



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-ES(2016)GEN-SK

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

SLOVAK REPUBLIC

Replies registered by the Secretariat on 20 December 2016

The replies to this questionnaire were collected by the National Coordination Centre for Resolving the Issues of Violence against Children (under the Ministry of Labour, Social Affairs and Family of the Slovak Republic).

The following state bodies and agencies contributed to responding to the questionnaire:

- the Ministry of Culture of the Slovak Republic
- the Ministry of Education, Science, Research and Sport of the Slovak Republic
- the Ministry of Foreign and European Affairs of the Slovak Republic
- the Ministry of Health of the Slovak Republic
- the Ministry of Interior of the Slovak Republic
- the Ministry of Justice of the Slovak Republic
- the Ministry of Labour, Social Affairs and Family of the Slovak Republic
- the General Prosecutors Office of the Slovak Republic
- the Slovak National Centre for Human Rights

GENERAL FRAMEWORK

Question 1: Definition of “child”

- a. Does the notion of “child” under your internal law correspond to that set out in **Article 3, letter (a)**, i.e. “any person under the age of 18 years”?

Reply:

For the purpose of safeguarding protection of children against sexual exploitation and sexual abuse, the definition of a child as stipulated in the Act No. 300/2005 Coll. the Criminal Code, as amended, is central. In accordance with Article 127, para. 1 of the Criminal Code, for the purposes of criminal proceedings a child is defined as a person under the age of 18 years, unless stated otherwise.

- b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with **Article 11, para. 2**?

Reply:

Currently, there is no legal regulation in force which explicitly grants protection and assistance to minor citizens of the Slovak Republic and/or other country minor nationals accompanied by their guardian or other responsible person, pending verification of their age in cases when the age of the victim is uncertain and there are reasons to believe that the victim is a child. Common practice in such cases is granting the victim all relevant rights, including the right to protection and assistance measures.

Concerning unaccompanied minors the Slovak Republic in its reply to the Lanzarote Committee’s focused questionnaire “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse” (T-ES(2016)RFG-SVK)¹ stated the following information:

“In line with the Aliens Act no. 48/2002 Coll., the police department is authorized to initiate, if necessary, a medical examination to determine the age of an unaccompanied minor in case of doubt (i.e. not applicable in cases when the person is obviously a minor). The result of the medical examination to determine the age of the person is drawn up by a doctor as an expert opinion. If the result of the medical examination is not sufficient enough to determine whether the person is an adult or a minor, the person is deemed a minor in further proceedings under the Aliens Act. Provided the person in question refuses to undergo a medical examination, he/she is considered an adult for the purposes of further proceedings.”

- c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

Reply:

In accordance with Article 201 of the Act No. 300/2005 Coll. the Criminal Code, as amended, it is illegal (for a person above the age of 15 years) to engage in sexual activities with a person under the age of 15 years. The act does not explicitly regulate engagement of persons under the age of 15 years in mutual sexual activities.

¹ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ab5d0>

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in **Article 2**, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

Reply:

The state is bound by national and international law to respect and acknowledge corresponding rights and has the obligation to monitor respecting the rights of the child.

The fundamental legal document prohibiting discrimination in the Slovak Republic is the Constitution of the Slovak Republic. In accordance with the Constitution of the Slovak Republic, fundamental rights and freedoms shall be guaranteed in the Slovak Republic to everyone, regardless of sex, race, skin colour, language, beliefs and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status. No one shall be aggrieved, discriminated against or favoured on any of these grounds.

On May 20, 2004 the Slovak Republic adopted the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination and on amendments and supplements to certain acts (Antidiscrimination Act), which became effective on July 1, 2004. According to Article 2a of the Antidiscrimination Act, discrimination shall mean direct discrimination, indirect discrimination, harassment, sexual harassment and victimisation.

Compliance with the principle of equal treatment shall consist in the prohibition of discrimination on the grounds of sex, religious beliefs or faith, race, nationality or ethnic origin, disability, age, sexual orientation, marital and family status, skin colour, language, political or other conviction, national or social origin, property, descent or other status.

Question 3: Overview of the implementation

Please indicate (without entering into details):

- a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

Reply:

Legal framework pertaining to abuse and sexual abuse of children in the Slovak Republic is comprised of:

- *Act No. 300/2005 Coll. the Criminal Code, as amended*
- *Act No. 301/2005 Coll. the Criminal Procedure Code, as amended*

The Criminal Code provides for increased protection to so-called protected persons who, by their definition in Article 139, para. 1 of the Criminal Code, encompass also children. The Criminal Code establishes a whole set of provisions to protect children from criminal acts:

- *Article 179: trafficking in human beings (including sexual exploitation)*
- *Article 199, para. 2: rape*
- *Article 200, para. 2: sexual violence*

- Article 201, Article 201a, Article 201b, Article 202: sexual abuse
- Article 367, para. 3: pimping and pandering
- Article 368: production of child pornography
- Article 369: dissemination of child pornography
- Article 370: possession of child pornography and attendance at a pornographic performance involving a child
- Article 371, para. 2, article 372: corrupting morals

Protection of sexually exploited persons, including child victims of trafficking in human beings according to Article 179 of the Criminal Code, is within the competences of the Ministry of Interior of the Slovak Republic safeguarded via an internal regulation no. 180/2013 on Ensuring the Programme of Support and Protection for Victims of Human Trafficking implemented under the Information Centre for Combating Trafficking in Human Beings and for Crime Prevention.

