

Social aspects of human trafficking

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Social aspects of human trafficking are very much discussed in Slovakia recently as the National Action plan to Combat Trafficking is being updated and experience with tools and measures adopted so far are being evaluated. We find lot of similarities with the Danish approach to human trafficking, yet there is much room for transfer of experience as some of the very important policies and measures in prevention of trafficking but also assistance to victims of trafficking already implemented in Denmark are being prepared or implemented in Slovakia only recently.

1. Similarities/differences of the Social Aspects of Human Trafficking

Differences

Slovakia is a country of origin of victims of trafficking. Therefore counter-trafficking prevention is very much aimed at potential victims and raising awareness of the general public. Assistance to victims of trafficking is aimed at long term stabilization and reintegration of returned victims into the society and labour market.

Compensation for victims of trafficking has not been even discussed so far in Slovakia.

Similarities

There is a lack of reliable statistics on the number of victims of trafficking, profiles, background, push and pull factors, organization and persons involved in organizing trafficking.

The Slovak National Action Plan to Combat Trafficking for 2006 and 2007 is more underlying legal aspects of human trafficking than social causes and social problems arising from it. The new Action Plan, which is currently under preparation, should include social aspects of human trafficking in much larger extent.

Cross-sector collaboration is being supported. Outreach and street work organizations are involved in identification of victims of trafficking.

More on the situation in Slovakia in the annex.

2. Potential transferability

A holistic approach in counter trafficking is probably the most inspirational and very much worth to be transferred to Slovakia. We see potential of transferability also in the following measures/policies/approaches:

- Social work should be coordinated and quality assurance efforts implemented as well and monitored on ongoing basis.
- Addressing the demand side. This approach is internationally fairly new and given the characteristics of Slovakia as country of origin of victims of trafficking it seems to be not applicable for the country. On the other side due to lack of information and data organizations active in counter-trafficking are not able to assess whether this approach would not be effective in Slovakia.
- International cooperation namely among countries of origin and destination countries.
- 100 days of reflection period. Slovakia recently grants victims of trafficking 40 days of reflection period – i.e. 10 days more that requested by EU directive but clearly not enough for victims to adopt informed decision about cooperation with the police.
- Anti-trafficking Centre established in Denmark – interesting idea that needs further clarification from the host country.
- Hotline.
- Compensation – very interesting idea and very new in Slovakia in relation to victims of trafficking.

3. Key issues and questions proposed for debate

Has the holistic approach been implemented in any of the participating country? To what extent and with what results?

To what extent are social aspects in the participating countries taken into consideration in drafting action plans/measures/policies in counter trafficking? Who coordinates prevention of trafficking and assistance to victims (e.g. Ministry of Interior or Labour)? What is best practice?

Should victims of trafficking be compensated? Why?

4. Questions to the host country

Our questions are very much related to those parts of the document that we see potentially transferable to Slovakia:

- Who ensures “the holistic approach”? Who is coordinating counter trafficking activities in Denmark?
- Social work should be coordinated and quality assurance efforts implemented as well and monitored on ongoing basis – who coordinates and monitors them? What are the consequences of possible negative outcome of the above?
- Addressing the demand side – any experience from the past? Positive?
- International cooperation namely among countries of origin and destination countries – how would such cooperation technically look? Namely in the area of social aspects of trafficking, not investigation, police etc.
- 100 days of reflection period – what is the Danish experience with 100 days? Has it been ever abused by foreigners?
- Anti-trafficking Centre established in Denmark – who is running and who is funding the centre? Is the centre involved in prevention at all?
- Hotline – what services does the hotline provide? Who is operating and who is paying it? Is it in any way connected to the Anti-trafficking Centre?
- Compensation – What are the reasons leading to entitlement of victims of trafficking for compensation?

Annex:

Anti-trafficking legislations, policies and interventions: an overview of the situation in Slovakia

Elaborated by IOM Bratislava

1. Trafficking in human beings: Description of the phenomenon in Slovakia

The problem of trafficking in human beings (THB) first appeared in Slovakia in 1989, when Slovakia became a country of origin and transit, from and through which victims of this serious crime are trafficked mainly to the countries of Western Europe. According to the statistical data by the various law enforcement bodies, this trend has persisted until now. In addition, as social workers and street workers report, Slovakia is also gradually becoming a country of destination for women and girls from third countries, although there is as of now little official recognition of the fact.

