



DOMINICANS
FOR JUSTICE AND PEACE



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 for Justice and Peace (Order of Preachers) in Special ECOSOC consultative
Status with the United Nations

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INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report takes note of the significant progress achieved by Slovakia since the last UPR of Slovakia that took place in 2009. 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 experience of NGOs 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 that works under umbrella of the Caritas Internationalis and aims to help its affiliates to deliver on their commitment to combat 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 for Justice and Peace (Order of Preachers) at the United Nations in Geneva is an international service that is an extension of the work of Dominican brothers and sisters throughout the world who are involved in the protection of human rights and vulnerable people. It has Special ECOSOC consultative Status with the United Nations.

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 made in the country include a introduction and adoption of legislative provisions concerning THB in the Criminal Code, regulations concerning the provision of protection and assistance to victims of trafficking. A multidisciplinary entity, an Expert Group for the Area of the Fight against

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).

Trafficking in Human Beings including representatives of all relevant national actors and NGOs and the National Co-ordinator for Combating Trafficking in Human Beings has been introduced.

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 implementation of 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 full manner. The lack of barristers to defend HT victims results in a number of unsolved cases. A beneficiary of our NGO could not receive the services of a barrister and had to directly confront the defendant’s barrister, that placed him in a totally mismatched position and deepened the trauma.

8. The judicial personnel for HT cases, such as special prosecuting attorneys and judges, should have sufficient professional formation 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 client of an NGO was considered by a prosecuting attorney as a person probably engaged in prostitution voluntarily, because she had not tried to escape, had a relationship with her trafficker and, during the legal procedure, did not show “normal” or “expected” emotions. In 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.

² GRETA report on Slovak Republic, 2011

Protection and Assistance

9. According to the National Programme, only those victims who take part in the Programme and agree to its rules, can receive assistance from NGOs. There are only 3 NGOs receiving funds from the government and offering care for victims. There is no help or support from the State for those who do not enter the Programme (eg., if they do not want to share some information regarding painful trafficking experiences).

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

Re-integration

11. One of the most important factors in the re-integration processes for victims 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 completed only basic educational levels, 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 do so). This would require a more systemic approach where specialized 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 need for a systemic approach to provide healthcare services to victims. In past some doctors were trained, but this did not result in much progress. The main challenge is to have enough doctors authorized (having permission) to check previous health records,

in order to start examining HT victims. In relation to health insurance, if a victim has not contributed to the system for a long period of time, the medical doctor might refuse services to him/her. Therefore *ad hoc* solutions do not solve the situation.

Identification

13. Identification of victims requires special preparation and the possession of information. According to the Programme, identification can be done both by specialized State authorities and by NGOs. But the decisive check of background information of potential victims is attributed to the responsibilities of the police. Our experience shows that abuses might take place: this year, “fake victims” have been identified – that is, persons pretending to be victims of HT with the sole purpose of benefitting from the Programme. This happened during process of identification by NGOs, since checking background and rap sheet of a person by the police takes some time and meanwhile NGOs are obliged to provide services for self-identified victims. In cases of abuse, the Programme does not provide for any punishment for abusers; thus NGOs might be held responsible for misidentification.

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

- A) take adequate actions (including allocation of resources required to undertake these actions) in order to provide barrister services for all victims of HT.***
- B) organize and monitor control the competency (in both professional and psychological aspects - e.g. posttraumatic stress disorder) of special prosecuting attorneys and judges to try 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 who do not 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 the re-integration process through provision of training courses and employment opportunities for victims THB.***
- E) ensure that medical assistance and care is provided by specially trained medical doctors who also have 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 directly access the background information after the first contact with a potential victim and thus prevent cases of abuse. This also would include***

provisions for punishment for false claims of victim status for the sole purpose of benefiting from the Programme.