In line with the internal norm of the Central Office of Labour, Social Affairs and Family, in case of suspicion that a child is a victim of violence, the authority of socio-legal protection of children and social guardianship implements measures aimed at providing social counselling, conducting field social work and mediating participation in victim-oriented programmes. The authority also provides victims and their family members with psychological assistance and support to help them manage the impact of traumatic events. Additionally, the authority of socio-legal protection of children and social guardianship provides the minor victim and his/her parents, or a person the child is in personal care of, social counselling and information about relevant agencies and organisations, concerning access to health care, social services and assistance to safeguard protection. In the process of implementing measures, the authority of socio-legal protection of children and social guardianship collaborates with law enforcement authorities (the police, a court, prosecution office), with the school and school facilities, local and regional self-government bodies, accredited entities, health care facilities and other legal and natural persons active in the area of protection of ill-treated, abused and neglected children. In criminal proceedings, the authority of socio-legal protection and social guardianship performs the duties of a guardian.

The following relevant information has been submitted by the Slovak Republic in its reply to the list of issues addressed by the UN Committee on the Rights of the Child (CRC/C/SVK/Q/3-5/Add.1), and in its reply to the focused questionnaire of the Lanzarote Committee:

“Act No. 175/2015 Coll. amending and supplementing Act No. 36/2005 Coll. on Family and on amendments and supplements to certain acts, as amended, which amends and supplements certain acts setting forth that the interests of the minor child are a primary consideration in decision-making in all matters concerning it, as well as the manner of ascertaining the interests of the child and the entitlement of an authority of social and legal protection of children to enter the home in cases where the condition of the child may not be verified otherwise.”²

“In order to protect minor victims and witnesses of crimes against their secondary victimisation, Section 135 of the Code of Criminal Procedure sets forth a special procedure of prosecuting authorities if a person younger than 18 years (the original age limit of 15 years changed with effect from August 1, 2013) is questioned as a witness in criminal proceedings about matters the recollection of which could, given his/her age, adversely affect his/her mental and moral development. Interrogation of such persons

² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/096/18/PDF/G1609618.pdf?OpenElement>

should be carried out very considerately and in terms of its content eliminating the need for its repetition in further proceedings. Such person shall be questioned again in further proceedings only when necessary and in the pre-trial proceedings only with the prosecutor's consent."³

- b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

Reply:

On February 4, 2015, the Government of the Slovak Republic adopted the National Programme for Combating Human Trafficking for the years 2015 – 2018, which builds on the previous National Programme implemented in 2011 – 2014. The objective of the programme is to comprehensively combat trafficking in human beings as well as provide direct support and assistance to victims of human trafficking in line with international and European standards and obligations of the Slovak Republic in this realm. The programme is implemented under the coordination of the Information Centre for Combating Trafficking in Human Beings and for Crime Prevention at the Ministry of Interior of the Slovak Republic.

On January 15, 2014 the Government of the Slovak Republic adopted the National Strategy for the Protection of Children against Violence. The umbrella objective of the strategy is to achieve a qualitative change in the perception of and resolving violence against children in all its forms, including sexual exploitation and sexual abuse. The implementation of the strategy is coordinated by the National Coordination Centre for Resolving the Issues of Violence against Children, a specialised department under the Ministry of Labour, Social Affairs and Family of the Slovak Republic. The strategy is an inter-ministerial document, besides the Ministry of Labour, Social Affairs and Family of the Slovak Republic, the Ministry of Interior of the Slovak Republic, the Ministry of Education, Science, Research and Sport of the Slovak Republic, the Ministry of Health of the Slovak Republic, the Ministry of Justice of the Slovak Republic, the Ministry of Culture of the Slovak Republic, as well as the General Prosecutors Office of the Slovak Republic, self-government bodies and non-governmental organisations participate in the fulfilment of the goals.

The tasks defined in the strategy are grouped in 5 clusters: establishment of a national coordination framework for resolving violence against children; systematic monitoring and evaluation of child protection systems; prevention of institutional and systemic infringement of the rights of the child; safeguarding professional and high-quality implementation of policies; and raising awareness about violence against children.

- c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

Reply:

The Pedagogical-Organisational Instructions, a ministerial regulation annually issued for the respective school year by the Ministry of Education, Science, Research and Sport of the

³ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090001016806ab5d0>

Slovak Republic, include among others recommendations concerning age-appropriate informing of children about sexual abuse, exploitation and child pornography. Recommendations in question accentuate vulnerable and high-risk groups of children, such as children with disabilities or adolescents.

In its reply to the list of issues addressed by the UN Committee on the Rights of the Child, the Slovak Republic submitted the following information:

“Decree of the Ministry of Justice of the Slovak Republic No. 449/2015 Coll. amending and supplementing Decree of the Ministry of Justice of the Slovak Republic No. 543/2005 Coll. on Administration and Office Rules for District Courts, Regional Courts, the Special Court, and Military Courts, as amended regulates the court’s procedure in relation to detection of the state and process of foster care, educational measures, protective care, investigation of conditions in case of a minor child’s transfer abroad and in ascertaining the child’s views (the amendment reflects on new types of procedures incorporated into the legal system by Act No. 175/2015 Coll. amending and supplementing Act No. 36/2005 Coll. on Family and on amendments and supplements to certain acts, as amended, and which amends and supplements certain acts).

