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## **Organised Crime in the Slovak Republic<sup>1</sup>**

### *1. Organised Crime in the Slovak Republic*

Having moved into the next century, organised crime and its activities still continue to be an issue. We may recognise some of the activities from countless action films and television series, but we should not be lulled into believing that these practices take place only on the screen. The most typical organised crime activities include drug dealing, extortion, murder-for-hire, and trafficking in human beings. For the most part, the Slovak Republic became a target of these activities after 1989, and the events that took place during this period led to radical changes in the civic, economic, social, and political life in the country. On the first day of January 1990, on the fourth day after being elected president, Václav Havel (president of the former Czechoslovakia) announced an amnesty for nearly 80 per cent of the convicted offenders in the country. Twenty thousand offenders, approximately 8000 of whom were Slovaks, would be released from Czechoslovak prisons, creating ideal conditions for the birth of organised crime in Slovakia.

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### *1.1 Organised Crime and Legislation in the Slovak Republic*

Organised crime is not the exclusive domain of the Slovak Republic; we can find evidence of its existence from the Far East, through Russia, Ukraine, across the Middle East and Europe, to Americas. The year 2005 was a turning point for the concept of criminal law in Slovakia; it was a year of a complete recodification of criminal codes. On 20 May 2005, the National Council of the Slovak Republic adopted Act No 300/2005 (the Criminal Code) and Act No 301/2005 (the Code of Criminal Procedure). The legislative changes also affected the provisions concerning organised crime and trafficking in human beings. The relevant legislation in the Slovak Republic was greatly influenced by the United National Convention against Transnational Organized Crime, ratified by the Slovak Republic in 2002. This convention had a substantial impact on the definition of a criminal group, set out in § 129(4) of the Criminal Code:

For the purposes of this act, a criminal group shall mean a structured group of three or more persons, existing for a certain period of time and acting in concert with the aim of committing one or more crimes or offences, legalisation of the proceeds of crime within the meaning of § 233, or any of the corruption-related offences referred to in chapter eight of title three of the special part of this act, in order to obtain, directly or indirectly, a financial or other benefit.

It follows from the legal definition provided by Slovak law that a criminal group must have the following characteristics:

- it must be structured,
- it must consist of at least three persons,
- it must exist for a certain period of time,
- it must act in concert,
- it must act with the aim of committing one or more offences, legalisation of the proceeds of crime within the meaning of § 233, or any of the corruption-related offences.

During our research we discovered something astonishing. No one in the Slovak Republic has ever been convicted as a member of a criminal group.<sup>2</sup> We made this assessment on the basis of information obtained directly from convicted offenders and from interviews, both formal and informal, with experts.

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<sup>2</sup> As of 30 September 2017.

## 2. Statistics

Before we begin, we should first introduce the relevant legislation in the Slovak Republic applicable at the time.

### 2.1 Legislation prior to 2005

The criminal code, Act No 140/1961, was in effect in the Slovak Republic until 2005. Section 246 defined the constitutive elements of a crime, which to a certain extent differ from the law applicable today.

#### **§ 246 Trafficking in Human Beings**

(1) Whoever shall recruit, transport, harbour, hand over or receive a person, by means of fraud, deception, abduction, the threat or use of force or other forms of coercion, receive or give payments or benefits to achieve the consent of a person having control of another person, or abuse their power or abuse another's powerlessness or other vulnerability, for the purpose of prostitution or other form of sexual exploitation including pornography, forced labour or services, slavery or practices similar to slavery, servitude, the removal of organs or tissues or other forms of exploitation, even with the consent of that person, shall be punished by a term of imprisonment of three to ten years.

(2) Whoever shall recruit, transport, harbour, hand over or receive a person under the age of 18, even with that person's consent, for the purpose of prostitution or other form of sexual exploitation including pornography, forced labour or services, slavery or practices similar to slavery, servitude, removal of organs or tissue or other forms of exploitation, shall be punished by a deprivation of liberty in the same extent as laid down in paragraph 1.

(3) A term of imprisonment of five to twelve years shall be imposed on a perpetrator

a) who commits the offence referred to in paragraph 1 or 2 against the will of another,

b) who commits the said offence against a person under the age of 15,

c) who commits the said offence as a member of an organised group, or

d) who by the commission of such offence obtains considerable benefit for themselves or for another.

(4) A term of imprisonment of eight to fifteen years shall be imposed on a perpetrator

a) who causes grievous bodily harm, death, or other very serious consequences by the commission of the offence referred to in paragraph 1 or 2,

b) who by the commission of such offence obtains very substantial benefit for themselves or for another, or

c) who commits such an offence as part of an organised group operating in more than one state.

(5) A perpetrator who commits the offence referred to in paragraph 1 or 2 as a member of a criminal group, or who by the commission of such offence causes the death of more than one person, shall be punished by a term of imprisonment of twelve to fifteen years, or by an extraordinary sentence.

This legislation remained in force until 2005, and we can infer from the elements of crime described here that the legislature did differentiate between victims exploited for sexual services (prostitution) and victims exploited for forced labour. The sentencing guidelines were the same and the perpetrator was considered to have committed the same offence.

