trafficking in human beings through the <b>NRM</b>	/	/	0	1	5	IC

Source: IC

- data not monitored

/ data is not available

\* Reflection period provided under the article 11(5) of the Directive 2011/36/EU of the European Parliament and of the Council

## Terms and Definitions

The principal terms used in this study follow the study specification. The definitions of terms are primarily based on the legislation of the SR.<sup>73</sup> The terms not defined by Slovak legislation are either based on the EMN glossary<sup>74</sup>, study specification<sup>75</sup>, or have been defined by the author of the study.

*Offences concerning trafficking in human beings*<sup>76</sup> - the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

*Screening/detection*<sup>77</sup> - the process of detecting possible situations of trafficking in human beings.

*Identification*<sup>78</sup> - the process of confirming and characterising any situations of trafficking for further implementation of support.

*Formal identification*<sup>79</sup> - the identification of a person as a victim of trafficking in human beings by the relevant formal authority (often law enforcement), according to the national system.

*Potential victim*<sup>80</sup> - person (alien) where there is a reasonable suspicion that s/he has become a victim of trafficking in human beings in the territory of the SR or abroad, and has the right to receive relevant assistance.

*Referral*<sup>81</sup> - the process of transferring a person from one procedure onto another.

*National Referral Mechanism*<sup>82</sup> - mechanism aimed at identifying, protecting and assisting victims, through referral, and involving relevant public authorities and civil society.

*Alien/Foreigner*<sup>83</sup> - anyone who is not the citizen of the Slovak Republic.

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<sup>73</sup> The respective piece of legislation is provided in the footnote.

<sup>74</sup> Source: Asylum and Migration Glossary 2.0, available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/docs/emn-glossary-en-version.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) (consulted on 18/10/2013).

<sup>75</sup> Source: Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures. Specification of the Third EMN Focussed Study. MIGRAPOL European Migration Network Doc 287.

<sup>76</sup> Art. 2, par. 1 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

<sup>77</sup> Terms defined by the author of the study under the Slovak context of the use of these terms.

<sup>78</sup> Term defined in the study specification based on: Varandas, I. & J. Martins (2007) *Signalling Identification Integration of Victims of Trafficking for Sexual Exploitation: Construction of a Guide*.

<sup>79</sup> Term defined in the study specification for the purposes of the study.

<sup>80</sup> Term defined by the author of the study based on the Instruction of the MO Director and Instruction of the BBAP PFP Directorat, as well as from the definition provided in the specification.

<sup>81</sup> Term defined in the study specification for the purposes of the study.

<sup>82</sup> Ibidem.

<sup>83</sup> Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments to Some Acts.

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*Third-country national*<sup>84</sup> - anyone who is not the citizen of the SR or any of the EU Member States, other contracting party to the Treaty on the EEA, and Swiss Confederation; a stateless person is also considered a third-country national.

*International protection*<sup>85</sup> - the granting of asylum or provision of subsidiary protection.

*Applicant/applicant for asylum*<sup>86</sup> - an alien who declares at the competent police department that s/he seeks asylum or subsidiary protection in the territory of the SR.

*Application for asylum*<sup>87</sup> - any statement by an alien suggesting his/her intention to request asylum (or subsidiary protection) at the competent police department. The asylum procedure shall start upon such applicant's statement.

*Subsidiary protection*<sup>88</sup> – protection against serious harm in the country of origin.<sup>89</sup>

*Rejected applicant*<sup>90</sup> - a person who has received a (final) negative decision on his/her application for international protection or who has abandoned the procedure.

*Reception facility* – reception centre, accommodation centre, and humanitarian centre.<sup>91</sup> A reception facility in this study shall only mean a reception centre and an accommodation centre, since a humanitarian centre is not designed for applicants for asylum, and applicants usually do not stay in a reception centre longer than for a couple of hours – which is the time needed to carry out all steps related to the application for asylum.<sup>92</sup>

*Police detention facility*<sup>93</sup> - a facility designed for detained citizens of third countries under Slovak legislation.

*Forced return*<sup>94</sup> - obligatory return of a person to his/her country of origin, transit country, or any third country on the basis of an administrative or judicial act.

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<sup>84</sup> Ibidem.

<sup>85</sup> Act No. 480/2002 Coll.

<sup>86</sup> Source: Art. 26 of Decree of the Minister of Interior of the Slovak Republic No. 14/2008 on Changing and Amending Decree No. 1/2007 on the Action of the Migration Office of the Ministry of Interior of the Slovak Republic and Police Force Departments upon execution of Act No. 480/2002 Coll. on Asylum and on Changes and Amendments of Some Acts as Amended.

<sup>87</sup> Act No. 480/2002 Coll.

<sup>88</sup> Ibidem.

<sup>89</sup> Under the Act on Asylum, serious harm means imposition or execution of death penalty, torture, inhuman or humiliating treatment or punishment, or serious and individual threat to life or inviolability of a person due to arbitrary violence during an international or national conflict.

<sup>90</sup> Term defined in the study specification for the purposes of the study.

<sup>91</sup> Act No. 480/2002 Coll.

<sup>92</sup> Source: Micháľková (2013): Organisation of Reception Facilities for Applicants for Asylum in the Slovak Republic. European Migration Network, Bratislava.

<sup>93</sup> Term defined in the study specification for the purposes of the study.

<sup>94</sup> Source: Asylum and Migration Glossary 2.0, available at [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/docs/emn-glossary-en-version.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) (consulted on 28/10/2013).

## Abbreviations

MS – EU Member State

EEA – European Economic Area

EMN – European Migration Network

EC – European Community/European Commission

EU – European Union

FRONTEX - the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

GRETA – Group of Experts on Action against Trafficking in Human Beings

IC – Information Centre for Combating Trafficking in Human Beings and Crime Prevention

IOM – International Organization for Migration

MO – Migration Office of the Ministry of Interior of the Slovak Republic

MoI SR – Ministry of Interior of the Slovak Republic

PF – Police Force

SR – Slovak Republic

BBAP PFP – Bureau of the Border and Aliens Police of the Police Force Presidium

Coll. – Collection of Laws

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Instruction No. 5/2011 of the Director of BBAP PFP of 12 December 2011 on issuing a guideline for members of the Border Police Service and Aliens Police Service and members of the National Unit to Combat Irregular Migration of the BBAP PFP to ensure common identification of potential victims of trafficking in human beings.

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Methodological manual aimed to ensure coordinated and common action and information to all stakeholders on the provision of efficient assistance to victims of trafficking in human beings with a special focus on specific actions related to minor victims of trafficking in human beings

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## **Legislation**

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Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin Regulation)

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