Since 2015, all employees of the authorities of social and legal protection of children and social guardianship are being educated in ascertaining child’s views.”⁴

In its reply to the Lanzarote Committee’s focused questionnaire, the Slovak Republic stated:

“Special measures are applied in cases of (presumed) trafficking in human beings. When investigating trafficking in human beings crimes under Article 179 of the Criminal Code Article 179 of the Act no. 300/2005 Coll. the Criminal Code, as amended, police authorities proceed in line with the best practice manual for investigators prepared and updated by the INTERPOL working group for trafficking in human beings. The manual is accessible to police investigators on the intranet site of the Ministry of Interior of the Slovak Republic. Part of the manual focuses on child victims and witnesses, covering the issues of identification of child victims of trafficking in human beings, methods of interrogation of children in case they agree to testify, and measures securing their safety.”⁵

Question 4: Child participation

- a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (**Article 9, para. 1**);

Reply:

The Slovak Republic has yet to establish a mechanism of participation of children in the development and implementation of policies on the national level. Participation of children in developing respective policies and programmes has so far been rather an individual initiative of the responsible authorities. In its complexity (representation of children with diverse needs and identities, appropriate methodology, elimination of formalism and adequate transposition of children’s views and needs into practice),

⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/096/18/PDF/G1609618.pdf?OpenElement>

⁵ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ab5d0>

participation of children in the context of such sensitive problem as sexual exploitation and sexual abuse brings its own distinct challenges.

Within the implementation of the National Strategy for the Protection of Children against Violence children have so far been involved predominantly as the target group of activities raising awareness about all forms of violence, including sexual abuse and exploitation. Implementation of other suchlike educational and child-rearing activities has a similar character.

On the local level children are naturally involved in protection and prevention programmes and activities within the educational process at schools and school facilities. Such programmes and activities are regulated by the Ministry of Education, Science, Research and Sport of the Slovak Republic.

- b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (**Article 14, para. 1**).

Reply:

When implementing measures in particular cases, the provisions of the UN Convention on the Rights of the Child and the legislation in force are followed, including consideration of the best interest of the child and taking to account his/her views.

Question 5: Specialised bodies/mechanisms

- a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (**Article 10, para. 2, letter (a)**);

Reply:

The Slovak Republic established the Office of the Children's Commissioner by Act No. 175/2015 Coll. on the Commissioner for Children and the Commissioner for Persons with Disabilities that came into effect on September 1, 2015. In December, the National Council of the Slovak Republic elected both commissioners.

According to Article 2 of the Act, the Commissioner for Children is involved in the protection of children's rights by supporting and advocating for rights accorded to children under international treaties binding on the Slovak Republic.

Article 4, para. 1 stipulates that the Commissioner for Children upon request, or on their own initiative, examines and monitors compliance with the rights of the child, advocates for children's interests in the society, cooperates with children either directly or through organisations involved in children's rights protection, consults with children matters that affect them, examines children's views and opinions and encourages their interest in public matters, encourages awareness raising about the rights of the child and cooperates with foreign and international entities involved in the implementation or the protection of the rights of the child.

Article 29 states that the performance of the Commissioner and activities of the Office of the Commissioner are financed from state subsidies under special regulation.

Mention must also be made of other independent national institutions important for the rights of the child: the Public Defender of Rights and the Slovak National Centre for Human Rights.

- b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (**Article 10, para. 2, letter (b)**);

Reply:

The Presidium of the Police Force under the Ministry of Interior of the Slovak Republic operates several information systems/registries of statistical data:

- the Registration and Statistics System of Criminality – among other data, the database compiles statistical data on perpetrators of crimes disaggregated according to statistical indicators (sex, age, nationality, marital status, education, occupation, criminal aspect and others) and particular ways of investigation completion according to provisions of the Criminal Procedure Code.*
- the Operative-Tactical Registers under the information system IPOLDAT (Information system of databases of the Police Force) – the database compiles information about perpetrators disaggregated by crime groups, their subject of interest and ways of committing the crime.*

Collection of statistical data for the purpose of monitoring and evaluating data concerning trafficking in human beings, including children, is conducted by the Information Centre for Combating Trafficking in Human Beings and for Crime Prevention at the Ministry of Interior of the Slovak Republic, which is the guarantor of the Information System Trafficking in Human Beings.

The Ministry of Labour, Social Affairs and Family of the Slovak Republic conducts statistical surveys with the objective to obtain, among others, information on the implementation of measures of socio-legal protection of children and social guardianship within the competences of state bodies, including reasons for their implementation. The overall purpose is to monitor realisation of and compliance with the rights of the child and employ the statistical data in conceptual, legislative and methodological activities in the realm of protection of children and prevention of socio-pathological phenomena. The entity responsible for conducting statistical surveys is the Central Office of Labour, Social Affairs and Family.

Act No. 188/2015 Coll. which amends and supplements Act No. 245/2008 Coll. on Upbringing and Education (the School Act) and on amendments and supplements to certain acts, introduces the central registry of schools as a public administration information system, defines details about the register and its subregistries, and enumerates the obligations of schools and school facilities in providing statistical data as to 15 September of the respective school year. The Act supplements the central register by the duty to record breaches of children's rights pertaining to neglect, maltreatment, sexual abuse, bullying and truancy (in line with the Directive 2011/93/EU of the European parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children, and child pornography, replacing the Council Framework Decision 2004/68/JHA).

In line with the provision stipulated in Article 79, para 1, letter zc) of the Act No. 578/2004 Coll. on Health Care Providers, Health Care Workers and Professional Organisations in Health Service and on amendments and supplements to certain acts, a health care provider who holds a licence to conduct independent practice is obliged to provide information in compliance with the Act No. 153/2013 Coll. on the National Health Information System and on amendments and supplements to certain acts, to the National Health Information Centre keeping the National Register of Persons with Suspicion of Being Neglected, Maltreated, Abused and Victims of Violence.

- c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (**Article 37, para. 1**).

Reply:

Pertaining to the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Government of the Slovak Republic by its resolution no. 339/2015 appointed the Institute of Forensic Science of the Police Force the national authority in line with Article 37, para. 2 of the Convention.

