



Christian Organisations Against
Trafficking in Human Beings

HUMAN RIGHTS COUNCIL

15th Session of the Working Group on the
Universal Periodic Review (UPR)

Stakeholders submission on:

The Human Rights Situation in

SLOVAKIA

Submitted by:

Christian Organisations Against Trafficking in Human Beings
(COATNET)

Caritas Internationalis (NGO in Consultative Status with the ECOSOC)

Dominicans International

Submitted in Geneva, July 2013

INTRODUCTION

1. This stakeholders' report is a joint submission of the **above-mentioned organizations**, and it represents the follow-up to the UPR recommendations accepted by Slovakia in 2009. The report takes note of the significant progress achieved by Slovakia since then and it highlights key concerns and major issues affecting Slovakian human rights situation related to trafficking in persons.
2. This submission has been prepared taking into consideration long NGOs experience in providing assistance to trafficked victims in Slovakia as well as numerous factors including reliable data and information gathered in-country by this stakeholders' coalition. The testimonies of victims were also taken into account.
3. COATNET is a network of 33 Christian organizations around the world which works under umbrella of the Caritas Internationalis and aims to help its affiliates to deliver on their commitment for combating trafficking in human beings through global advocacy actions and promotion of mutual cooperation. COATNET affiliates commit themselves to freely exchange information and expertise about their action with one another, to foster international cooperation in assistance to trafficked persons, to prevent human trafficking and raise public awareness about it, to advocate for effective anti-trafficking policies. Caritas Internationalis has had a General Consultative Status with the ECOSOC since 1999.
4. Dominicans International is...

TRAFFICKING IN PERSONS

Background

5. Since 2007, when Slovak Republic ratified the Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw Convention)¹, the country has made some progress in its fight against trafficking in persons. Several of these steps are that the country has introduced legislative provisions concerning THB in the Criminal Code, regulations concerning the provision of protection and assistance to victims of trafficking were adopted. A multidisciplinary entity, an Expert Group for the Area of the Fight against Trafficking in Human Beings including representatives of all relevant national actors and NGOs and the National Co-ordinator for Combating Trafficking in Human Beings have been introduced.

¹ Council of Europe Convention on Action against Trafficking in Human Beings (CETS No.: 197), available at: <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=1&DF=&CL=ENG> (last visited 11 June 2013).

6. “As regards measures to assist and protect victims of THB, the Slovak authorities have introduced a Programme of Support and Protection of Victims of Trafficking in Human Beings which envisages a series of measures for both Slovak and foreign victims (including anonymous accommodation, emergency care and a 90-day recovery period for foreign nationals).”² The programme is the result of the long-term effort to set up the systematic work in the field of fight HT and therefore it is an important achievement. The Programme is victim-centered and the individual needs and situations are reflected there. Successful re-integration of victims (starting with isolation of victims from criminal environment) and elimination of possibility of re-trafficking are the main goals of the Programme. The Ministry of Interior is an active partner in fulfilling the Programme (e.g. ID cards issue).

Concerns

Right to a Fair Trial

7. The measures for protection of victims of THB and witnesses during the trial have not been adopted in the fully manner. The lack of barristers for defending HT victims results in a number of unsolved cases. A beneficiary of our NGO couldn't receive the service of the barrister and had to directly confront the defendant's barrister, that placed him in totally mismatched position and deepened the trauma.

8. The judicial personnel, such as special prosecuting attorneys and judges, for HT cases should have sufficient professional training enabling them to adequately deal with highly sensitive trial cases of HT. Officially, trainings for prosecuting attorneys and judges were organised by the Ministry of Interior, but the experience of beneficiaries of our NGO shows very weak results. Eg., one of NGOs clients was considered by a prosecuting attorney as a person probably willingly doing prostitution, because she didn't escape, had a relationship with her trafficker and during the legal procedure didn't show “normal or “expected” emotions. Another example, according to the words of local police some prosecuting attorneys prefer to re-evaluate cases as a different type of crime – e.g. pimping – which is easier for them.

