

NATIONAL PROGRAMME OF THE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS FOR THE PERIOD OF 2008 - 2010

A. NATIONAL STRATEGY

1. INTRODUCTION

The objective of the National Programme of the Fight against Trafficking in Human Beings (hereinafter the “National Programme”) is to provide a complete and effective National Strategy for the fight against the trafficking in human beings (hereinafter the “National Strategy”) that supports the development of mutual understanding and the coordinated activities of all the parties involved in respect to eliminating the chances of the crime of trafficking in human beings being committed. An additional objective is to formulate the conditions for support and provision of aid to the victims of the trafficking in human beings and to the safeguarding of their human rights and dignity. The National Strategy is being implemented with the political and financial support of the Government of the Slovak Republic who takes over the responsibility for objectives definition, measures implementation and objectives achievements in the National Programme (Principle of Active Government Participation). The civic society takes an active part in the National Programme and plays an active role not only in the decision-making but also their views and opinions are reflected in the proposals and implementation of the National Programme (Principle of Civic Society). The National Programme follows from the international standards of human rights protection and aims for the support of human rights of all victims based on respect of principle of gender equality (Principle of Human Rights Respect). Provided that the trafficking in human beings is a complete and multilateral phenomenon, the approach to deal with this issue shall require the departmental cooperation at the interdisciplinary level (Principle of the Departmental Cooperation). The National Programme should assist the victims of trafficking in human beings and generally to society as a whole, not just in the short term. At the same time, the National Programme shall be adjusted to meet current needs (Principle of Sustainability).

2. BACKGROUND ANALYSIS

2.1 SUPPORT FRAMEWORK

Coordination Participants

The first material accepted at the national level on promulgating the fight against this serious organised-crime activity was the National Action Plan of the Fight against Trafficking in Human Beings for the period 2006 – 2007. It was prepared by the Expert Group for Prevention and Aid to Victims of Trafficking in Human Beings established at the Council of the Government of the Slovak Republic for Crime Prevention and adopted by the Resolution of the Government of the Slovak Republic

No.3 of 11 January, 2006. This document included the summary of the information available regarding the situation within the area of trafficking in human beings and proposed the measures in line with the trends and recommendations of international organisations and the European Union. The first task stated under this Action Plan was the creation of the management and activity coordination mechanism in the area of trafficking in human beings. To achieve this particular task, the State Secretary of the Ministry for the Interior of the Slovak Republic was appointed as the National Coordinator for the Area of the Fight against Trafficking in Human Beings in October 2006. Subsequently, at the end of 2006 the Internal Regulation of the Ministry for the Interior of the Slovak Republic on Establishment of the Expert Group for the Area of Fight against Trafficking in Human Beings was issued. This multi-departmental group is the advisory, initiative and coordination body of the National Coordinator and members include representatives of the third sector, as well as representatives of the state administration authority. The Expert Group for the Area of Fight against Trafficking in Human Beings is made up of the representatives of the respective units of the Ministry for the Interior of the Slovak Republic. Further on, the representative of the Ministry of Justice of the Slovak Republic, the Ministry of Labour, Social Affairs, and Family of the Slovak Republic, the Ministry of Health Care of the Slovak Republic, the Ministry of Foreign Affairs of the Slovak Republic, the Ministry of Education of the Slovak Republic, the Ministry of Finance of the Slovak Republic, the Office of the Government of the Slovak Republic, the General Prosecutor's Office of the Slovak Republic and the representative of the International Organisation for Migration Slovakia will join the Expert Group. In 2007 the Civic Society was represented in the Expert Group by the Slovak Crisis Centre DOTYK, the Civic Association Prima and the Civic Association STORM.

Ministry for the Interior of the Slovak Republic issued the Internal Regulation on Safeguarding of the Programme of Support and Protection of the Victims of Trafficking in Human Beings (hereinafter the "Programme") in order to unify the procedure. In 2007, a pilot project of this Programme was implemented based on the agreements on cooperation and coordination of activities in safeguarding the Programme in the Slovak Republic between the Ministry for the Interior of the Slovak Republic and selected non-governmental organisations: the Slovak Crisis Centre DOTYK, the Civic Association Prima and the Civic Association STORM. These agreements regulated, among others, the forms of cooperation of the Ministry for the Interior of the Slovak Republic and the non-governmental organisations participating in the Programme's implementation and defined the tasks to be followed by the non-governmental organisations under this Programme. The provision of funds to the non-governmental organisations to fulfil the tasks within the area of the trafficking in human beings from the budgetary chapter of the Ministry for the Interior of the Slovak Republic, was stipulated under the Contracts on Subsidies from the State Budget through the Budget of the Ministry for the Interior of the Slovak Republic that were signed by the representatives of the involved parties on 8 February 2007. Under this Programme, the selected non-governmental organisations provided the victims of the trafficking in human beings with complete care.

Legislative Adaptation

The main step in the fight against trafficking in human beings in the Slovak Republic was to sign the Supplementary Protocol of the United Nations Convention against Transnational Organised Crime. With signing the Protocol on Prevention,

Restraint and Punishment of Trafficking in Human Beings, especially in women and children, the Government of the Slovak Republic expressed their agreement in Resolution No. 571 of 20 June 2001.

The outline decision of the Council 2002/629/SVV of 19 July 2002 on the Fight against Trafficking in Human Beings related to the crime of trafficking in human beings for the purpose of labour or sexual exploitation was implemented into the Slovak Legal System through the adoption of the Act No. 300/2005 Coll. of the Criminal Law. The Slovak Republic modulated the framing decision of the Council 2001/220/SVV of 15 March 2001 on Position of Victims in Criminal Procedure aiming at assuring the adequate conditions for victims under criminal procedure with respect to their rights through the adoption of the Act No. 301/2005 Coll. of the Criminal Law. The transposition of the Council Directive 2004/80/ES of 29 April 2004 on the Compensation to Victims of Criminal Procedure with Aim of the Opportunity to Submit the Application also in other Member State than is the Permanent Address of the Applicant, was adopted through the Act No. 215/2006 Coll. on Compensation of the Persons aggrieved by Criminal Violence. On 14 December 2006 the Deputy Prime Minister and the Minister for the Interior of the Slovak Republic signed the European Convention on the Compensation of Victims of Violent Crimes of 1983, in Strasbourg. The ratification and going into effect of the respective Convention for the Slovak Republic is expected in 2008 after the amendment of the Act No. 215/2006 Coll. on Compensation of Victims of Criminal Violence.