Compliant with Article 2, para. 1, letter n) of the Act No. 171/1993 Coll. on the Police Force, as amended, the Police Force conduct forensic and expert investigation. In line with Article 4, the Institute of Forensic Science is an organisational entity of the Police Force and as such carries out expert and forensic activities in accordance with special regulations.

Question 6: National or local coordination, cooperation and partnerships

- a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (**Article 10, para. 1**);

Reply:

Within the implementation of the National Strategy for the Protection of Children against Violence, a national coordination mechanism has been set up, engaging all ministries participating in the implementation of the strategy.

Coordination on the national level seeks to safeguard intra-ministerial awareness and access to information, joint consultations, formation and execution of particular steps, top-down communication reaching the local level, i.e. information passed within respective entities from professionals on the national level to professionals on the local level.

In its reply to the Lanzarote Committee's focused questionnaire, the Slovak Republic stated the following information:

"In the scope of targeting violence against children in general, involvement of all stakeholders via regular meetings and exchange of information is the cornerstone of a coordinated approach. Within the implementation of the National Strategy for the

*Protection of Children against Violence a model of coordination meetings on the local level was launched in 2015.*⁶

Coordination meetings within the territorial scope of the centres of labour, social affairs and family are attended by representatives of entities participating in the protection of children against violence, primarily employees of the authorities of socio-legal protection of children, the Police Force members, pedagogical and professional staff of schools and school facilities, prosecutors, health care providers, municipal employees and employees of accredited entities. The functioning of this inter-ministerially approved model of a coordinated approach in protecting children against violence is defined in a coordination guidebook. Participants of coordination meetings have so far been provided with two joint training cycles (please see reply to question 8 a.). Coordination meetings are designated for dealing with questions and challenges pertaining to general operational framework: analysis and evaluation of the local situation in the respective realm, identification of challenges in cooperation and systemic shortcomings, identification of prospective measures to increase effectiveness, analysis of information, and proposal of systemic measures regarding particular grave cases of violence against children.

The authority of socio-legal protection of children and social guardianship takes the role of the coordinator in particular cases of violence, regarding implementation of measures of social guardianship for children, or assistance to children who are maltreated, sexually abused, neglected, or in whose case there is a well-founded suspicion that they have been maltreated, abused, neglected or trafficked. Health care providers, health insurance companies, courts, corps of prison and court guards, the Social Insurance Agency, law-enforcement authorities, schools, school facilities, district authorities, other state administration bodies, and local and regional self-government entities are obliged to collaborate with the authorities of socio-legal protection of children and social guardianship.

Upon each and every report about a child being neglected, abused, maltreated, bullied or about his/her rights being breached in any other way, the authority of socio-legal protection and social guardianship assesses the life situation of the child and his/her family and determines the degree of threat the family poses to the child (no threat, low, moderate or high level of threat). Depending on the severity of the situation, measures are taken to improve the life situation of the child in cooperation with the family, municipality, possibly an accredited entity, while proceeding according to a mutually developed plan of social work with the family.

Furthermore, as needed, coordination and cooperation of ministries and entities, including non-governmental organisations can take place also on a bilateral level, e.g. via consultations, preparation of guidelines, or in realisation of prevention activities.

- b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (**Article 10, para. 3**)? If so, please specify how;

Reply:

Referring to the information in reply to question 3 b., the Government of the Slovak Republic adopted the National Strategy for the Protection of Children against Violence

⁶ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ab5d0>

and established the National Coordination Centre for Resolving the Issues of Violence against Children by resolution no. 24/2014. Collaboration of all entities and agencies and a coordinated approach represent a cross-cutting principle of the policy itself, the coordination on national level, as well as the coordination on the local level, pursued in the form of coordination meetings, which was launched in May 2015 upon inter-ministerial agreement.

- c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (**Article 15, para. 2 and Article 16**)?

Reply:

Within safeguarding the programme of support and protection of victims of trafficking in human beings, the Ministry of Interior of the Slovak Republic cooperates on contract basis with non-governmental organisations and the International Organisation for Migration.

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (**Article 38, para. 4**)? Please give examples.

Reply:

Prevention and combat against sexual exploitation and sexual abuse of children has yet to be incorporated as a primary issue of interest of development intervention projects funded from the Slovak Aid programme. However, there is an ambition to include the topic more intensively upon the recent ratification of the Lanzarote Convention by the Slovak Republic. Human rights and gender-sensitive interventions already represent a cross-cutting topic reflected upon in all projects funded within the development interventions programme.

The issue of prevention against sexual and gender-oriented violence is in the focus of attention of the Slovak Republic in the context of humanitarian aid. Protection of women and girls in the context of humanitarian crisis has become one of the key thematic priorities of the Slovak Presidency in the Council of the European Union within the programme of the COHAFA working group – Humanitarian Aid and Food Aid.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

- a. Which legislative or other measures have been taken to:
- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (**Article 6, Explanatory Report, paras. 59-62**). Please also specify whether this information includes the risks of the use of new information and communication technologies (**Article 6, Explanatory Report, para. 63**);

Reply:

Respective information is incorporated in the updated State Educational Programme approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic, in the form of an obligatory cross-cutting topic Education towards Marriage and Parenthood on all levels of education system – primary (ISCED 1), lower secondary (ISCED 2) and higher secondary level (ISCED 3). The topic is reflected upon in the content of relevant subjects (e.g. biology, ethics, civics), as well as via courses, lectures and other extra-curricular activities of schools, in cooperation with external experts (psychologists from the centres for pedagogical-psychological counselling and prevention, doctors and others). Schools may consult curricula for education towards marriage and parenthood which contain concrete topics elaborated in cooperation with experts and tailored to the age and stage of physical, mental and social maturity of pupils, as well as specific conditions of the school. The staff of many schools includes a pedagogue – coordinator of education towards marriage and parenthood who is in charge of its implementation in the school's educational programme and/or the educational process at the school.

