**Response of the Slovak Republic to Questionnaire of the Special Rapporteur on trafficking in persons, especially women and children**

**Question No. 1**

According to the recent amendment of the Criminal Code, which came into force on the 1st January 2021, the non-punishmenet principle was extended to the victims of trafficking in human beings. According to the Section 40 paragraph 2 of the Criminal Code:

"*Punishment of the perpetrator of a criminal offense may be waived if a person was coerced to commit the criminal offense in direct connection with the criminal offense of trafficking in human beings under § 179, the criminal offense of sexual abuse under § 201 to 202, the criminal offense of ill-treatment person and entrusted person pursuant to Section 208 or the criminal offense of producing child pornography pursuant to Section 368.*”

As this change has only recently been adopted, we do not have specific data on the gender dimension of the implementation of the non-punishment principle. However before this legislative change in 2013, the Slovak republic introduced in its Criminal Procedure Code the possibility, that allowed prosecutors to terminate the criminal prosecution of a minor offence that was committed by a person coerced to do so in direct connection with the fact that a criminal offence of human trafficking was committed against them. From the 1st of January 2021 this possibility was extended to all types of criminal offences.

**Question No. 2**

Currently we do not register any examples of deprivation of citizenship against trafficked persons.

In this respect, the Slovak Republic has not introduced the possibility of withdrawing citizenship in its legislation. No one shall be deprived of the citizenship of the Slovak Republic against his/her free will. Citizenship of the Slovak Republic can only be lost by "*release from the state bond*" upon own request.

**Question No. 3**

According to Act No. 274/2017 Coll., victims of trafficking in human beings are particularly vulnerable victims and therefore they are given special consideration. As such, they also have the right to the provision of specialized professional assistance.

If there is a suspicion that a person may have become a victim, he or she may voluntarily decide to join the Program for the Support and Protection of Victims of Trafficking in Human Beings. This program provides services that the victim, given his current situation, needs. Cooperation with the law enforcement authority is not a condition in order to enter the program. The mentioned program is financed from the budget of the Ministry of the Interior of the Slovak Republic and specific services are provided by non-governmental organizations contracted by the Ministry of the Interior of the Slovak Republic. This specialized program is managed by Information center for combating trafficking in human beings and crime prevention.

**Question No. 4**

Until the end of 2020, it was possible to stop prosecution by prosecutors only for acts that were offenses committed by a person under duress in direct connection with the crime of trafficking in human beings. From the 1st January 2021, this possibility was extended to all types of crimes, including crimes. At the same time, the possibility of waiving the punishment of a criminal offense committed by a person out of coercion in direct connection with the fact that the criminal offense of trafficking in human beings was committed against a person was extended to the courts of the Slovak Republic.

**Question No. 5**

At present, the Ministry of Interior of the Slovak Republic does not register any incentives for discriminatory provisions in the laws of the Slovak Republic in connection with the principle of non-punishment.

**Question No. 6**

The non-punishment principle of trafficked victimes is enshrined in the Slovak Republic within the following legislative Acts:

* Act No. 301/2005 Coll. Criminal Procedure Code (Section 215, paragraph 2, letter d)
* Act No. 300/2005 Coll. Criminal Code (Section 40, paragraph 2)
* Act No. 404/2011 Coll. on Residence of Foreigners
* Act No. 274/2017 Coll. on victim of criminal offences

**Specific information on models of implementation, in particular:**

**Question No. 1**

Answered in question No. 6.

**Question No. 2**

From the point of view of our material scope, we are unable to answer this question.

**Question No. 3**

See answer No. 6. From the point of view of our material scope, we are unable to answer this question.

**Question No. 4**

The National Reference Mechanism defines the identification process as well as subjects entitled of identifying a victim of trafficking in human beings. The victim can be identified by any subject of state bodies, self-government, international or non-governmental organizations. In a broader context, the general public can also contribute to the identification of the victim. However, the formal identification of the victim can only be carried out by a law enforcement authority.