The provisions of the Council Directive 2004/81/ES of 29 April 2004 on Residence Permits issued to citizens of third countries that are the victims of trafficking in human beings or to whom the aid in the illegal immigration was provided and who cooperate with particular authorities, were adequately modulated into the amendment of the Act No. 48/2002 Coll. on Alien Residence and on the Amendment and Supplement of some Acts as amended (hereinafter the "Act on Alien Residence") published in Collection of Laws under No. 693/2006 and came in to force on 1 January 2007. Based on this it is possible to legalise the residence of victims of the illegal trafficking in human beings on the territory of the Slovak Republic by the means of granting a permit for tolerated residence. The Police Department shall administer the permit for tolerated residence to the alien being a victim of the criminal procedure related to the trafficking in human beings if he/she is at least 18 years of age. The permit for tolerated residence shall be administered to the alien for a maximum of 40 days that is also the period for the reconsideration in compliance with the Article 6 of the Directive. There are also other provisions of the Directive related to the residence of the victims of the illegal trafficking in human beings on the territory of the Slovak Republic elaborated in the Act on Alien Residence. It is the prolongation of the permit for tolerated residence, an arrangement of accommodation and the opportunity of the cancellation of the permit for the tolerated residence and its reasons. In the event that the victims of the illegal trafficking in human beings are younger than 18 years of age the legal representative or the legal custodian shall deal with the residence issues. In case of infant alien, the victims of the illegal trafficking in human beings, the Police Department shall administer the permit for tolerated residence to an alien being the child found on the territory of the Slovak Republic.

The victims of trafficking in human beings are exempt from paying the administration fee for issuing the permit for tolerated residence. The amendment of the exemption of the victims of the illegal trafficking in human beings from the payment of the administration fee is included under Act No. 342/2007 Coll. Amending some Acts in relation to the Slovak Republic joining the Schengen Area.

By the Resolution No. 423/2006 to the proposal to conclude the Council of Europe Convention on Action against Trafficking in Human Beings, the Government of the Slovak Republic showed its agreement to contract it. On 30 January 2007 the National Council of the Slovak Republic expressed their agreement by the Resolution to conclude the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic. The Convention was ratified by the President of the Slovak Republic on 27 March 2007 and came in to effect on 1 February 2008.

Protection of Child Victims

In general, the problems of the Protection of Child Victims are covered under the National Action Plan for Children adopted by the Resolution of the Government of the Slovak Republic No. 837/2002. Special attention is paid to children who need to be provided with protection against violence, neglect and exploitation. In respect to the scope, materiality, impacts, as well as to the international interest, it is necessary to prepare the National Action Plan for Children in such content, professional, legislative and financial aspect so there is sufficient space for the consistent and effective protection of children's rights. For this reason the Minister of Labour, Social Affairs and Family of the Slovak Republic was given the duty of forming a new National Action Plan for Children by 31 May 2008. The proposal of the action plan is currently under process of preparation.

The protection of Children's rights, not only in respect to the wide-spectrum of the rights that need special attention and care according to the Convention on Children's Rights, is included within the scope of activities of several state and self-governing authorities. It is also a part of the activities of public and non-state authorities to which the activities directly or indirectly relate.

Since the Slovak Republic has not adopted the National Action Plan of Trafficking in Children yet, the area of children's rights is regulated under the following acts in particular: Act No. 36/2005 Coll. on Family and on Amendment and Supplement of Certain Acts Amending the Act. No. 99/1963 Coll. Civic Juridical Codex as amended; Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on Amendment and Supplement of Certain Acts; Act No. 452/2004 Coll. on Substitute Subsistence; Act No. 311/2001 Coll. The Labour Code; The Criminal Law; The Criminal Code, as well as under other acts and generally binding legal regulations. The National Council of the Slovak Republic adopted Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination and on Amendments to Certain Acts (the Anti-Discrimination Law) which came into force on 1 July 2004, in respect to the area of human rights protection and also to the issue of children's rights.

Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and on Amendment and Supplement of Certain Acts, regulates the social and legal protection of children and the social guardianship to safeguard the avoidance of crisis situations in the family, the protection of rights, the legally protected interests of children, the prevention of deepening and repeated psychological, physical and social formation disorder of children and adults and to safeguard the prevention of increased social-pathological increase. Pursuant to this act, all the subjects executing the measures of the social-legal protection of children and of social guardianship are obliged to tender the rights not to be endangered or infringed, all of these subjects are, pursuant to this act, obliged to provide such protection and care for children that is necessary for their well-being, to provide the protection of their legally protected interests in respect to their rights recognised under the Convention on Children's Rights. Moreover, each subject that is not directly involved in the protection of children's rights is obliged to give the notice to the authority of social-legal protection of children and of social guardianship about the infringement of the children's rights. The child has got the right to ask for help in protection of his rights the authority of social-legal protection of children and of social guardianship, other state authority relevant to protect the rights and legally protected interests of children, the facility, the municipality, the higher territorial unit, the accredited subject, the school, the educational institution, the health care provider, while all these subjects are obliged to provide immediate aid to children, in protection of their lives and health, to execute the measures to safeguard their rights and legally protected interests also by means of intermediation of such an aid. This applies also in case the child cannot ask for help itself due to its age and mental forwardness, just with help of the third person. The child has got the right to ask for help in protection of its rights also without the awareness of its parents or of the person taking care of the child.

Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on Amendment and Supplement of Certain Acts with effect from 1 January 2006 laid down the obligation of the municipality to organise or to intermediate the participation in the programmes focused on the aid to children and adult persons endangered by the behaviour of a family member, family members or of other persons, or in programmes aimed at adult persons who endanger the family members by their conduct.