Risks related to the use of new information and communication technologies and their prevention are the main focus of media education, an obligatory cross-cutting topic in the State Educational Programme. Media education is carried out via contents of relevant subjects (e.g. informatics), as well as in the form of courses, lectures, optional subjects, clubs and other activities, in cooperation with experts from the state (e.g. the Police Force) and non-governmental sector.

State-founded children's homes (established by the Central Office of Labour, Social Affairs and Family) provide children placed in them important information on the risks of sexual abuse and exploitation with respect to the age, mental and intellectual maturity and in language which may be understood by the children. The information is provided by the employees themselves or in the form of child-friendly activities, discussions and sessions conducted in cooperation with state and non-state entities.

- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (**Article 5, para. 1**);

Reply:

Raising awareness about children's rights and protection is incorporated in respective academic degree programmes (fields of study such as pedagogy, health care, etc.).

Each year the ministries provide respective employees with trainings and expert seminars on the rights of the child and related specific topics (prevention of risky behaviour of children and youth, conducting an interview with a child and ascertaining his/her views, etc.) and/or they enable them to participate in educational activities carried out by other entities. Expert handbooks and publications are also available for professionals working with children.

The National Coordination Centre for Resolving the Issues of Violence against Children organises joint interdisciplinary trainings for the participants of coordination meetings (please see reply to question 6 a)). Until now, two training cycles have been completed, covering the topic of secondary victimisation – institutional violence and the topic of identification and intervention in cases of children with CAN syndrome.

- ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (**Article 5, para. 2**).

Reply:

In case of health care professionals, corresponding knowledge is encompassed in the minimum standards for specialised study programmes pertaining to child age, defined by the Ministry of Health of the Slovak Republic. Contents of the minimum standards include identification of signs of sexual exploitation and sexual abuse, as well as ways of reporting suspicions to respective authorities.

A multidisciplinary guide to CAN syndrome was elaborated within the implementation of the national project Support of the Deinstitutionalisation of Foster Care. The guide covers the issue of detection and identification of signs of maltreatment, abuse and neglect and is accessible to all employees of the authorities of socio-legal protection and social guardianship.

Corresponding knowledge and development of skills of professionals working with children are also included in the aforementioned reply.

- b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (**Article 8, para. 1**);

Reply:

Since 2015, the National Coordination Centre for Resolving the Issues of Violence against Children has been realising an awareness raising campaign about violence against children and about help options. Sensitising and awareness-raising is one of goals of the National Strategy for the Protection of Children against Violence. Through audio and

audiovisual spots that portray sexual violence against children in a sensitive way, the public may learn about this severe form of violence inflicted on children. The spots have been supplemented by respective informative leaflets and posters distributed throughout Slovakia, including to schools and school facilities.

Issues of various forms of violence against children were at the centre also of a competition held in the second half of the year 2015, open for all kindergartens, primary schools, secondary schools and schools for children with disabilities to take part in.

Following the ratification of the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse, the National Coordination Centre for Resolving the Issues of Violence against Children administered the adaptation of the Council of Europe video "Tell Someone You Trust" into Slovak language and included its promotion also in the online campaign realised in November and December 2016.

Information about violence against children and help contacts is available on the website www.detstvobeznasilia.gov.sk.

The impact of the campaign may partially be deduced from the target group reach and exposure, based on indicators such as the number of visitors of the website, the number of views of the videos/spots, the number of reports to and contacts of authorities and helplines from the public, including children.

Similar activities are planned to be carried out also in year 2017.

- c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (**Article 8, para. 2, Explanatory Report, para. 66**).

Reply:

According to Article 338, para. 1 of the Act No. 300/2005 Coll. the Criminal Code, as amended, expressing public approval of a crime or public praising of an offender for the commission of an offence is illegal.

Pursuant to Article 19, para. 1, letter f) and letter e) of the Act on Broadcasting and Retransmission and on amendments to Act No. 195/2000 Coll. on Telecommunications, no audiovisual media service on demand or programme service, nor any part of them shall depict in improper manner minors subjected to physical or psychological suffering, or depict child pornography or pornography containing pathological sexual practices.

Question 9: Recruitment and screening

- a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (**Article 5, para. 3**). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

Reply:

Information about a final and conclusive judgement is listed for an indefinite period of time in the register of criminal records. In compliance with Article 92 of the Act No. 300/2005 Coll. the Criminal Code, as amended, a conviction may be expunged by the decision of the court following a request of the convicted, in line with conditions stemming from the terms of the sentence, or by the decision of the president of the Slovak Republic in the form of granting pardon or amnesty.

When applying for a position within professions whose exercise imply regular contact with children, an abstract of the criminal record or a copy of the criminal record is required pertaining to legal regulations listed below.

*According to Article 10 of the Act No. 330/2007 Coll. on Criminal Registry and on changing and amending of other Acts, as amended, **an abstract of the criminal record is a public document which declares whether a person has been finally and conclusively convicted.** Pursuant to Article 13 of the Act, **a copy of the criminal record is a public document which provides information about each final and conclusive conviction, including the rulings of other European Union member states' courts, or rulings of other states' courts that have been adjudicated by the court of the Slovak Republic, as well as information about convictions that have been expunged upon the decision of the court, or according to the relevant act.***

Article 39 of the Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on amendments to certain acts, as amended, regulates the decision making about the enlistment of a natural person interested in becoming a foster parent or an adoptive parent into the registry of applicants.