However, apart from statistics and anecdotal evidence, very little is known about the phenomenon of trafficking in human beings in Slovakia. So far, virtually no research has been done in order to comprehensively assess the various aspects of the problem, such as its extent and forms, numbers and profiles of victims, main recruitment methods and trafficking routes, purposes of trafficking, quality of the social assistance to victims and law enforcement responses, etc.

The only available data are the statistics of the police and prosecution, which do not register the number of victims, but rather the number of investigations or the numbers of prosecuted or convicted persons. In 2006 the police conducted 20 trafficking investigations, there were 32 prosecutions in trafficking cases underway and altogether 18 traffickers were convicted. The law enforcement statistics reveal that the numbers of the investigated and prosecuted cases as well as the number of convictions has been growing constantly in recent years. However, without a deeper analysis it is difficult to establish whether the increasing numbers should be ascribed to intensified efforts on the part of law enforcement or to the growing extent of the phenomenon. Looking at these statistics, one naturally has to be aware that the investigated cases form the "tip of the iceberg", since most of this illegal business goes on unknown to the authorities. As in any other country, very few victims ever get in touch with the police and even fewer are willing to report officially what has happened to them. In Slovakia, the case is even more complicated by the fact that there have until recently been practically no assistance networks or facilities to which trafficked persons could turn to for help.

According to the police information as well as the beneficiary profiles of the IOM Programme of Return and Reintegration, victims of trafficking are mostly women between the ages of 18 to 25. The majority of them come from regions with high unemployment rates and most frequently they are recruited via job offers from relatives, friends or other acquaintances.

In recent years concerns of the increasing danger of THB among the Roma¹ have repeatedly been voiced by social workers and NGOs that work inside the Roma communities. According to this anecdotal information and evidence, Roma girls and young women are trafficked to the Czech Republic, Germany and Great Britain for the purposes of sexual exploitation. Traffickers

¹ An estimated 300.000 Roma live in Slovakia, mostly in very poor conditions and in segregated rural settlements or urban ghettos. The unemployment levels in such segregated settlements reach almost 100%.

generally come from inside the community, often they are relatives or friends enjoying the trust of their victims. These fears have been confirmed IOM Programme of Return and Reintegration, where a large majority of the beneficiaries were Roma from segregated communities.

2. Analysis of legislation, policies and intervention systems

The Slovak Republic is a contracting party of all important international documents in the area of combating THB and has been systematically incorporating the measures resulting from these documents into the national legislation. Legislation relating combating of THB crimes was first incorporated into the Criminal Code in 1999. Since that time, the Criminal Code has been amended several times in view of ratification and implementation of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons which was signed and ratified by the SR in 2004.

The current provisions of the Criminal Code (effective from January 2006) can be summed up as follows. Trafficking in human beings is defined in line with the definition of the UN Protocol. Penalties are divided according to the forms of aggravating circumstances with the minimum range of imprisonment between 4 to 10 years. A five to twelve years prison sentence may be imposed where, for example, the offender is a member of an organized group, the offence is committed against a person below the age of 15, or if the offender gained considerable benefit for himself/herself or somebody else. Furthermore, the offender is liable to receive between 10 -15 years imprisonment if, he/she causes serious bodily harm, death or other serious consequence, is part of an organized group operating in several countries or makes an extensive profit of the crime. A maximum penalty between 20 to 25 years or imprisonment could be imposed if the offender gained considerable benefit for himself/herself or a third person and when several people were killed.

With regards to police investigation, in 2003 a special Department for the Investigation of Trafficking in Human Beings and Sexual Exploitation was established and is operating within the Organised Crime Bureau of Police Force Headquarters of the Ministry of Interior with the aim to enhance the investigation of this serious transnational crime. The establishment of the special unit has proved beneficial, since, as has been above, the number of investigated and prosecuted cases as well as the number of convictions has been steadily rising in recent years.