The measures of the social-legal protection of children and of social guardianship are also carried out in the environment established for the purpose of execution of these measures. Such an establishment to carry out the court decision is the foster home, the crisis centre and the re-socialising centre.

For the purposes of special care provision to the maltreated, sexually or otherwise abused children, in cases where the child needs to be separated from the family with no possibility to integrate the child into other forms of institutional care due to its diagnostic results, the foster homes established the special groups (number of children by 31 December 2006 - all older than 7 years of age - out of which 14 children up to 15 years of age; 5 children up to 18 years of age and 2 young adults over 18 years of age).

Forms of Trafficking in Human Beings and Statistical Indicators

Within the area of trafficking in human beings, the specialised unit of the Presidium of the Police Corps recorded the trans-national forms of trafficking in human beings in particular, in which the perpetrators get the victims of trafficking by violence, the threat of violence, trickery, persuasion or other means and usually convey them to the target countries. There, the victims are forced to undertake prostitution; they are sold to other persons or are forced to beg, steal or to work for the accommodation and food only. The cases that show the signs of the national form are usually qualified as pimping, a threat to morals, sexual exploitation or sexual violence.

Both of these forms have an impact on the girls and women coming from areas of increased unemployment and of Romany population. Lower number of victims is represented by the boys and young men being abused for the purposes of child pornography and providing sexual services, mostly for foreign clients.

Data recorded by the specialised unit of the Presidium of Police Corps in detecting criminal acts in trafficking in human beings:

	2004	2005	2006	2007
Recorded Crimes	27	14	19	13
Detection Rate	18 (66.7%)	4 (28.6%)	6 (31.6%)	4 (30.8%)
Total Number of Persons Prosecuted (Men/Women)	21 (14/7) aged over 21	6 (6/0) aged over 21	11 (8/3) aged over 21	11 (10/1) aged over 21
Total Victims (Men/Women)	33 (4/29)	18 (2/16)	31 (2/29)	10 (0/10)
Victims by Age	3 (7-15 years) 6 (16-18 years) 6 (19-21 years) 18 (over 21 years)	4 (16-18 years) 3 (19-21 years) 11 (over 21 years)	1 (7-15 years) 7 (16-18 years) 3 (19-21 years) 20 (over 21 years)	3 (16-18 years) 3 (19-21 years) 4 (over 21 years)

The Awareness of Public on Trafficking in Human Beings

The projects focused on the prevention of crime, the Schengen issues and related prevention of trafficking in human beings were implemented within the “Information Campaign on Impact of Schengen to the Citizens of the Slovak Republic and on the Risks of Trafficking in Human Beings”. These were aimed at informing the representatives of the state administration, the self-government units, the teachers and pupils at primary and secondary schools, the representatives of the non-governmental sector, the city police, the church and the community centres and to train the coordinators at the primary and secondary schools in the particular area. The information campaign was organised and professionally arranged by the Council of the Government of the Slovak Republic for Crime Prevention, in cooperation with the coordinators of crime prevention and with other antisocial activity of the Regional Authority in Košice and the Regional Authority in Prešov, with the International Organisation for Migration Slovakia, with the Border and Foreign Police Office of the Ministry of Interior of the Slovak Republic and with the Department of Criminal Law at the Faculty of Law at the Pavol Jozef Safarik University in Košice. Out of the target groups, 2 030 people and 24 media representatives were requested information

from this campaign. The Slovak public was informed indirectly through the print and electronic media.

The statistical data regarding the criminal acts of trafficking in human beings provided by the police do not reflect the real situation, as this type of crime is a highly latent activity. Being aware of the situation, the Council of the Government of the Slovak Republic for Crime Prevention set out to initiate research into this latent crime using the victims, so that the current state would be shown “more accurately” in the criminal statistics. Initiated by the Council, the Department of Criminology and Crime Prevention at the Ministry of the Interior for the Slovak Republic was established and in cooperation with the Centre of Science of Bratislava Law University, the Office for Research of Public Opinion at the Statistical Office of the Slovak Republic started research into the occurrences of this latent crime in Slovakia. By this move, the Slovak Republic joins the countries in which forwardness of the research is measured exactly by the orientation on the latent crime. The final results of the research will be published and should serve to educate crime prevention employees at all levels. The public will be informed of the results as well.

Research Assignments

Under the common project of the Ministry for the Interior of the Slovak Republic and of the United Nations Office for Drugs and Crime “The Reaction of the Criminal-Legal System to the Trafficking in Human Beings in the Slovak Republic”, the activities in the field of safeguarding of the basic data on the situation in illegal trafficking in human beings are carried out by the independent research institute, the Institute for Well-Governed Society. The institute also gathers existing data on recorded cases of trafficking, including data on examination, criminal procedure, on the suspected and the convicted. The other activity under this area is to map over the situation of the flows of illegal trafficking in human beings in and across the Slovak Republic including the profile of victims, of the perpetrators and of their method of operations.

Projects Implementation

In the field of trafficking in human beings, the following projects were implemented under the projects of the Initiative of the Community, EQUAL:

The project “Migration Information Centre for Aid in Integration of Migrants and Victims of Trafficking in Human Beings into the Labour Market and into the Society” is implemented by the International Organisation for Migration Slovakia as the Lead Partner. The main objective of this project is to assist in the effective incorporation of migrants and victims of trafficking in human beings into the labour market of the SR and into society by the means of provision of the advisory, assistance and re-integration services of Migration Information Centre of the International Organisation for Migration Slovakia. The project is highly innovative since it solves the problems and needs of the integration of groups that have not yet been paid regular attention. The activities of the International Organisation for Migration Slovakia are divided into two components according to the target group. In case of persons trafficked, it is the “Programme of Willing Returns or Reintegration of the Persons Traded.” The objective of this component is to create the mechanism

for the safe and dignified return of victims of trafficking of Slovak origin back to Slovakia through the creation of the reference system of return or (re)integration aid. The services include the assistance in the return, health care, psychological and social advice and therapy, in legal assistance, re-qualification and job integration.

