

Identification and referral of victims of trafficking in human beings in the Slovak Republic in the procedure of international protection

National conference of the Polish EMN NCP, 28 November 2013, Warsaw

Katarína Kubovičová
SK EMN NCP, IOM Bratislava



National Referral Mechanism (NRM)

Policy framework

- National Program on the Fight Against Human Trafficking 2011-2014
- Programme of Support and Protection of the Victims of Trafficking in Human Beings - implemented by contracted non-profit organizations
- Decree of the Minister of Interior of the SR on ensuring the programme of assistance to and protection of the victims of THB

Institutional framework

- National coordinator – State Secretary of the Ministry of Interior
- Expert Group for the Area of the Fight against Human Trafficking
- 2 multidisciplinary working groups - prevention, assistance to victims
- other state and non state entities

Legislative framework related to stay

Residence permit for victims of THB

- Tolerated stay for victims of THB (in line with Council Directive 2004/81/EC)
 - reflection period 90 days (+ 30 days) – entitled under the law
 - further granting/extension - for a minimum of 180 days, if needed, repeatedly extended
- no other type of residence specifically designed for victims of THB,
- fulfilment of the legal conditions for other types of residence is necessary (exceptions in permanent residence: interest of the SR, protection and assistance to witnesses, with regard to the security interests of the SR)

Legislative framework related to stay

International protection status for victims of THB

- no status specifically granted for reason of being a victim of THB exists
- asylum or subsidiary protection
- asylum on humanitarian grounds (non EU harmonized protection status) could be expected

Process of identification of victims of THB in international protection procedure

- process is outlined in internal regulations of the MoI which are binding for all affected organisations (decree, order, instruction) and in other manuals or guidance which are of recommendatory nature
- Migration Office of the Ministry of Interior (MO) – responsible for the whole mechanism in the international protection procedure
- The most relevant documents:
 - *Instruction of the Director of MO on issuing a guide to ensure the identification of potential victims of trafficking in human beings under the competence of the MO*
 - *Guideline specifying the actions by all stakeholders in providing assistance to victims of trafficking in human beings with a special focus on the particular features of the procedure in the case of foreign and minor victims of trafficking in human beings*

Process of identification of victims of THB in international protection procedure

Detection/Screening

- All applicants for international protection are screened, with special focus on vulnerable groups
 - initial screening: by MO staff or social workers at the reception centre
 - further information is gained and assessed during the entry interview by a competent decision-maker
 - if the obtained information proves the suspicion, the competent MO worker, with the applicant's consent, conducts an information interview with the aim to identify a potential victim of THB
- Other options of detection
 - by other actors who are in contact with applicants for asylum
 - self-identification (multi-lingual information leaflets, information brochure focused on self-identification in 15 languages).

Process of identification of victims of THB in international protection procedure

Identification

- Identification is conducted by trained MO staff and/or by cooperating non-profit organisation
- Comprises of :
 - an identification interview (use of set of questions specified in the Instruction of the MO Director)
 - an assessment of indicators (IOM Manual)
- The identification process can run repeatedly, if needed

IOM manual: *Identification of Victims of Trafficking in Human Beings among Migrants in the SR* – recommended procedure for identification, conducting of interviews and assessment of indicators

Referral of identified victim of THB to assistance and support

- An applicant can remain in the procedure of assessment of his/her asylum application, and is provided with assistance and protection via the Programme of Support and Protection of the Victims of Trafficking in Human Beings (Programme)
- Only two conditions for entering the Programme:
 - to break contacts with the criminal environment
 - to give voluntary consent to his/her inclusion in the Programme
- No formal identification is required from other state authorities prior to the entry of the victim to the Programme
- Length of the assistance : 90+(90) days, during the whole period of cooperation with law enforcement authorities or preparation for return
- Assistance and support tailored to victim´s needs
- Assistance provided by: IOM, Slovak Catholic Charity and Crisis Centre Dotyk

Referral of identified victim of THB to other procedures

To tolerated stay:

- No parallel procedures
- Withdrawal from/final decision on application for international protection have to be made in order to start a new procedure for granting tolerated stay
- No practical experience with such case – all identified victims remained in the procedure for international protection

To other type of residence:

- Asylum seeker can not ask for any other type of residence.
- Asylum procedure must be terminated, then tolerated stay can be initiated and if it is granted, a foreigner may apply for another type of residence (temporary or permanent) – however, during this procedure the fact being a trafficked person is no longer considered in assessing the fulfilment of legal conditions for other types of residence

Statistics

- It is not possible to analyse statistics and to draw conclusions
- 5 identified foreign victims of trafficking – asylum applicants in 2012

Training

- Since 2009: training modul Identification of Victims of Trafficking in Human Beings – mainly for representatives of the police force and Migration Office
- identification procedure, indicators, case studies, trends, specifics in relation to foreign victims of trafficking, gender sensitive approach etc.,

Conclusions

- SR has an institutional and coordinated structure of cooperation among relevant state authorities and non-state entities aimed at combating THB and helping victims of trafficking
- the procedures for the detection, identification and referral of victims of THB to assistance are specified in the internal regulations and manuals, however it's not possible to evaluate effectiveness of the process also due to the low numbers of identified victims
- Access to support and assistance for victims after the identification is secured at any stage during the international protection procedure
- There is no need for formal identification by law enforcement authorities
- With some procedures Slovak Republic has no practical experience so far – e.g. referral to tolerated stay
- Other national studies on this topic will serve as a source of information and suggestions for further measures in this regard.

Thank you for your attention

Contact: Katarina Kubovicova

EMN National Contact Point in the Slovak Republic

International Organization for migration (IOM)

Grösslingová 4, 811 09 Bratislava, Slovak Republic

+421 2 5262 3335

ncpslovakia@iom.int; kkubovicova@iom.int

www.emn.sk