A natural person interested in becoming a foster parent or an adoptive parent is not eligible to perform alternative care if:

- a) he/she was convicted for an intentional criminal offence and given a sentence of imprisonment over one year unconditionally, also if the conviction for such crime was expunged and the person is considered not to have been convicted for a crime according to special regulation, or*
- b) the person was convicted for an intentional criminal offence concerning a certain criminal act against life and health, against liberty and dignity, against family and youth, against other rights and freedoms, against peace and humanity, or was convicted for a certain crime of terrorism and extremism, also if the conviction for such crime was expunged and the person is considered not to have been convicted for a crime according to special regulation.*

Article 79 of the Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship regulates conditions for granting accreditation to non-state entities implementing measures of socio-legal protection of children and social guardianship. One of the conditions a non-state entity is obliged to meet is declaring the integrity of the natural persons who will be working in contact with clients. A person is not considered unimpeachable if he/she was finally and conclusively convicted for an intentional criminal offence, or was finally and conclusively convicted for a criminal offence committed with negligence against family and youth, according to Articles 204 to 211 of the Act No. 300/2005 Coll. the Criminal Code, as amended, also in case the conviction for such crime was expunged and the person is considered not to have been convicted of the crime

according to special regulation. Integrity is proved by **a copy of the criminal record**. Fulfilment of the condition of integrity is assessed by the Ministry of Labour, Social Affairs and Family of the Slovak Republic. If a town or a higher territorial unit establishes a facility according to Articles 49, 50, 62 and 63 of the Act, fulfilment of the condition of integrity of all employees who are to perform their work duties in contact with children, the condition of competence, and documentation of work methods and the manner of their performance are required, just like in case of non-state accredited entities.

According to Article 63 of the Act No. 448/2008 Coll. on social services and on amendments and supplements to the Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act), as amended, a natural person who applies to be enlisted in the register of social services providers shall have legal capacity and be unimpeachable. For the purposes of this Act, a person shall be considered unimpeachable provided he/she was not finally and conclusively convicted of an intentional criminal offence. Integrity shall be proved by an **abstract of the criminal record** not older than three months. The condition of integrity shall be fulfilled both by the competent representative of the social services provider and the natural person responsible for providing respective social service.

If the request for enlistment in the registry is submitted by a legal person, the natural person authorised by the statutory body of the legal person to provide social services shall have full legal capacity, and shall be unimpeachable and competent. If the request is submitted by a natural person, the natural person authorised by the natural person applying for the enlistment to provide social services shall have full legal capacity, and shall be unimpeachable and competent. Natural persons mentioned in the previous two sentences shall be in an employment relationship with the social service provider while performing the social services; this shall not apply in case the natural person concerned is an associate or a member of the legal person.

Article 5 of the Act No. 317/2009 Coll. on Pedagogical Employees and Professional Employees and on the change and supplement to some acts defines the rights and duties of pedagogical employees and professional employees, and in Articles 6, 9 and 10 stipulates prerequisites for the execution of pedagogical and professional practice. These include health capacity and integrity.

Recruitment of a member of the Police Force is conditioned upon fulfilment of requirements defined in Article 14 of the Act No. 73/1998 Coll. on the civil service of members of the Police Force, the Slovak Intelligence Service, the Court Guards and Prison Wardens Corps and the Railway Police, as amended. A member of the Police Force shall be a citizen of the Slovak Republic older than 18 years who submits an application in writing and is unimpeachable, reliable, with an educational degree in compliance with the performance of the function he/she is to be appointed, has the health, physical and mental capacity to perform the service, knows the official language and has permanent residence in the territory of the Slovak Republic. A citizen shall not be considered unimpeachable if he/she has been finally and conclusively convicted of an intentional crime or finally and conclusively sentenced to imprisonment unconditionally. Integrity shall be proved in the recruitment process by **a copy of the criminal record**.

In the realm of health care, respective requirements have been enacted by the Act No. 204/2013 Coll. amending and supplementing the Act No. 300/2005 Coll. the Criminal Code, as amended, and which amends and supplements certain acts, by tightening the conditions of integrity stipulated in Article 38, para. 1, letter b) of the Act No. 578/2004

Coll. on Health Care Providers, Health Care Workers and Professional Organisations in Health Service and on amendments and supplements to certain acts, according to which an unimpeachable person for the purpose of this act is a person who has not been finally and conclusively convicted of the criminal offence against human dignity (Articles 199 to 203 of the Criminal Code), a criminal offence pertaining to child pornography (Articles 368 to 370 of the Criminal Code), the criminal offence of trafficking in human beings, or the criminal offence of placing a child under the control of another (Articles 179 to 181 of the Criminal Code). Integrity represents one of the conditions for performing medical profession.

Medical profession is defined as a cluster of work activities performed by a medical professional. In accordance with Article 27, paragraphs 1 to 3 of the Act No. 578/2004 Coll., a medical professional is a natural person performing a medical profession: physician, dentist, pharmacist, nurse, midwife, physiotherapist, public health worker, medical laboratory technician, nutrition assistant, dental hygienist, radiological technician, paramedic, dental technician, technician for medical devices and equipment, optometrist, pharmacy technician, masseur, optician, orthopaedic technician, health care assistant, dental assistant, ambulance attendant. Natural persons performing the following occupations and fulfilling the criterion of competence are also medical professionals: speech therapist, psychologist, remedial teacher, physicist and laboratory diagnostician at a health care facility; as well as professional soldiers performing above mentioned medical professions within their civil service in accordance with Article 27, para. 1 of the Act No. 346/2005 Coll. on civil service of professional soldiers of armed forces of the Slovak Republic and on amendments and supplements to certain acts, as amended by the Act No. 144/2008 Coll.