## *2.2 Legislation after 2005*

Criminal law in the Slovak Republic was amended in 2005. New criminal codes were enacted, such as the Criminal Code No 300/2005 and the Code of Criminal Procedure No 301/2005. The enactment of this legislation had a substantial impact on the definition of the elements of the offence of human trafficking; section 179 laid down new, modified, and supplemented constitutive elements:

### **§ 179 Trafficking in Human Beings**

(1) Whoever shall recruit, transport, harbour, hand over or receive a person, by means of fraud, deception, abduction, the threat or use of force or other forms of coercion, receive or give payments or benefits to achieve the consent of a person having control of another person, or abuse their power or abuse another's powerlessness or other vulnerability, for the purpose of prostitution or other form of sexual exploitation including pornography, forced labour or services including begging, slavery or practices similar to slavery, servitude, forced marriage, forced participation in criminal activities, the removal of organs, tissues, or cells or other forms of exploitation, even with the consent of that person, shall be punished by a term of imprisonment of four to ten years.

(2) Whoever shall recruit, transport, harbour, hand over or receive a child, even with the child's consent, for the purpose of prostitution or other form of sexual exploitation including child pornography, forced labour or services including begging, slavery or practices similar to slavery, servitude, forced marriage, forced participation in criminal activities, illegal adoption, removal

of organs, tissues or cells or other forms of exploitation, shall be punished by a deprivation of liberty in the same extent as laid down in paragraph 1.

(3) A term of imprisonment of seven to twelve years shall be imposed on a perpetrator who commits the offence referred to in paragraph 1 or 2

a) who by the commission of that offence obtains significant benefit for themselves or for another,

b) who by the commission of that offence puts another person in danger of grievous bodily harm or death,

c) as a public official,

d) against a protected person,

e) from a specific motivation, or

f) with serious attendant circumstances.

(4) A term of imprisonment of twelve to twenty years shall be imposed on a perpetrator who commits the offence referred to in paragraph 1 or 2

a) who by the commission of that offence obtains considerable benefit for themselves or for another,

b) who by the commission of that offence causes grievous bodily harm or death, or other very serious consequences, or

c) as a member of a dangerous group.

(5) A term of imprisonment of twenty to twenty-five years or a life sentence shall be imposed on a perpetrator who commits the offence referred to in paragraph 1 or 2

a) who by the commission of such offence obtains very substantial benefit for themselves or for another, or

b) who by the commission of such offence causes grievous bodily harm to more than one person or the death of more than one person.

If we look closely at the two different definitions of the constitutive elements of the offence, we can see that Slovak legislation does not recognise a difference (that is, it is not a separate offence) between a victim exploited for forced prostitution and a victim exploited for forced labour. The constitutive element set out in § 179(1)4c is important in terms of the FINOCA project. It is this provision that is focussed on trafficking in human beings in combination with organised crime. As far as we were able to ascertain, no person has ever been convicted of this particular criminal offence in the Slovak Republic.<sup>3</sup> We are able to make this statement after consulting the Corps of Prison and Court Guards, which at this time has no record of any person ever having been convicted of this offence, and on the basis of the statistics available on the websites of the Interior Ministry,

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<sup>3</sup> We submitted a request for information.

the Slovak National Police, and the Prosecutor-General's Office of the Slovak Republic. We also submitted a request to the Slovak Interior Ministry and the Prosecutor-General's Office in accordance with the freedom of information act. The Ministry stated they did not keep statistics on this matter. The Prosecutor-General's Office referred us to their website, where they publish Slovak crime statistics annually. According to those statistics, no person has been convicted of this particular criminal offence, and so we were forced to turn our attention to individuals.

Our fears were confirmed by the informal interviews we had conducted with crime victims' advocates, who told us that in the Slovak Republic it is the recruiters who are prosecuted, not the organised groups. This phenomenon may be attributable to the nature of the offenders. It was evident from the cases we had the opportunity to study that the offenders primarily come from vulnerable social groups. Their recruitment tactics do not employ any complicated market mechanisms, and they do not use legitimate businesses to conceal their illegal activities.

We obtained statistical data from the Slovak Interior Ministry, the Prosecutor-General's Office, and the Corps of Prison and Court Guards. The data are incorporated into the following table.

§ 179 (Act No 300/2005, entry into force 1 Jan 2006)	2006	2007	2008	2009	2010	2011
Completed prosecutions of known persons	3	4	7	3	12	12
Number of which are female		1	1		1	2
Minors						
Plea agreement with prosecutor			1	1	3	1
Persons indicted	2	2	3	1	6	2
Number of which are female		1			1	
Minors						
Aged 18–19						
Aged 22–24			1			
Aged 25–29			1			
Aged 30–39	2	2				1
Aged 40–49			1	1		1
Aged 50 and over						
Repeat offenders	2	1	2		2	
Organised crime	–	–	–	–	–	–

§ 179 (Act No 300/2005, entry into force 1 Jan 2006)	2012	2013	2014	2015	2016	30.06.2017	Σ
Completed prosecutions of known persons	28	12	20	22	27	28	178
Number of which are female	7	2	5	7	3		
Minors	2		1		4		
Plea agreement with prosecutor	9	4	5	11	5		
Persons indicted	10	4	13	10	15	24	92
Number of which are female	2	2	3	1	2		
Minors			1		4		
Aged 18–19		1					
Aged 22–24		1	1				
Aged 25–29	3	1					
Aged 30–39	6	1	5	7	8		
Aged 40–49	1		4	1	1		
Aged 50 and over			2	2	2		
Repeat offenders	1	1	1	4	8		
Organised crime	–	–	–	–	–	–	–

The data show that following the recodification of criminal law, the Slovak Republic began learning to handle the newly legislated constitutive elements. The Slovak police force had the lowest rate of successfully completed criminal prosecutions in 2006 (3) and 2009 (3), but overall developments in the prosecution of these offences are positive. Since 2006, when the new constitutive elements were introduced in the recodification of criminal law (with a few exceptions in 2006, 2009, 2013, 2015), we have seen a measured growth in the number of completed investigations. There has also been increased usage of plea agreements made by prosecutors since 2012.