The project “Prevention of Trafficking in Human Beings for Teachers and Students of Secondary Schools”, was implemented by the International Organisation for Migration Slovakia through the Accenture Foundation and Pontis Foundation in January and February 2007. The aim of this project was to increase the awareness of young people, students of 14-19 years of age, on the danger of trafficking in human beings and on the possibilities avoiding it through discussion groups at secondary boarding schools. The project also tested the new form of prevention within the group of young people through so-called peer activists who are able, based on their training, to spread out the preventive information in the form of work in the peer groups in college, school etc. The target group were students of secondary schools aged 14-19 years, while the number of recipients of the activity was 449 participants in discussion groups, 17 peer activists and three supervisors of activities performed by the peer activists.

The other implemented project is the “All for One - One for All”, carried out within the establishment of an environment supporting the finding and creation of effective solutions in the fight against all form of discrimination, racism and xenophobia on the labour market. The lead partner of the project is the Union of Centres of Prevention and Aid, Dafné. Other partners are the Civic Association VEDAM, The Office of Labour, Social Affairs and Family of Dolný Kubín, The Office of Labour, Social Affairs and Family of Žilina. The main objective of this project is the creation and testing of innovative solutions in trafficking against all forms of discrimination of socially excluded (victims of trafficking in human beings) and endangered groups (potential victims of trafficking in human beings and prostitution) of citizens and Romany minority on the labour market. The project is orientated to the development of attitudes of tolerance and respect for a multicultural society through the education of children, youths, lay public and public officials. The project shall be implemented through the innovative educational approach (theatrical forum) having important effect in work with disadvantaged groups that are in regular contact with public officials. The target groups are the media, public sector representatives, public administration institutions, police, prosecution, non-governmental organisations, Romany minority and socially excluded and endangered citizen groups.

2.2 PREVENTION

Overall Socio-Economic Situation

In the world-wide scale, as well as within Slovakia the phenomenon of trafficking in human beings is connected with poverty, the high rate of unemployment of such population groups that have no chance to diversify from their “given” status due to their insufficient level of education. Greater possibilities for the “outcome mobility” lay just in increasing of the level of education and thus of living standards under the assistance in building of necessary infrastructure including the possibilities to get employment in new investment and business activities.

The impact of the overall socio-economic situation on the population, from the ethnical reference point of view, is mostly shown in the Romany population. This big

ethnic group is afflicted most, due to the unfavourable socioeconomic situation. The great differences even within this ethnic group result in some individuals being of use in the developed EU countries, while the undeveloped groups live often under the undignified conditions. The prostitution of women is then one of the “solutions” of this unfavourable position.

Situation in the Area of Unemployment

The Government of the Slovak Republic is obliged, under its Programme Statement, to adopt sound measures to apply the programme and project approach aimed at the avoidance of exclusion from the labour market and at support of integration of disadvantaged groups into work. These groups are school graduates, the handicapped, mothers with children and people close to the retirement age. Decreasing the regional differences in respect to the employment, unemployment and labour productivity, mainly in the regions of high unemployment, will also be part of the project approach. The citizens coming from the regions of high unemployment as well as the school graduates who go abroad to find a job more often then become the endangered group in connection to the crime of trafficking in human beings.

Following the fulfilment of the tasks of the Programme Statement of the Government of the Slovak Republic in the field of Employment Policy, the Ministry of Labour, Social Affairs and Family of the Slovak Republic prepared the amendments in the area of employment services and of aid in material need, related to the enlargement of the supported groups of disadvantaged job applicants. In addition, there are amendments in the area of active measures in the labour market that are aimed at the disadvantaged groups of job applicants.

Situation in the Area of Employment Conditions

The protection of natural persons entering the employment relation or those already performing their job based on certain employment relation is stipulated under the Labour Code. Pursuant to Art. 1 of Principle Rules of the Labour Code, the natural persons have the right for work and the right for free choice of employment, right for fair and satisfactory work conditions and for the protection against unemployment. These rights shall belong to natural persons without any restrictions and without direct or indirect discrimination by gender, marital status, family status, race, flesh-colour, tongue, age, health conditions or handicap, religion, political or other orientation, field activity, national or social origin, nationality or ethnic group, property, race, family or other position, unless stated otherwise by law or unless factual reasons are given for performing the job, as for the conditions, requests and nature of work to be performed by an employee.

As for the protection of children and youths, the competence of natural persons to have the rights and duties as an employee in an employment relationship, the competence to acquire these rights by their own legal actions and to take over these responsibilities shall rise, if not stated otherwise under the Labour Code, on the day when the natural person shall reach 15 years of age; the employer can not agree

with the start working date to be a date preceding the date when the natural person terminates the compulsory school attendance. The employer can conclude the agreement on the material responsibility on the date when natural person reaches 18 years of age. The work of natural persons under 15 years of age or work of natural persons older than 15 years of age until the end of their obligatory school attendance is forbidden.

Situation in the Area or Education

The area of prevention of trafficking in human beings and the increase of awareness was implemented into the Pedagogical-Organisational Instructions for school period 2006/2007 under the Paragraph 1.5 of Information on Pedagogical Educational Activities, Item 56. - to hold the discussions with psychologists in cooperation with the International Organisation for Migration Slovakia, on topic of the area of prevention of trafficking in human beings. The pedagogical educational process includes the area of problems of prevention of trafficking in human beings (Ethics, Theory on Society, Civics), the organisation of informal discussions for students with professionals from pedagogical and psychological centres of pedagogical and psychological prevention in cooperation with International Organisation of Migration Slovakia. The relevant informative materials and didactic tools are provided or the information are available through web pages. The Ministry of Education of the Slovak Republic pays attention to increase the awareness of girls at secondary schools of possible risks in taking jobs abroad.