- b. Does the screening of candidates apply to voluntary activities (**Explanatory Report, para. 57**)?

Reply:

Pursuant to the legislation in force, integrity does not represent a legal prerequisite for engaging in volunteer work with children.

Question 10: Preventive intervention programmes or measures

- a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (**Article 7, Explanatory Report, para. 64**);

Reply:

A person who fears that he/she may commit an offence established in accordance with the Convention, has the possibility to seek adequate assistance via toll-free 24/7 anonymous Helpline of Trust and Helpline of Hope functioning under the II. Department of Psychiatry of the Louis Pasteur University Hospital in Košice, or consult a physician or a specialist in the area of psychiatric sexology, psychiatry or clinical psychology who assesses the person's situation, health state, recommend further examination by other specialists and upon overall evaluation of results suggest adequate psychotherapeutic methods, pharmacological treatment, residential treatment, and gives further expert guidance to the person.

- b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (**Articles 15 to 17**). Please indicate in particular:
- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
 - how the appropriate programme or measure is determined for each person;
 - whether there are specific programmes for young offenders;
 - whether persons have a right to refuse the proposed programme/measures?

No relevant information available.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

- a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (**Article 9, para. 2, Explanatory Report, paras. 68-73**);

Reply:

In compliance with Article 50 of Act No. 595/2003 on income tax, tax assignment scheme enables taxpayers to assign a certain percentage of their paid income tax to a particular eligible entity. Pertaining to the context of the question, legal persons thus may decide which non-governmental organisation they will support. Among the prospective beneficiaries are non-governmental organisations active in the field of protection of children against sexual exploitation and sexual abuse. Upon fulfilling legal obligations, legal persons are entitled to assign 2% of their income tax.

- b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (**Article 9, para. 3, Explanatory Report, para. 74**);

Reply:

At the moment, there is no systemic support in the area concerned. Under the initiative of non-governmental organisations and with the participation of representatives of the Ministry of Labour, Social Affairs and Family of the Slovak Republic (including the National Coordination Centre for Resolving the Issues of Violence against Children), a meeting with journalists on the topic of cooperation in communicating issues affecting children in and by the media, was organised in 2015. Later in the same year, within its awareness-raising campaign, the National Coordination Centre for Resolving the Issues of Violence against Children in cooperation with non-governmental organisations held a briefing for journalists on the occasion of international November days. Information about sensitive depiction of children in the media is available also on the website www.detstvobeznasilia.gov.sk.

- c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (**Article 9, para. 4, Explanatory Report, para. 75**). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (**Article 27, para. 5, Explanatory Report, para. 193**).

Reply:

Currently, there are no departmental mechanisms dedicated specifically to the prevention and the protection of children from sexual exploitation and sexual abuse.

Proceeds of crime are not directly allocated for a particular purpose, as they are subject to forfeiture in favour of the state, in accordance with Article 59, para. 2, and Article 60, para. 5 of the Act No. 300/2005 Coll. the Criminal Code, as amended.

Question 12: Effectiveness of preventive measures and programmes

- a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;

No relevant information available.

- b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

No relevant information available.

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

- a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (**Article 12, para. 1, Explanatory report, para. 89**);

Reply:

All professionals working in contact with children are bound by confidentiality rules which, however, in case of suspicion that a child is a victim of violence, do not diminish their reporting obligation.

- Criminal acts against human dignity (Article 199, para. 2, letter b); Article 200, para. 2, letter b); Article 201 of the Criminal Code) committed against a child, i.e. a protected person, are classified as criminal offences by the Criminal Code and a reporting obligation relates to them.*

Such an obligation does not pertain to persons who, by reporting a crime, would breach the confessional secrecy or secrecy of information they have received orally or in written form under the seal of secrecy, as persons entrusted with

pastoral care, or persons with a non-disclosure obligation laid down by the law. In accordance with the law, doctors (health care professionals) obliged to report their suspicion of gross or cruel treatment and maltreatment of a patient, in particular a minor or a person deprived of their legal capacity to respective authorities, are exempted from the legally enshrined obligation of confidentiality.

- *In accordance with Article 7 of the Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on amendments to certain acts, as amended, everyone is obliged to notify the authority of socio-legal protection of children and social guardianship about a breach of children's rights.*

The Pedagogical-Organisational Instructions for the school year 2016/2017 (a ministerial regulation of the Ministry of Education, Science, Research and Sport of the Slovak Republic) recommend to monitor the behaviour of children and possible changes, and in case of suspicion that a healthy development of the child is violated, provide protection and resolve the problem without delay and in cooperation with the management of the school and the legal guardians of the child. Furthermore, cooperation with the school psychologist and expert employees of the respective centre for pedagogical-psychological counselling and prevention is advised.

- b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (**Article 12, para. 2, Explanatory Report, para. 91**). Please provide examples of good practice.

Reply:

Persons having a suspicion, in good faith, that a child is sexually exploited or otherwise trafficked, may also anonymously report relevant information at the toll-free National helpline for victims of trafficking in human beings (line 0800 800 818). The helpline serves also for the purpose of identification of possible victims of trafficking, counselling and provision of information to prevent trafficking in human beings.

If the authority of socio-legal protection of children and social guardianship is notified about a breach of children's rights, it is obliged to conceal the identity of the notifier if the latter wishes so, this does not apply when the authority of socio-legal protection of children and social guardianship provides the information to a law-enforcement body, a court or other entity for the purpose stipulated by special regulation (the Criminal Code). The authority of socio-legal protection of children and social guardianship may conceal the identity of the notifier, provided it is inevitable for the sake of the notification's verification.