In terms of repeat offenders, in the majority of cases the persons were first-time perpetrators of criminal offences. The largest increase in repeat offenders in Slovakia was registered in 2016, when they comprised nearly 30% of all prosecuted persons. There was no sign of organised crime in any of the cases. As for offender gender, males constituted the majority. The most female offenders were registered in 2012 (7) and in 2015 (7).

There appear to be several reasons why relatively few prosecutions are undertaken for the offence of trafficking in human beings. One of the main reasons might be the marked similarity of the constitutive elements with those of procuring and soliciting prostitution, which is governed by § 367 of the Criminal Code as follows:

### § 367 Procuring and Soliciting Prostitution

(1) Whoever shall hire, solicit, lure, exploit, elicit or offer another person to engage in prostitution, or profit from the prostitution of another person, or enable prostitution to be practised, shall be punished by a term of imprisonment of up to three years.

(2) A term of imprisonment of one to five years shall be imposed on a perpetrator if the offence is committed with serious attendant circumstances.

(3) A term of imprisonment of three to ten years shall be imposed on a perpetrator who commits the offence referred to in paragraph 1 against a protected person.

(4) A term of imprisonment of seven to twelve years shall be imposed on a perpetrator who commits the offence referred to in paragraph 1

a) who by the commission of that offence obtains considerable benefit for themselves or for another,

c) as a member of a dangerous group.

(5) A term of imprisonment of ten to fifteen years shall be imposed on a perpetrator who commits the offence referred to in paragraph 1 and through the commission of that offence causes grievous bodily harm or death.

In practice, frequent problems are encountered due to the inconsistency of application of the constitutive elements by the police and the prosecutors, i.e. whether the case at issue should be treated as trafficking in human beings or procuring and soliciting prostitution.

## 3. Analysis of Selected Judgments in Slovak Courts

### 3.1 Hearing Impaired

C.E. was sentenced to term of 4 years and 8 months in a minimum security prison plus a fine of 5000 euros for the continuing offence of trafficking in human beings. In the event he deliberately avoids paying the monetary fine, he will receive an alternative punishment of four months' imprisonment.

The defendant committed the offence in the period from 1999 to 31 October 2011, when he exploited and abused the vulnerable social situation of at least 15 hearing-impaired persons. He took advantage of their complicated situation and the fact that there were few employment opportunities for the hearing impaired, leaving them dependent solely on a disability pension that often was not enough to cover their basic needs. By promising them a good income, he lured them into a life of begging by way of selling toys and souvenirs in restaurants, where they would reveal their disability to patrons and ask them to buy toys and souvenirs for a price that was many times higher

than the actual value of these items, claiming it was for the benefit of hearing impaired persons. It worked like this:

The hearing-impaired person enters the place of business and places a plush toy on a table with a card imprinted with text indicating that by buying the plush toy (for approximately €5), the buyer would be helping the hearing impaired. After about 5 minutes, the person would return to the table and collect the toy along with any contribution.

They sold these toys in the Slovak Republic at various restaurants in various cities, primarily in Bratislava, Trenčín, Žilina, Piešťany, Nové Zámky, and Banská Bystrica.

The defendant transported these persons repeatedly for this purpose, and harboured them in Italy, Austria, or Switzerland. They were all forced to hand over all the proceeds (an undetermined amount) from this form of begging, and in return for this difficult, repeated, long-term daily labour he gave them only the very basic necessities, whilst dissuading them from returning to a normal life. More than once, he forced them to bring in more money by shouting at them to work harder, threatening the use of force.

During this period, he selected some of the hearing-impaired girls and, taking advantage of their poor social situation, lured them into prostitution. These girls engaged in prostitution in various places throughout Italy, typically from 18:00 to 06:00, seven days a week. They were forced to hand over all their earnings. He used this money to pay for their housing, food, and transportation, keeping the rest for himself. The women received no money, and he prevented them from returning to Slovakia. He forced them to earn more money by shouting at them and threatening violence.

### *3.2 The Road to Italy*

Charges were brought against P. B. (the defendant) for the serious felony of trafficking in human beings under § 179(1)4b of the Criminal Code, on the grounds that at an unspecified time in October 2013 in Prešov (a city in eastern Slovakia), he exploited the poor social and financial situation of P.G. (the victim) and on the pretext of offering her a well-paid job as a waitress and housekeeper in Italy, he lured her and at her own expense transported her by a motor vehicle to Bolzano, Italy, and then to San Severo, Italy. Here, during an undetermined period from October 2013 to March 2014, he forced her into prostitution under the threat that he would leave her in Italy without any money. As a result, upon returning to the Slovak Republic in May 2014, P.G. suffered from post-traumatic stress disorder requiring 42 days of treatment.

This case played out in the Slovak Republic and in Italy from October 2013 until March 2014. The events that took place are best described by the victim.

In her statement she said that at the time she was supposed to go to Italy, the defendant told her she would be working as a housekeeper and waitress and earning €500–700. Her reason for going to Italy was that she was looking for a change. He told her she was not the first he was taking there, and so far everyone had been satisfied. She had no idea what kind of work the women did. The defendant drove her to Italy in his car, accompanied by his brother-in-law Ján. His brother-in-law stayed there with them for a few days, and then he found work and left. They arrived in Bolzano, where they lived in his car for around three weeks. Then they went to San Severo.