Adopted Anti-Discrimination Measures

At the moment, the government proposal of the Act amending and completing the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on the Prevention of Discrimination and on Amendment and Completion of Certain Acts (Antidiscrimination Law) as amended and on Amendment and Completion of Act no. 308/1993 Coll. on Establishment of the Slovak National Centre for Human Rights as amended that shall amend the Antidiscrimination Law for the second time, is with the National Council of the Slovak Republic. The second amendment of the Antidiscrimination Law was prepared for a few reasons. First of all, due to the obligation of the Slovak Republic to transpose the Council Directive 2004/113/ES of 13 December 2004 on Execution of Principle of Equal Treatment for Men and Women in Approach to Goods and Services, into the Slovak legal system (this obligation applies to the member states directly from Art. 17 of the respective Directive). Further amendments, proposed under the amendment mentioned, follow from the comments of the Commission of European Communities sent to the Government of the Slovak Republic in formal statements from the initiatives of members of the Inter-Departmental Expert Commission for the Amendment of the Antidiscrimination Law, as well as from the initiatives of non-governmental organisations and public involved in this process.

The advocacy and provision of the prevention of discrimination (through education, monitoring or legal aid provision) is the main activity of the Slovak National Centre for Human Rights, whose position and competencies are regulated by the Act of National Council of the Slovak Republic No. 308/1993 Coll. on Establishment of the Slovak National Centre for Human Rights as amended. The Slovak National Centre for Human Rights, based on the Antidiscrimination Law, has extended the competencies in the area of monitoring and legal aid to the victims of discrimination including the discrimination by race. The centre shall also carry out the tasks in the area of human rights and basic freedoms including children's rights.

Reaction on Violence from a Racial Point of View

The Slovak Republic, as the member state of the Council of Europe, is committed to respect, protect and adhere to the human rights of all its citizens. The violence committed on women is, in Slovakia, therefore considered a general problem in society and Slovakia treats this problem in the same serious way as any other criminal activity. The state authorities not only examine and penalise all forms of domestic violence, they also show efforts to take part in further education, prevention and effective, coordinated aid to the victims.

One of the relevant activities is the public information campaign. In November 2007 the campaign “Let’s Stop Domestic Violence on Women” was officially launched and became a part of European Council project of the same title. The campaign opening was scheduled closely before the 25 November that is the International Day of Fight against Violence on Women. The installation of show “Silent Witnesses”- the stories of fifteen women who died as a result of domestic violence committed by their husbands, ex-husbands or partners, was a part of the campaign.

Under this campaign, lots of information brochures for several target groups and cooperating bodies are to be published. Next to the television and radio spots, outdoor advertising panels, newly created Internet page www.zastavmenasilie.sk shall be the key information resource. That internet page shall also provide the database of crisis links, advisory services and accommodation facilities for the victims of domestic violence, the list of especially trained officials of the Employment Offices. More of the specific activities shall be implemented; for example, the Olympic Games of Human Rights for youth.

In November 2007 the moderated discussion: “Lets Involve Men in the Fight against Domestic Violence” took place at the Ministry of Labour, Social Affairs and Family and was the initiative of the Parliamentary Session of the European Council, of the Information Office of the European Council in Bratislava, of the National Council of the Slovak Republic and of the Ministry of Labour, Social Affairs and Family of the Slovak Republic, with the participation of Deputies of the Parliamentary Session of the Council of Europe and the representatives of ministries, non-governmental organisations and of academic groups.

The following tasks are planned under the National Campaign for 2008:

- The posters of the European Council with the challenge “We Can Not Mishear the Calling for Help” shall be presented on 150 billboards located proportionally throughout Slovakia via the outdoor advertising panels. At the same time, the posters shall be presented as the city-lights in the supermarkets Kaufland in Slovakia and the smaller posters will be displayed in public transport vehicles of regional cities and of some other selected Slovak towns.
- In addition, the informative flyers ad brochures for several target groups and for the cooperating bodies shall be prepared and distributed. The authors of brochures and flyers shall be the experts from non-governmental organisations with experiences in the area of the violence against women. During the distribution of the brochures and flyers, the information workshops and discussions with experts are planned to be organised with the aim of active involvement of several target

groups in the discussions with the experts. The flyers and brochures issued under this campaign shall include:

- the updated publication “Action against Violence against Women” determined as the study material helping the professions and establishments providing help to female victims;
 - the minimised summary of three brochures “Action against Violence against Women”, “Action against Violence against Children” and “Action against Sexual Exploitation of Girls and Boys”. The brochure shall be determined as the study material helping professionals and establishments helping women affected and to the public;
 - the informative flyer for children and youths including the explanation of the basic terms, the accessible way, of how to recognise violence and how to help themselves and others in case;
 - the brochure for politicians and political parties including the explanation of the basic terms and of political background of the violence committed against women, the need of promoting the strategy of zero tolerance against the violence against women. Its aim is to call on politicians who can contribute to solve the problem of domestic violence in Slovakia by their political decisions and measures.
- Within the media campaign, the radio spots in the Slovak Radio, Radio Viva, Radio Jemné Melódie as well as in the regional radio stations shall be arranged. Three television stations have participated in the National Campaign contractually so far: STV, TV Markiza and TA3 and shall show 62 information spots. Under the relations prepared, the experts in the area of violence against women shall discuss and provide the relevant information on this topic. Information on these media activities will continually be amended and displayed on www.zastavmenasilie.sk.
 - The national competition of the 10th “Olympic Games of the Human Rights” in the special area of prevention and intolerance of domestic violence against women shall be evaluated and awarded. This activity shall contribute to deploring violence against women and promote the zero tolerance against violence by young people.
 - In 2008, the Final Conference of the National Campaign of the Slovak Republic “Let’s Stop the Domestic Violence against Women” shall be organised where the process and value added of the campaign shall be evaluated.

Mechanisms of Safe and Legal Migration

The Border and Foreign Police Office of the Ministry for the Interior of the Slovak Republic effects the legal migration by applying the Act on Alien Residence stipulating the conditions of entering and residence of aliens on the territory of the Slovak Republic, i.e. the legal migration.