Despite progress in the investigation and prosecution of the crime, until 2005 there has also been little systematic effort to fight the problem comprehensively, i.e. including also the prevention of the crime and assistance to trafficking victims. In these fields, there was virtually no activity and no recourses made available by the government. What counter trafficking activities there were, mainly in the field of prevention, were carried out by non-governmental and international organizations. IOM implemented the first nationwide information campaign in 2003 and since then carried out several prevention projects aiming at secondary-school youth and capacity-building activities for various public bodies. Other NGOs organized local projects aiming at THB prevention and provided assistance to trafficking victims in the framework of their work with other similar target groups (e.g. victims of domestic violence). In 2006, IOM launched the first comprehensive programme of assistance to trafficked persons within its Equal funded project ([more information in paragraph 4](#))

The gravity of the problem as well as external pressure (need to comply with EU regulations and criticism by the US Government in the 2005 TIP report) finally led the government to acknowl-

edge the need to tackle the problem systematically, which resulted in the adoption of the National Action Plan to Combat Trafficking in Human Beings for 2006 – 2007 in January 2006. The action plan provided for the creation or reinforcement of policies in the field of prosecution, prevention and social assistance to victims and calls for a more intensive co-operation among the various governmental, public as well as NGO actors. It also stipulated the creation of the position of a National Co-ordinator for Combating Trafficking in Human Beings, who was appointed in 2006 (currently the State Secretary of the Ministry of Interior). In 2007, a mechanism for the provision of social assistance to victims of trafficking, both Slovak and foreign, was introduced as a pilot Programme of Support and Protection of Trafficked Persons of the Ministry of Interior in co-operation with the NGO "Dotyk" (responsible for the assistance to victims) and NGOs Prima and Storm (responsible for the identification and first assistance to trafficked persons). The pilot programme as well as the national action plan is being evaluated at the time of the publishing of this report (autumn 2007) in view of the enhancement of the programme in the second year of its operation and the adoption of a national action plan for the coming two years.

3. Access to protection measures and criteria for obtaining a residence permit

Specific measures related to the stay of trafficked persons in Slovakia were introduced to the Slovak Law on the Residence of Foreigners (No. 48/2002 Coll.) as of 1 January 2007 in view of transposing *the Council Directive No 2004/81 EC form April 29, 2004 on residence permits issued for 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 competence authority*. Based on the provisions of the EC Directive, a reflection period was incorporated into the Slovak law on the residence of foreigners, granting a tolerated stay permit for the period of 40 days until the potential victim of trafficking in human beings decides whether he/she will participate in the criminal proceedings against the traffickers. If the person decides to take part in the criminal proceedings, the tolerated stay may be extended repeatedly as long as the person's presence is required for the purposes of the criminal proceedings. The permit will not be extended if there is evidence that the foreigner had not interrupted or renewed his/her contact with the suspects. The law enforcement is obliged to ensure accommodation for a victim of trafficking who is granted tolerated stay under the provisions of this law and to inform her/him of the projects and programmes providing specialised integration services during the period of the tolerated stay. Currently, these entail the pilot Ministry of Interior Programme of Support and Protection of Trafficked Persons.

As has been said above, the evidence that Slovakia is a destination country for victims trafficked to Slovakia is merely anecdotal, and according to information available to IOM the new provisions of the law on residence were utilized in minimum cases (if at all) so far.

4. Access to shelters and housing, social assistance and health care

In September of 2005 come into force Act 305/2005 Coll. about social and legal protection of the child and social guardianship that set up special measures related to trafficked person. (Social guardianship is set up of measures to eliminate, reduced or prevent deepening or recurring of disorders of mental, physical or social development of the child and adult and to give assistance depending on the gravity of disorder and the situation in which the child or adult are to be found.) Measures of social an legal protection of children and social guardianship to reduce or eliminate

the negative effect that present a risk to the mental, physical or social development of adult is organised or mediated participation in the programmes focused on the assistance to adult that are threatened by the behaviour of member of the family, members of the family, or the behaviour of other persons. NGOs which have executed these measures have to have an accreditation by the Ministry of labour, Social Affairs and family.

Until 2006 assistance to trafficked persons was mostly provided by NGOs which have a larger varied target group of clients, such as victims of crime, victims of domestic violence, etc. These NGOs provided ad hoc assistance to trafficked persons within their limited logistical, personnel and financial capacities. There were no shelters or safe flats designed specifically for trafficked persons; usually they were accommodated in "asylum houses" for female victims of domestic violence or similar.