She said that when they were in Bolzano they would walk to the charity house to take care of personal hygiene, where they would eat and brush their teeth outside. They looked for work by asking around at hotels. His brother-in-law stayed in the car. The defendant told her that he would find her a job as a housekeeper and waitress. Her first contact with a man (customer) took place in a car park, where they met a man who invited them for coffee. The victim needed to shower and wash her clothes, and the defendant asked the man if she could do this at his place. He agreed. She asked the defendant to drive her to this strange man's home but he refused, saying the man would drive her there himself. And he did. The man from Morocco drove her to his home. He lived with a roommate on the ground floor in a block of flats. He told her to go ahead and shower, and he went to take her things downstairs to the washing machine. After showering, she heard someone open the door. That someone had already disrobed and he assaulted her in the shower. She tried to fight him off, but was unable to. She then told him to call Ján, who drove her back to the car park where they slept. She saw the strange man give the defendant €30. When the defendant returned to her, she told him she was supposed to get a job as a housekeeper and waitress! She asked him to explain the assault to her, and said she was only supposed to wash her clothes. The defendant told her very rudely that they needed the money.

During this period of time, she had sexual intercourse in a similar fashion with 2 more men. One man was dark-skinned and paid her €30, and the other was Asian and paid her €50. The victim stated she was afraid of the defendant. He told her he would leave her there all alone, and that they needed money.

In December, the victim actually saw a list the defendant kept of the number of customers and how much money he had earned (money that was

either given directly to him or money she got from customers that she had to hand over to him).

Later, they all moved on to San Severo. At first they lived in the car, then they spent money on petrol and food. The defendant began to make friends from whom he would then borrow money, and the victim had to pay that money back by having sexual intercourse with these friends. She said that in November, there were five men that she had to sleep with.

Then they checked into the Villa hotel, where the defendant told her that she would walk the streets. She said she did not want to do that, that she wanted to go home. He was rude and horrible to her, telling her she would do it, otherwise he would leave her all alone. He said they needed money, to which she responded that he should get a job. At that time her relationship with the defendant was a father-daughter relationship, and although he thought she was in love with him, she was not. She had sex with him three times a month, but it was not voluntary on her part – he forced her! She was even more repulsed by him because of this. He even gave her pills that he claimed were vitamins.

She was there from December through mid-January. Even while she was menstruating she had 7 to 10 customers per day, sometimes earning €350–400. She engaged in phone sex about 5 times as well. Her daily ritual was to wake up in the morning and get dressed, then the defendant would drive her to the agreed spot at seven a.m. He would leave her there until eight or nine o'clock at night, and when he would come to pick her up he would tell her to hand over all the money. He also told her the police would be checking her and she was to tell them she was there alone, of her own free will. Even though she had access to the internet at the time, she never used it because the defendant always kept an eye on her.

They returned to Slovakia on 15<sup>th</sup> January, and then she went back to Italy. She said the reason she went back was that the defendant had promised to get her a real job. He would have killed her [if she had not gone back there]; he promised her she would not have to be a prostitute. On her second visit to Italy they stayed there until May, and the defendant paid for accommodations for both of them, €210 every week.

The defendant had 4 past convictions (for theft in 1991; again for theft in 1995; for criminal damage to property belonging to another in 2002; the fourth conviction was in the Czech Republic in 2007).

The court took into account primarily the victim's testimony as well as expert evidence, and ultimately sentenced the defendant to 4 years' unconditional imprisonment.

## *4. The Media and Trafficking in Human Beings in the Slovak Republic*

### *4.1 Report Broadcast by TV Markíza on 13 July 2017 (by Kristína Kovešová)*

The report details the activities of the Romanian beggar ‘mafia’ in the Slovak Republic. It is a group of people that make money primarily by exploiting the disabled. They do not choose disabled persons by accident; the goal is to evoke the sympathy of passers-by in the hope they will give a more generous financial donation. They drive them to the city centre in the morning, leave them there to beg all day, and then take away all the money that was donated to them.

The reporter monitored the activity of one particular group of professional beggars from Romania for several weeks. It turns out that some of them were only pretending to have a disability to help them get more money. However, the reporter stated that whilst some of the beggars were only pretending to have a disability, others were being exploited precisely because they had a real disability. In part one of the report, she focussed on a disabled beggar who had lost both lower limbs. At first he remained silent when asked about how he had come to Slovakia and where his boss was, but later he admitted that Bratislava was not his first destination. In the past he had already been to Budapest and Vienna. He denied that he was begging. The reporter tried to help this man, but as soon as she mentioned the word ‘boss’, he clammed up and tried to get away.

Several people did speak of one man who allegedly is the boss of all the professional beggars in Bratislava. Others also spoke of a man in a hat whose job was to supervise the beggars. The reporter actually found a man who matched the description, but when she confronted him about being the supervisor, he denied everything. He claimed not to know any of them, but the report shows a witness who was able to clearly identify him as well as footage showing him in the areas where the beggars take up their positions.

After this interview, the reporter decided to follow the man and the next morning, she saw him (and another man) in the company of a false beggar and the legless man in front of a hostel near a tram stop. They boarded through separate doors and headed into the city centre, where they helped the man in the wheelchair off the tram and left him there to beg. After giving him some instructions, they went to get coffee and go shopping, all the while staying close to the beggar.

The spokesman for the Regional Police Directorate in Bratislava gave the following statement to the reporter:

Divisions working under the Regional Police Directorate in Bratislava have been paying particular attention to this type of criminal activity for some time now. It is in our interest to make sure the citizens of this city and our visitors do not become victims of this type of crime. Information reported by the media was useful in the implementation of increased measures by the competent police divisions against this criminal activity. For tactical reasons, we cannot provide detailed information about the nature of these measures.