Pursuant to the Act on Alien Residence, following types of residence exist:

- the Temporary Residence,
- the Permanent Residence (first permit – for the 5-year period, next permit - unrestricted),
- the Tolerated Residence.

The Temporary Residence

The Police Department can, based on the application of the alien, administer the temporary residence permit for the period necessary to meet the purpose, for a maximum of 2 years. In the case of the aliens with long term residence, the Police Department can administer the permit of temporary residence for a maximum period of 5 years. The permit of the temporary residence can be administered and granted for the propose of the entrepreneurship, employment, study, specialised activity (lecturing, artistic activity, sport activity, scholarship outside the Slovak Republic, activity based on the programmes of the Government of the Slovak Republic or on the programmes of the European Economic Area, ensuring the obligation of the Slovak Republic following from the international treaty, research and development), family re-union and performance of civil service duties by the Armed Forces.

The alien is obliged to submit the application on the official form together with the travel document and two photographs. The documents declaring the propose of the stay, the integrity, the financing of the stay, the accommodation during the temporary residence, as well as the documents pursuant to Act on Alien Residence, the health insurance for the stay on the territory in the Slovak Republic (this document shall be submitted to the Police Department within 30 days of entering the territory of the Slovak Republic and from the grant of the residence permit), document on declaring that the alien does not suffer from a disease endangering the public health (this document shall be submitted to the Police Department within 30 days of entering the territory of the Slovak Republic and from the grant of the residence permit), all not older than 90 days, shall be also enclosed to the application.

The Police Department shall decide about the application for a temporary residence permit within 90 days from submission of the application. In especially complicated cases it is possible to prolong this period by maximum of 90 days. In case of alien applying for temporary permit for the purposes of study or for the purposes of a special activity, the Police Department shall decide within 30 days from the submission of the application.

The Permanent Residence

The Police Department shall grant a permanent residence permit for first time for a period of five years (first permit), based on the application. After the five-year period the Police Department shall administer, based on a new application, the permanent residence permit for an unlimited period (additional permit), as long as the conditions stipulated under law are fulfilled. The Police Department shall administer the first permanent residence permit to the alien

- who is a spouse of a citizen of the Slovak Republic with the permanent residence in the territory of the Slovak Republic or is a dependant relative in direct

line of the citizen of the Slovak Republic with permanent residence in the territory of the Slovak Republic,

- who is a single infant, under 18 years of age, given into the personal care of the alien who is a spouse to the citizen of the Slovak Republic with permanent residence in the territory of the Slovak Republic,
- who is a single infant, under 18 years of age, of an alien with the permanent residence permit or is a single infant, under 18 years of age, given to personal care of the alien with the permanent residence permit,
- who is an unprovided infant, over 18 years of age, of an alien with a permanent residence permit or
- if this is of an interest of the Slovak Republic (the Declaration of the Central Government Authority on alien residence being of an interest of the Slovak Republic is requested in such a case - the document shall be issued by the respective ministry).

The alien is obliged to submit the travel document and two photographs together with the application for the first permit. The alien is also obliged to enclose the documents, not older than 90 days, declaring the purpose of the stay, the integrity, the financing of the stay and the accommodation during the permanent residence.

The Representative Authority or the Police Department may request from an alien the document not older than 30 days, declaring the fact that the alien shall not be a charge on the social system. As for the health insurance, the alien shall submit the document declaring his/her health insurance during the stay in the territory of the Slovak Republic and the document declaring that he/she does not suffer from a disease endangering the public health, within 30 days from the entering or from the grant of the permanent residence permit, to the Police Department.

The Tolerated Residence

The Police Department shall grant a tolerated residence permit to the alien,

- in case of restraint of his/her administrative deportation (§ 58),
- to whom the temporary refuge was provided,
- in case of his/her travelling is not possible and his/her provision is not purposeful,
- who is an infant found in the territory of the Slovak Republic,
- who is a victim of the criminal activity related to trafficking in human beings and is at least 18 years old, (the authority for criminal proceedings or the person authorised by the Ministry for the Interior shall inform the alien on the possibility and conditions for the grant of tolerated residence for this reason and on rights and duties applied), or
- in case the respect of his private and family life requires so.

The punishment period or the period of the imprisonment punishment shall be also considered the tolerated residence (this does not apply in case the alien stays in the territory of the Slovak Republic legitimately). The tolerated residence can be also considered the period of maximum of 90 days from the submission of written application of an alien for willing return until the departure or the reacceptance of this

application (this does not apply in case of the alien being provided or legitimately staying in the territory of the Slovak Republic pursuant to the Act on Asylum).

The residence granted can be changed for other type of residence under the cases stated by law.

2.3 SUPPORT AND PROTECTION OF VICTIMS

Identification of the Victims

During the implementation of the pilot project to the Programme, four victims of trafficking in human beings were included into the Programme.

The Border and Foreign Police Office of the Ministry for the Interior of the Slovak Republic have not registered any alien as a victim of the trafficking in human beings, from the start of the Programme to-date.

The Civic Association STORM and Civic Association Prima take part in the identification of victims in particular under this pilot project to the Programme and perform field social activities in locations that have the highest incidence of the street sex-trade. Under this Programme, it is also focused on actively finding victims, giving aid to people found in an environment where they are likely to be prospective victims of trafficking in human beings, with special emphasise on their identification. The Slovak Crisis Centre DOTYK, a Civic Association, provides complete care to the victims of trafficking in human beings under this Programme and also takes part in the identification of the victims of trafficking in human beings. The methodology for the representatives of the Police Department focused on the trafficking in human beings, was issued by the Office of the Minister for the Interior of the Slovak Republic and also includes examples of the indicators that can outline that a specific person is the victim of trafficking in human beings.