From August 2006, IOM has been implementing its Programme of Return and Reintegration of Trafficked Persons which was approved for implementation by the Ministry of Labour, Social Affairs and Family in 2005 (within the Equal Initiative). The IOM Programme of Return and Reintegration for Trafficked Persons is the first comprehensive programme for victims of THB in Slovakia that has the capacity to provide beneficiaries with all primary reintegration services, including:

RETURN ASSISTANCE

- Securing of travel tickets, travel documents and/or transit visas,
- Pre-departure assistance,
- Assistance and accompaniment to the place of departure (in case that a victim of trafficking is a minor, the return assistance will also include accompaniment by an adult),
- Collecting and accompanying from the place of arrival in Slovakia.

REINTEGRATION ASSISTANCE

- *Health care*
General medical check-up, gynaecological check-up, tests for HIV and other sexually transmitted diseases including treatment
- *Psychological counselling*
Psychological and psychiatric check-up, long-term individual therapeutic care
- *Social counselling and social work*
Assistance in contact with authorities, gaining of documents and insurance, assistance with the orientation in the social system
- *Legal counselling*
Elaborating of a legal analysis of the person's case, assistance during investigation and court proceedings
- *Temporary accommodation*
Ensuring stay a safe shelter, crisis centre or alike
- *Education and re-training*
Providing short-term professional courses and assistance with job search
- *Financial grant*
Provision of a financial grant to cover concrete basic living needs

The assistance to beneficiaries is provided on the basis of an individual reintegration plan based primarily on the active participation of the beneficiary in planning the steps of assistance. Provision of any assistance is founded on the informed approval of the beneficiary, i.e. the beneficiary is informed about all possibilities of the Programme and IOM never acts without the beneficiary's agreement. The programme does not entail any condition relating to the beneficiary's decision to co-operate with law enforcement agencies in the criminal proceedings. The IOM Programme of Return and Reintegration for Trafficked Persons is based on a referral network of organizations and individual professionals who provide the individual types of services to trafficked persons. Since the launch of the Programme in August 2006 until October 2007, 12 clients were registered into to the Programme. They were provided with long-term care by IOM and experts/organizations of the referral system of assistance. Altogether, the project will be able to help a minimum 21 beneficiaries until June 2008.

From 2007, as has been said earlier, the Ministry of Interior established its own Programme of Support and Protection of Trafficked Persons ensuring services to those foreign / Slovak victims of trafficking that decide to co-operate in the criminal proceedings. The services include:

- Isolation from the criminal environment
- Legalization of stay
- Shelter
- Financial support
- Social assistance
- Psychological counselling
- Legal counselling,
- Medical care
- Possibility to be included in the witness protection programme according to a special law
- Assistance with voluntary return

To conclude it can be said that since 2005 there has been a significant progress in securing efficient assistance to trafficked persons in Slovakia. At this stage, IOM has identified the following critical points that need to be addressed further in the near future in order to build a comprehensive and responsive system of assistance to trafficked persons:

- Establishment of specialized shelters or safe housing facilities designed exclusively for trafficked persons
- Establishment and promotion of a national (toll-free) helpline number facilitating access to assistance for trafficked persons
- Widening of the existing programmes ensuring assistance to both Slovak and foreign trafficking victims irrespective of their decision to participate in the criminal proceedings
- Ensuring funding and co-ordination of regular and systematic prevention targeted at the general public and more specifically at the most vulnerable groups, such as the Roma
- Ensuring funding for more research into the phenomenon that would support the creation of responsive policies in this field

5. Access to education, vocational training and access to the labour market

The IOM Programme of Return and Reintegration for Trafficked Persons provides for the re-training of the beneficiary and assistance with job search to the target group of the project, i.e. trafficked persons of Slovak origin.

Persons, granted tolerated stay under the provisions of Law on the Residence of Foreigners, are allowed to access the labour market in Slovakia.

6. Financial resources / Funding

The first systematic funding devoted to the assistance for trafficked persons was granted by the Ministry of Labour, Social Affairs and Family within the Equal programme. Under the Equal project, IOM established the first programme of assistance to trafficked persons and has sufficient funding to provide for assistance to trafficked persons until mid 2008.

Based on the National Action Plan to Combat Trafficking in Human Beings for 2006 – 2007, the Ministry of Interior allocated money for the funding of the pilot Programme of Support and Protection of Trafficked Persons ensuring services to those foreign / Slovak victims of trafficking that decide to co-operate in the criminal proceedings. The pilot phase is being evaluated at the time of writing of this report in view of the enhancement of the programme in the second year of its operation.