When confronted again, the man in the hat began to behave aggressively. He even threatened to break the cameraman's camera.

According to the reporter, this is a well-organised group on several levels. The report also shows statements by several witnesses who describe how a large group of persons meet in the morning, only to divide up later. Each group has their own territory. Some go to tram and bus stops, others have their locations in selected neighbourhoods.<sup>4</sup>

#### 4.2 Project of the Interior Ministry and a Citizens Organisation – [www.superzarobok.sk](http://www.superzarobok.sk)

In 2015, the Interior Ministry took aim at the issue of trafficking in human beings. Together with the citizens association *Brániť sa oplati* [It Pays off to Resist], it created the fictitious website [www.superzarobok.sk](http://www.superzarobok.sk). This fictitious website presented lucrative job offers abroad, but the salaries were so outlandish that job seekers were meant to clearly understand it was a scam.<sup>5</sup> The link to the site was circulated primarily on social media (in particular through a Facebook ad) and reached nearly 700.000 Slovaks. The website contained various elements suggesting it was a scam, such as the heading 'WORKS-4JU'. Another clue was that the fictitious agency had an address that does not exist. Another element meant to deter job seekers (victims) was the fake form on which they selected the location where they wanted to work and the number of months they wished to work.<sup>6</sup> They were also asked to provide the email addresses of their two closest relatives/friends. After registration was completed, the persons who provided this information received an email that revealed to them how easy it was to become a victim of human trafficking. The people whose email addresses they had provided received the same email, including a link to a website offering information about how to avoid similar situations. The objective was to find out how many people would click on

<sup>4</sup> The entire report is available at: <https://www.youtube.com/watch?v=Y6RdygWF5ww> [accessed: 10.12.2018].

<sup>5</sup> The website offered salaries of €2000–3000

<sup>6</sup> There were cases that are unrealistic in Slovakia, where over the course of two months according to the fictitious website a person could earn €4000.

the link, and this campaign reported shocking results. Forty thousand people viewed the website over the course of little more than 3 days. There were 2200 registrations. It was interesting to see the response from Slovak media, which despite being notified of the project avoided any extensive reporting about it. The campaign was intended to draw attention to the careless behaviour of people, particularly young people, and to the issue of human trafficking. Young people are easy victims of this wide-spread phenomenon. This project is unequivocal evidence that the Slovak Republic is taking an active approach to the issue.

### *5. Questionnaire Assessment – the Perpetrators*

Cooperation on the part of the Corps of Prison and Court Guards enabled us to make contact with 4 convicted offenders, who provided us with the following information.

I

The primary purpose of exploitation was prostitution; one case involved two women, one of whom had been involved in the sex trade for quite some time. In the past she had worked in numerous other countries as a prostitute. The perpetrator worked with a family member (brother-in-law), who allegedly drew him into the criminal world deliberately, but without the perpetrator's knowledge. The perpetrator wrote on the questionnaire that in his case the victim, a woman who had prior experience of prostitution, was entirely to blame for the offence he committed.

This victim allegedly made the arrangements in a casino where they chose two girls, along with the perpetrator and his brother-in-law (the perpetrator allegedly was unaware of the subject matter of the arrangements).

The perpetrator claims he was drawn in to the criminal activity mainly because he had a vehicle and a driving licence, both of which were needed in the commission of the offence.

He stated he had never been involved in this type of trade (human trafficking – prostitution), nor had he ever committed any similar offence, such as procuring and soliciting prostitution. As a matter of fact, in the past he had only been convicted of property crime (theft).

The perpetrator was unable to respond to the remaining questions because he had never conspired with or belonged to any organised group. The perpetrator believes himself to be a victim, because he allegedly had no knowledge of having committed the offence or participating in the offence. He is not engaged in this type of activity.

## II

We collected two questionnaires from a pair of co-perpetrators who were charged with the prostitution of a minor. It is important to note that the perpetrators were siblings, they were brothers. One perpetrator was convicted of human trafficking in the case of one underage victim; but on the questionnaire he indicated that there were in fact three other victims, all women, for which he was not convicted.

One of the perpetrators said that he had never been convicted of any related crimes, or any other crimes at all for that matter. Before being caught, he had only been engaged in this criminal activity for a very short time, just 5 days. He also stated he was not a member of any organised group. He was a human smuggler. He said that to be good in this 'trade', one needed to have contacts and good connections. He did not find it necessary to establish any legal form of business. In terms of information and communication technology, he said he mostly uses a mobile phone. He arranged for transport from the Slovak Republic to the United Kingdom. As part of his business he had to buy flight tickets to England. He worked as a butcher. He never borrowed any money to be used for the commission of this criminal offence. He stated that he tried to expand his 'business', the result of which was the trafficking of four victims. He indicated on the questionnaire that all of these victims were minors. He never found himself in a situation where he did not have the money necessary to commit criminal offences.

He did not need money for legal costs, because he received free legal aid in England. He received money every day from the victims, in cash, 50% of their earnings. The money was paid in cash and no information and communication technology was used in the collection of the cash. Clients paid £50–100 to the women/victims.

The offender secured housing for the victims in his 5-room house. Overhead costs included flight tickets, clothing, and housing. Information and telecommunication technology had no effect on reducing the costs associated with running this criminal trade. Because the perpetrator worked as a butcher, income from the criminal activity was supplemental.

When asked how much he received from customers, he gave this answer: from £30 to £150. He included a rate schedule for services on the questionnaire.

On average, one victim provided sexual services to 10 persons a night; the perpetrator then indicated on the questionnaire that one victim was able to provide sexual services to up to 100 clients a week.