The objective of “The Programme of Return and Reintegration of Trafficked People” implemented by the International Organisation for Migration Slovakia under the Community Initiative EQUAL is to provide practical help in the return and reintegration of trafficked people coming from Slovakia who are still in the target country and are willing to return to Slovakia. It also covers trafficked people who are already in Slovakia in the period given and who express their interest personally or through a third person, or organisation, for help in reintegrating. The Programme implementation started in August 2006. From August 2006 until the end of 2007, 20 people were registered and, in cooperation with the experts of the non-governmental organisations, they were provided with several types of aid. Part of this, “The Programme of Return and Reintegration of the Trafficked People” provides consultancy, advice and crisis assistance to the prospective clients or to the external referring organisations and people, while within these consultations the clients, at the end, decided not to join the Programme or it was proved that it was not a case of trafficking in human beings.

Data Recorded by the International Organisation for Migration Slovakia

Victims of the Trafficking in Human Beings for Purpose of Prostitution	Victims of the Trafficking in Human Beings for Purpose of Forced Works/ Services	Men	Women	Age			Cooperation with Authorities Active in Criminal Proceeding in the SR	Cooperation with Authorities Active in Criminal Proceeding outside the SR
				Up to 18	18-25	25 and over		
14	6	2	18	1	10	9	4	9

Care of the Victims

Under this Programme, the victims are provided with the complete care regardless of their gender, age or ethnical background. This care shall only be provided to victims included into the Programme based on the decision of National Coordinator. The care provided to the victims consists of isolation from the criminal environment, secure accommodation, financial support, social aid, psychosocial advice, psychotherapeutic services, legal assistance, the interpreting, health care, requalification courses, long-term social integration, the possibility of integration in to the Witness Protection Programme, legalisation of the residence in the territory of the Slovak Republic by granting tolerated residence, the possibility of obtaining the permanent residence, if it is interest of the Slovak Republic, help in the willing return to the country of origin and the intermediation of the aid of the non-governmental organisation performing in the country of origin and also a 40-day period for recovery. During this period the victim has the right to decide, whether he/she shall or shall not cooperate with the authorities in criminal proceedings for the purpose of the quick detection and conviction of perpetrators of criminal activities. The refuge for the victims shall be arranged in secure accommodation. The complete care and provision of aid to the victims included in the Programme is regulated by the Internal Regulation of the Ministry for the Interior of the Slovak Republic, as by the agreements and contracts on cooperation and coordination of activities in following the Programme concluded between the Ministry for the Interior of the Slovak Republic and three selected non-governmental organisations; the Slovak Crisis Centre DOTYK, the Civic Association Prima and STORM.

The care of victims of trafficking in human beings that are not included in the Programme shall only be provided by the non-governmental organisations from their own resources.

The victims of the trafficking in human beings that decide to cooperate with the authorities in criminal proceedings, the protection pursuant to Act. No. 256/1998

Coll. on Protection of Witness and on Amendment and Supplement of Certain Acts, can be provided if meeting specific conditions. Other possibilities of protection are provided in respective provision of Criminal Code (§ 136), the provision of Internal Regulation of the Ministry for the Interior on ensuring the Programme and then the Internal Regulation of the Police Corps on provision of the short-term protection of the person. Each legal proceeding in criminal process shall be organised in compliance with respective provisions of the Criminal Code. The victim of the trafficking in human beings is the aggrieved person and at the same time is the witness. The victim as the aggrieved person has the right to compensation for damages.

The victims/witnesses of trafficking in human beings use the same provisions of the Criminal Code in the criminal procedure as the victims/witnesses of other criminal actions. In the cause of justice, they have the opportunity to attend the hearing through a videoconference, to read the minutes on hearing of the proceedings, or the charter of protected witness and so on. At the request of the victim/witness, the hearing by a person of the same gender is possible, although this obligation is not stated by law.

Pursuant to § 261, para. 4 of the Criminal Code the Chair of the Senate can decide to perform the hearing of the witness alone in the event the witness to be heard is a person younger than fifteen years of age, in the case of a sick person or an injured witness. This could also apply where a witness aggrieved by criminal activity against human dignity or in the event the hearings of the witness should not be appropriate or complete from the other party or solicitor due to some other reasons.

Willing Return of the Victims

The Border and Foreign Police Office of the Ministry for the Interior of the Slovak Republic prepared on 6 December 2007 the proposal on Amendment of Agreement on Cooperation between Ministry for the Interior of the Slovak Republic, the International Organisation for Migration Slovakia on Aid in Return of Unsuccessful Applicants for Asylum and of Illegal Migrants to the Country of Origin. This is the integration of victims of illegal trafficking in human beings in to respective agreement as to the target groups of implementation of willing returns. Each willing return is organised in respect to their rights, integrity and dignity, regardless of whether they are an unsuccessful applicant for Asylum, an illegal migrant or a victim of illegal trafficking in human beings.

2.4 DETECTION AND PROCEEDING OF THE CRIME OF THE TRAFFICKING IN HUMAN BEINGS

Legal Adaptation of Criminal Acts of the Trafficking in Human Beings

The legal adoption of the sanction for crime of the trafficking in human beings is regulated by the Criminal Law. The crime of trafficking in human beings is stipulated in the first part of the second Chapter, in the special part of Art. 179. In legal review of the crime, in its subsequent clarification and in the proof, it is needed to follow from the body/nature of the crime. The object shall be defined as the interest in deterring the trafficking in human beings, following the international commitments and treaties. The objective aspect lays in the performance of the perpetrator who

entices, transports, accommodates, delivers or accepts the man, woman or a child to be used for prostitution or other form of sexual exploitation, including pornography, forced works or services, slavery or other practices similar to slavery, bondage, human organs or weft transplants or other forms of exploitation. The criminal act is perpetrated, once the perpetrator entices, transports, accommodates, delivers or accepts the victim, albeit with the victim's acceptance. The perpetrator of the criminal act can become a person, male or female, whose actions meet all the conditions stated in the law while the intent of the performance is evident. The subject, in the body of crime of the trafficking in human beings, is general. The subjective aspect is the intentional infliction.

As for the qualified nature of crime, the Criminal Law allows the imposition on the perpetrator of a term of imprisonment from seven to twelve years, a term of imprisonment from twelve to twenty years or in exceptional cases a term of imprisonment of twenty to twenty five years or imprisonment for life.