Protection and Assistance

9. According to the National Programme, only those victims who become a part of the Programme and agree to its rules, can get assistance from NGOs. There are only 3 NGOs receiving government's funds and offering care for victims. There's no help or support from the State to those who don't enter the Programme (eg., if they don't want to share some information regarding painful trafficking experience).

² GRETA report on Slovak Republic, 2011

10. In the case of big accrual of HT victims (eg., in Slovakia there are many workers from Romania, Ukraine, Russia working in bad conditions that might become the beneficiaries of the Programme, or Roma families are usually numerous) there is no sufficient budget and possibilities to manage the situation. The Ministry of Interior is the only government body providing funds for THB (according to Bulletin of Ministry of Interior, year 2008, article 9). Taking into consideration that the trafficking effects many aspects of people's life, more institutions should be involved in combating it, eg. the Ministry of Labour, Social Affairs and Family. Officially the Ministry participate in the Expert Group but real working cooperation is still lacking.

Re-integration

11. One of the most important factors in the victims re-integration processes is an opportunity to find a job. Due to the fact that unemployment rate in many regions of the Slovak Republic is very high and many victims have only completed basic educational level, it becomes very difficult or even unrealistic for an NGO to find them a job and help them to start a new life and get independence (if they are able and willing to). This would require more systemic approach where specializing courses (for professions which are required on the labour market) are offered to the victims. Involvement of the Ministry of Labour, Social Affairs and Family in training and employment is highly important.

Healthcare

12. We note with concern that health care of HT victims requires more attention. Medical doctors who assist victims of HT – mainly practitioners, psychiatrists, gynecologists, dentists - need special professional preparation enabling them to respect vulnerabilities of victims and react quickly in crisis interventions. This would need the action from the side of the Ministry of Health.

13. There is a need in a systemic approach to providing healthcare services to victims. In past some doctors were trained, but it didn't bring much progress. The main problem is to have enough doctors authorized (having a permission) to check previous health records, in order to start examine HT victims in preference. In cases of health insurance, if a victim hasn't paid for it for a long time, medical doctor might refuse offering services to him/her. Therefore Ad Hoc solutions don't solve the situation.

Identification

13. Identification of victims requires special preparation and possess of information. According to the Programme, identification can be done both by specialized State authority and NGOs. But the decisive check of background information of potential victims attributed to the responsibilities of the police. Our experience shows that abuses might take place: this year there have been identified “fake victims” – persons pretending to be victims of HT to benefit from the Programme. This happened during NGO’s identification, because checking background and rap sheet of a person by the policy takes some time and meanwhile NGOs are obliged to proved services for declared victims. In cases of abuses the Programme doesn't foresees any punishment for abusers, whereas NGOs might be responsible for misidentification.

14. This coalition of NGOs recommends the Government of Slovak Republic to:

- A) take adequate actions (including allocating required for these actions resources) for organizing barrister's services for all victims of HT.***
- B) organize and control the preparedness (both professional and psychological aspects - e.g. posttraumatic stress disorder) of special prosecuting attorneys and judges to lead cases of HT. This will reduce re-traumatisation of victims during legal processes.***
- C) ensure that the assistance is provided to all victims of THB. The victims that don't want to enter the programme must be offered an alternative way of getting services from NGOs.***
- D) ensure participation of the Ministry of Labor, Social Affairs and Family in re-integration process through providing training courses and employment opportunities for victims THB***
- E) ensure that medical assistance and care is provided by specially prepared medical doctors that also have a special permission to request recent health records. The Ministry of Health should make available special training programs for such specialists.***
- F) Ensure close cooperation between the police and NGOs providing assistance to victims for more efficient identification of victims. This would allow NGOs to have the background information directly after the first contact with potential victim and avoid cases of abuses. Include provisions of punishment for falsification of the use of status of victims into the Programme.***