He invested these proceeds of criminal activity into his family, since he has 4 children, but he did not elaborate how exactly this money was actually

invested. He intended to buy a house to provide housing for the victims who engaged in the provision of sexual services for him because he wanted to keep an eye on them. Information and communication technology had no effect on his profits from this criminal enterprise. The perpetrator did not use any modern technology to recruit victims or to promote the services provided by his victims. He only used mobile phones, because as he said all his client contacts came from his friends and acquaintances. His answers were inconsistent.

### III

The next respondent was the brother of the convicted offender (his story is number II in this report), who unlike his brother was given probation for violating traffic laws in conjunction with violating criminal law (i.e. a vehicular accident). He allegedly became involved in this criminal activity by mistake, and according to available information it was his brother who got him involved. The respondent did not act as a member of an organised group; it was only he and his brother who committed the offences. Like his brother, he did not create any legal business as a front for his criminal activity. This perpetrator's statements matched those of his brother, including the information about how having contacts with acquaintances to ensure they had customers to whom they could offer the sexual services provided by their victims was an important part of this activity. His complicity in the crime consisted of securing the contacts. He did not borrow any money in connection with the commission of the offence, and he was never in a situation where he lacked funds. Like his brother, he was given free legal aid in the United Kingdom.

### IV

The fourth respondent was engaged in the trafficking of human beings by way of forced begging – he transported victims to Germany. He was engaged in this criminal activity for 2 to 3 years. He had never previously been found guilty of this or any other criminal offence.

He associated with one other person who had already been taking trips to Italy before they became jointly engaged in this criminal activity. He stated there were several perpetrators who formed their group, but each person worked for himself or herself and each of them carried out all the activities associated with the given criminal offence, and they never divided up tasks amongst themselves.

The perpetrator worked mostly as a driver, and said that he would even personally participate in begging. He did not need to set up a legal business as

a front for his illegal activities. He stated that some of the requisites for engaging in this type of trade include a driving licence, and since the people were being transported to Germany to beg he also had to be able to speak German, and he also needed good communication skills to obtain new clients.

He did not encounter any barriers preventing him from becoming engaged in this type of criminal activity. He said his position within the group remained unchanged. He did not make use of the internet or any form of information and communication technology in the commission of this criminal offence. His position the entire time was that of the driver. He transported three people, and also provided them with housing in his own home. His only expense was for fuel. The perpetrators all pitched in to pay for fuel and for the costs of food. He obtained initial capital from the victims, as well as from selling things to a pawnbroker. His entire family pitched in to pay for his legal expenses to ensure he received legal protection. Even now as he is serving his sentence, his family members support him. As far as divvying up the bounty goes, he said everyone kept whatever they got for begging and the only other thing they had to cover were costs like petrol and housing. The perpetrators provided the food. Payday was once a month in cash. There were no other persons involved in the payment method (no courier or collector). When asked how much he spent to get the victims to their location, he responded €120. Human trafficking was not his primary source of income; he received caregiver benefits from the state (he was unemployed and lived off welfare). He used the money he collected from the victims to buy food (i.e. he bought groceries and put a little away, too). He planned on investing the money to carry out repairs in his house. He said it was never necessary to conceal the source of this money. Information and communication technology never affected his profit margin.

### *5.1 Summary*

The perpetrators did not want to indicate how they committed the criminal offences or any details of how these were financed and how the proceeds of the crimes were distributed. Their unwillingness to cooperate may be due to fact that none of them were convicted as a member of a group, thus they did not commit an organised crime.

They frequently gave conflicting responses to questions. One of the respondents first said he did not borrow money to begin his criminal activity, but then he changed his statement and said that to make initial arrangements he needed money that he obtained by selling items to a pawnbroker. Another respondent said he only engaged in human trafficking through one person

(the victim), but later he said there were four victims, all women, through whom he committed the criminal offences.

In selecting offenders for the FINOCA 2.1 project questionnaire, we focussed our attention on offenders who were convicted of trafficking in human beings according to § 179(1) or (2) of the Slovak Criminal Code No 300/2005.

The Corps of Prison and Court Guards gave us information according to which at this time, none of the offenders are serving a prison sentence for human trafficking as a member of an organised group. We were therefore unable to conduct any interviews with offenders who were members of organised crime. It is possible that some of these offenders were members of an organised group engaged in human trafficking. However, in view of the manner in which the questionnaires were collected in the prison, the convicted offenders may have been concerned that the information could be disclosed and that would indicate they had committed crimes as members of an organised group, their crimes could have been re-qualified with a higher sentencing guideline.

## *6. Questionnaire Assessment – the Experts*

Although we made every effort, due to the very narrowly defined subject matter it was quite difficult to select experts who deal with this issue. We contacted a professor of psychology at Comenius University, an expert for the Justice Ministry who is associated with the forensic institute for psychology and psychiatry and engages in forensic psychology, providing expert opinions and conducting research in forensic psychology. He practices clinical and forensic psychology and in the past he dealt with organised crime groups, particularly organised groups from central and southern Slovakia and Bratislava. He also dealt with large, infamous organised groups, such as the Sýkora gang, the Piňo gang, the Šátor gang, and the Takáč gang. He also evaluated one of the biggest and most influential bosses of the Slovak underworld – Mikuláš Černák. He said that as far as he knew, none of the perpetrators he had the opportunity to evaluate was charged with human trafficking. The statistical data provided by the Slovak Interior Ministry, the public prosecutor, the police, and the Corps of Prison and Court Guards support that statement. This would mean that organised groups in the Slovak Republic do not commit the crime of trafficking in human beings.