The legal adaptation also deals with children, in this aspect. In § 180 and § 181, the crime of trafficking in children is regulated. The provision § 180 of the Criminal Law enables the perpetrator to be punished with a term of imprisonment of three years, in the case of child being referred to the authority for the purpose of adoption in contradiction with the generally binding legal rules. A punishment of a term of imprisonment for four to ten years shall be given to a perpetrator that gains, by committing such a crime, for himself /herself or others, greater advantage or commits the crime in a more serious way. The punishment of imprisonment for ten to fifteen years shall be imposed on a perpetrator who shall cause, by the criminal act, the serious bodily injury or death or other particularly serious effect. The provision §181 of the Criminal Law enables the imposition of the punishment of imprisonment for four to ten years to a perpetrator who shall entrust a child to the authority of others for the purpose of his/her use for child work or other purpose for reward. The imprisonment for seven to twelve years shall be imposed on a perpetrator who commits such criminal act by more serious way or shall gain for himself/herself or for others a greater advantage. The imprisonment from twelve to twenty years shall be imposed on a perpetrator who, by the criminal act, causes serious bodily injury or death, or other particularly serious effect or shall gain for himself/herself or for others large advantage. Imprisonment for twenty to twenty five years or the punishment of imprisonment for life shall be imposed on a perpetrator who shall gain by committing such crime for himself/herself or for the others the advantage of large scope and cause death to more people or commits a crime as the member of a dangerous group (gang).

The Institutional Establishment of Detection and Proceeding of the Criminal Act of Trafficking in Human Beings

Within the composition of the Police Corps, the area of trafficking in human beings is part of the agenda of the Department of Trafficking in Human Beings, Sexual Exploitation and the Support of Victims of the Office of the Fight against Organised Crime of the Presidium of the Police Corps. After several re-organisations in the Police Corps, the Department of Trafficking in Human Beings, Sexual Exploitation and of Support of Victims currently has ten posts for representatives of the Police Corps, (five women and five men). These officers independently perform the operational-investigation activity at a national level, gather the information and

take part in the operative detection and the initiation the detection of criminal acts of soliciting, of trafficking in children, trafficking in human beings, production of child pornography, particularly when committed in organised form with an international element. They also safeguard and coordinate the cooperation with the partner foreign services in solving international organised crime connected with trafficking in human beings and sexual exploitation and maintain the relationship with the central authorities, government authorities and non-governmental organisations in the area of prevention and support of victims of trafficking in human beings.

At the regional level, for the purpose of detection of criminal activities in the trafficking in human beings, there are four specialised professional investigators positioned in the Departments of Justice Police of the Regional Directorates of the Police Corps, two in Žilina, one in Trnava and one in Košice. It is important to note that the evidence of criminal activities in the trafficking in human beings at individual units of the Police Corps is not frequent, so there is no investigator assigned particularly for this area at each unit of the Police Corps. In the event of an initiative to start the investigation of such a case, it is usually assigned to the investigator that is handling the similar crimes, for example soliciting, exploitation, sexual violence and so on.

Under the composition of the Ministry for the Interior of the Slovak Republic, the area of trafficking in human beings is dealt with in:

- The Department of the Foreign Affairs and Human Rights of the Section of the International and European Law,
- The Department of Justice Cooperation in Criminal Affairs of the Section of the International and European Law,
- The Department of the Criminology and Criminality Prevention of the Section of the Criminal Law,
- The Department of the Criminal Law Legislation and Prison Service of the Section of Legislation,
- The Representative of the Ministry of Justice of the Slovak Republic in Expert Group for the Area of Fight against Trafficking in Human Beings.

The prosecutors of the Section of the Violent and General Crime subordinated to the Criminal Department and the International Department for the Area of Administration of Demand for Legal Assistance and Extraditions of the Office of the Prosecutor General of the Slovak Republic deal with the area of trafficking in human beings. The independent supervision on preservation of the legitimacy in specific criminal matters is performed by the local respective Regional Prosecutor's Offices.

The Detection and Criminal Proceeding of Trafficking in Human Beings

In the table below, the number of detected criminal acts of trafficking in human beings is listed for past three years, including the side-run of the criminal acts. The victims of the crime of trafficking in human beings shows the fact that the data in numbers of the crime of trafficking in human beings are not final, due to the fact that during the course of detection new victims are being found that are not registered in

official statistics yet. The real number of victims is then higher therefore the statistics show.

Data registered by the Office of Justice and Criminal Police of the Presidium of the Police Corps

		2005	2006	2007
1.	Number of Detected Crimes	14	11	13
2.	Number of Perpetrators	13	20	16
3.	Men/Women	11/2	16/4	14/2
4.	Total Victims (Men/Women)	18 (2/16)	21 (0/21)	15 (0/15)
5.	Victims – by Age	m: 22-28 w:18-32	w: 15-32	w: 15-33

Data recorded by the Unit of the Departmental Statistics and Reporting of the Ministry of Justice of the Slovak Republic

Article	2005			2006			First Half of 2007		
	Number of convicted			Number of convicted			No. of convicted		
		M e n	Women		Men	Women		M e n	Women
§ 246 of the old Criminal Law (No.140/1961 Coll.)	6	5	1	15	11	4	4	3	1
§ 179 of the new Criminal Law (No.300/2005 Coll.)	X	X	X	1	1	0	0	0	0

The Existence of the Mechanism for the Submission and Administration Complaints

The indicted as well as the victims have the right to look into the records of the investigation of the crime of trafficking in human beings (§ 69 of the Criminal Code). They then have the right to ask the prosecutor during the course of the investigation to examine the process of the investigating officer in order to remove

delays or other insufficiencies in the investigation (§ 210 of the Criminal Code). During the course of detection they are entitled to ask the prosecutor to examine the legitimacy of the process and of the decision of the investigating officer (§ 31 of the Act No. 153/2001 Coll. on Prosecution as amended). After the completion of the investigation, they are entitled to study the file and to offer additions to it (§ 208 of the Criminal Code).