In most cases the offenders were charged with establishing and engineering organised groups, extortion and murder, and drug-related offences, but

the professor did not remember any case where any of these offenders were prosecuted for trafficking in human beings. The organised groups in the Slovak Republic had a strict hierarchy of activity: extortion, forced protection, prostitution, drug distribution. The vast majority of the perpetrators were of Slovak nationality. In one case a Ukrainian national was charged with a contract killing, but the proceedings against him were terminated.

Their prostitution-related activities concerned providing forced protection to freelance prostitutes, where they would offer protection and then demand a percentage of their earnings. This prostitution took place strictly in the Slovak Republic. They did not recruit prostitutes; on the contrary, as mentioned above the victims were already engaged in prostitution and the organised groups evaluated by the professor forced their protection on these prostitutes. In most cases the prostitutes were under the influence of drugs, since these organised groups also sold drugs. They sold drugs to the prostitutes for higher prices to force them to earn more money through prostitution, and then they would force the protection on them and exact a percentage of the proceeds of this prostitution.

They took a percentage of the earnings, which was collected by the foot soldiers – the bottom-level members of the organised group. Each foot soldier was assigned to several prostitutes, who provided sexual services in the dwellings owned by the organised group.

The professor also said he does not recall any media reports about human trafficking being committed in connection with an organised group.

He confirmed that in his professional career, he had never come across an offender who was prosecuted for human trafficking as a member of an organised group. There were cases of prostitution, but these people had already been prostitutes before they became involved with organised crime. He therefore could not provide any additional information in respect of our questions regarding the financing and *modus operandi* of other activities associated with this topic.

We attempted to contact other people involved in the detection of criminal activities associated with human trafficking, but because of the time constraints we were unsuccessful.

We also interviewed the staff at the Information Centre for Combating Trafficking in Human Beings, established by the Slovak Interior Ministry, but they were unable to answer our specific questions as they primarily assist the victims of these crimes; they referred us to their website that provides information obtained from these victims.

## 7. Market Structure

If you want to know the perpetrator, first know his victim. This concept would appear to be true. For this part of the final report, we drew on information obtained primarily from interviews with the staff at the Information Centre for Combating Trafficking in Human Beings and with practitioners. The data we obtained from the annual assessment of the Programme for the Support and Protection of Victims of Human Trafficking also greatly helped us.<sup>7</sup> The Programme for the Support and Protection of Victims of Human Trafficking is sponsored by the Ministry of the Interior of the Slovak Republic. The pilot phase of the Programme for the Support and Protection of Victims of Human Trafficking (the “programme”) was implemented as part of the National Plan of Action for Combating Human Trafficking for 2006–2007. The programme was updated and implementation continued as part of the National Programme for Combating Human Trafficking for 2008–2010, and the National Programme for Combating Human Trafficking for 2011–2014. The new National Programme for Combating Human Trafficking for 2015–2018 was submitted for discussion to the government of the Slovak Republic, which then approved the programme, without changes, under Decree No 52 of 4 February 2015.

For the purposes of the programme, a victim means:

- a citizen of the Slovak Republic,
- a citizen of the European Union, or
- a national of a third country,

concerning whom there are reasonable grounds for believing they have become victims of the trafficking of human beings in the Slovak Republic or abroad.

Participants in the implementation of the programme:

- national coordinator for combating trafficking in human beings; the state secretary of the Ministry of the Interior of the Slovak Republic is the designee
- representatives of the ministry designated by central government administration and local governments
- NGOs and an international organisation.

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<sup>7</sup> [http://www.minv.sk/?program\\_podpory\\_a\\_ochrany\\_obeti](http://www.minv.sk/?program_podpory_a_ochrany_obeti) [accessed: 10.12.2018].

### Content of the programme

For victims, the programme primarily ensures:

- isolation from the criminal environment,
- if a foreign national, legalisation of their residency in the Slovak Republic,
- assistance with voluntary return to the Slovak Republic, or if a foreign national, to their country of origin,
- financial support,
- social support,
- psychosocial interventions,
- psychotherapy services,
- legal advice,
- health care,
- retraining.

If a victim decides to cooperate with law enforcement authorities, then a scheme of comprehensive care for the duration of the criminal proceedings can be arranged.

Annual reports on the assessment of the programme provide an invaluable source of information not only about the victims, but also about the perpetrators of crimes.

#### *7.1 Profile of a Perpetrator*

The information shows that the most frequent perpetrators of these criminal offences are male. Males dominated the statistics in every year the programme was assessed (see table below). One reason is that women are less represented as perpetrators in society as a whole, and so this status inevitably crossed over to the issue of trafficking in human beings. Even where a victim identified a woman as the recruiter, very often she was working in collaboration with a male accomplice.

<b>Gender</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Male	23 (male and female together in 2 cases)	15	26	26	22	16
Female	9 (male and female together in 2 cases)	2 (together with a male)	4	8	2	0

Demographically speaking, perpetrators most often focus on more rural areas. If we look at the level of education of the victims, we see that the majority have only a primary education.

### *7.2 Method of Recruitment*

The method of recruitment of victims varies by country. The common denominator is that recruiters seem to always be a step ahead, always seeking new tactics to obtain the consent and then exploit the victim. Perpetrators take advantage of the specificities of each country, as every country is different. In the Slovak Republic, perpetrators primarily take advantage of the poor social situation of people living mainly in the eastern regions of the country. In most cases, the main reason for recruitment is a job opportunity, whether at home in Slovakia or abroad, and the prospect of earning a better income. Social situation is also linked to the second most frequent case, where perpetrators focus their attention on the homeless. They lure them to large cities or to foreign countries for the purpose of forced begging. The perpetrators often know no bounds and they exploit victims with physical disabilities (amputees, deaf-mutes) for forced begging to attract sympathy from passers-by in an attempt to obtain more money.

### *7.3 Perpetrator's Contact with Victim*

If we look at recruitment methods, in most cases the perpetrators do not make use of information and communication technology. When they do, it is primarily by mobile phone but always in combination with personal contact. The use of social media was evidenced in only one case in 2013. The infrequent use of these modern trends apparently has to do with the regional distribution of perpetrators and victims of crimes. In the Slovak Republic, the poorest regions are predominantly in the east of the country. Abduction is also a frequent method of recruitment. The perpetrator lures his victim and then transports them by force across the border or to other regions within the Slovak Republic. Victims most frequently indicated personal contact as the method of recruitment.

### *7.4 Slovak Republic – a Country of Recruitment*

According to the statistics, it would seem that the Slovak Republic is chiefly a country of recruitment. This is seen mainly in the fact that the Slovak Republic is only rarely the planned target destination or the country where victims ultimately end up. One of the reasons the Slovak Republic is predestined to be a good source country is the low standard of living in some of the regions. The most endangered groups of victims are chiefly persons with a primary education who come from a vulnerable social environment. In the Slovak Republic, the most frequent victim is a female aged 18 to 30 years, unmarried, and hails mainly from the Košice region (eastern Slovakia), fol-

lowed by the Prešov and then the Banská Bystrica regions. In most cases, they know the recruiter personally.

### *7.5 Purpose of Exploitation*

Exploitation in Slovakia comes in various forms. Some of the most common forms are:

- sexual exploitation,
- forced labour,
- forced begging,
- forced marriage.

The purpose of exploitation has changed over the years. Whilst in 2013 victims were used primarily for sexual exploitation (15), in 2016 the primary form of exploitation was forced labour (12). In general, we can say that sexual exploitation is not confined to female victims. For instance, in 2016 a male victim was registered.

## *8. Financing*

Based on the information we gathered in respect of financing, we can conclude that the perpetrators mainly use the proceeds from this illegal activity for their own gain, to buy food. In the future, they intended to use these proceeds to furnish the homes in which they themselves lived or which they used as a place for the victims to provide sexual services.

We know from our interview with the notable professor of psychology that in the cases involving prostitution, exploitation was mostly a form of forced protection. Organised groups were initially focussed on committing violent crimes, such as murder and drug-related criminality. Primarily as the result of drug-related crimes and the growth of drug-related activity, they then expanded their drug trade to include prostitutes. They sold drugs to prostitutes, which gave them control over the prostitutes, and then they forced protection on them. The prostitutes were engaged in their trade beforehand, so there was no recruitment and no information and communication technology was used (at most a mobile phone). Over time, they raised the price of the drugs they sold to prostitutes to make the prostitutes work harder. The outcome of this 'business plan' was that they took a part of the earnings from sex. The perpetrators never set up a legal business as a front for their illegal activities. They often acted impulsively, without a well-thought-out strategy. Transactions were primarily carried out in cash. The perpetrators did not employ any special technologies to obtain the cash.

Based on what we have learned about organised crime involvement in trafficking of human beings, we can conclude that this area of criminality has its specificities, and with enhanced activities, in particular prevention, these can be eradicated.

### **Abstract**

#### **Organised Crime in the Slovak Republic**

The article deals with the problem of organised crime and trafficking in human beings. It also reflects the legislative changes which took place in the Slovak Republic regarding respective criminal offences in 2005. The paper consists of the research which have been made in the form of interviews with experts as well as questionnaires delivered by convicted offenders. Authors also looked closely at statistics which were obtained by submitting a request to the Slovak Interior Ministry and the Prosecutor-General's Office. Information has been supplemented by analyses of cases brought before the court and elaboration of elements concerning respective criminal offences in Slovak criminal codices. Several impressive facts have been observed. Apart from the criminality structure it has been also revealed that the Slovak Republic is mainly a country of recruitment of victims and that the most common forms of exploitation in the Slovak Republic are sexual exploitation, forced labour, forced begging and forced marriage.

**Key words:** organised crime, trafficking in human beings, exploitation

### **Streszczenie**

#### **Przestępczość zorganizowana w Republice Słowackiej**

W artykule opisano problem przestępczości zorganizowanej i handlu ludźmi oraz odniesiono się do dokonanych w Republice Słowackiej w 2005 r. zmian przepisów prawa dotyczących tych przestępstw. W ramach badań przeprowadzono rozmowy z ekspertami i uzyskano dane z kwestionariuszy wypełnianych przez skazanych przestępców. Autorzy bacznie przyjrzeni się także statystykom dostarczonym na wystosowaną prośbę przez Ministerstwo Spraw Wewnętrznych Słowacji i Biuro Prokuratora Generalnego. Informacje z badań zostały uzupełnione o analizy spraw rozpatrywanych przed sądem i szczegółowe omówienie zapisów słowackiego kodeksu karnego. W badaniach zaobserwowano kilka istotnych faktów – oprócz struktury przestępczości zorganizowanej pozwoliły one na wykazanie, że Republika Słowacka jest głównie krajem werbowania ofiar i że najczęściej występującymi formami wykorzystywania osób są: wyzysk seksualny, praca przymusowa, zmuszanie do żebrania i wymuszone małżeństwa.

**Słowa kluczowe:** przestępczość zorganizowana, handel ludźmi, wykorzystywanie