With the objective to acquaint health care providers with procedures of providing health care to a child believed to be sexually exploited or sexually abused, and to specify the procedure taken by the providers following the notification obligation stipulated in Article 79, para. 4, letter a) of the Act No. 578/2004 Coll. on Health Care Providers, Health Care Workers and Professional Organisations in Health Service and on amendments and supplements to certain acts, the Ministry of Health of the Slovak Republic issued an expert guideline on the symptoms and diagnostics of neglect, maltreatment or abuse of a minor, and the procedure of health care providers in notifying their suspicion of neglect, maltreatment or abuse of the minor.

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (**Article 13, Explanatory Report, para. 92**).

Reply:

Existing helplines may be supported by the ad hoc grant mechanism of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

Currently, the Ministry of Labour, Social Affairs and Family of the Slovak Republic is elaborating a national project, one of whose activities is setting up a national helpline for child victims of violence.

Question 15: Assistance to victims

a. Please indicate which types of assistance described in **Article 14** are provided to victims of sexual exploitation and sexual abuse of children. (**Explanatory Report paras. 93-100**)

Please specify:

- how the assistance is adapted to the victims' age and maturity;
- how due account is taken of the child's views, needs and concerns;
- if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.

Reply:

When implementing measures of socio-legal protection and social guardianship, the authority of socio-legal protection of children and social guardianship proceeds in line with the national law, as well as international conventions pertaining to the protection of children's rights. Building on these documents, protection of the rights and interests of the child is considered a primary consideration in decision-making affecting the child. In these cases, due weight is given to the child's view, with respect to his/her age and maturity. Hence, when implementing respective measures, the authority of socio-legal protection of children and social guardianship respects the need to ascertain child's views in accordance to his/her age and maturity, and presents those views also when representing the child at court proceedings.

The authority of socio-legal protection of children and social guardianship is the body providing socio-legal protection and social guardianship to children whose parents are not able or do not want to exercise their parental rights, or whose parents subject them to physical, mental or sexual abuse or neglect. The authority of socio-legal protection of children and social guardianship implements necessary administrative, social and educational measures for the protection of children from any physical or mental violence, degradation or abuse, including sexual abuse, neglect or negligent treatment, torture or exploitation while being in care of one or both parents, legal representatives or other persons taking care of them.

Providing the authority of socio-legal protection of children and social guardianship during the implementation of measures identifies that the child, the parent or the person taking care of the child are in need of assistance due to incapability to resolve problems or conflicts in the family, or to adjust to a new situation in the family, or identifies that the family is coping with a specific problem and the municipality is not eligible to implement

measures, the authority proposes, as part of the measures being implemented, also realisation of:

- a) mediation as an expert method to facilitate family conflict resolution,*
- b) expert work methods to facilitate adjustment to a new situation in the family or alternative environment, or for adjustment of family and social conditions of the child,*
- c) expert methods of assistance to children or adult natural persons who are victims of trafficking in human beings, or*
- d) counselling and psychological assistance to families with a specific problem and in crisis situations.*

If the authority of socio-legal protection of children and social guardianship is notified about the use of harsh and degrading forms of treatment and punishment of the child, or if the authority identifies their use by the parent or the person taking care of the child in the exercise of measures in accordance with the Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship, it shall employ particular measures in line with the Act, with respect to the nature and severity of those forms of treatment and punishment.

The authority of socio-legal protection of children and social guardianship takes the role of the coordinator if collaboration of other entities and coordination of adoption and realisation of measures of socio-legal protection of children is needed in cases of children who are ill-treated, sexually abused, neglected, or when there is a sound reason to believe that they are. A social worker has a distinct standing in the system of providing crisis intervention and assistance to victims of ill-treatment, neglect or sexual abuse. Not only does he/she step into resolving the problems (social work, crisis intervention), but he/she also fulfils the role of the coordinator.

For every ill-treated and/or sexually abused child, or a child victim of other criminal offence jeopardising his/her favourable mental, physical and social development, a plan of social work with the child or a plan of implementation of educational measures (part of the plan of social work with the child) is tailored. The child, his/her parents or the person taking care of the child shall be provided with assistance to eradicate the reasons that gave ground to imposing the educational measure.

In realising the aims of the educational measures, social workers cooperate with civil service entities, municipalities, schools, health care facilities and other stakeholders active in the implementation of educational measures or in providing aid and assistance to children at risk.

One of the forms of assistance from the part of the authority of socio-legal protection of children and social guardianship is the provision or mediation of the provision of expert counselling services, primarily via departments of counselling and psychological services at the centres of labour, social affairs and family.

For the purposes of crisis intervention, a nonstop 24-hour accessibility of employees of the centres of labour, social affairs and family – departments of socio-legal protection of children and social guardianship, is assured.

Special attention is paid to a situation during an on-going criminal proceeding when the child (victim/injured party) is granted a guardian (the authority of socio-legal protection of children and social guardianship) in case the suspect (the accused/the charged) is one of the parents, or a sibling, due to a conflict of interests.

Crisis centres serve the purpose of assistance to children and adult natural persons who are in a crisis situation. Crisis centres provide for the implementation of measures in case a child, a family or an adult natural person are in a crisis life situation, or safeguard the

execution of court judgment on educational measure, the execution of court judgment on preliminary measure, or the execution of educational measure if a child is ill-treated, sexually abused or is a victim of other criminal offences jeopardising his/her favourable mental, physical and social development.

Crisis centres draw up an individual plan for overcoming the crisis, which includes methods of work with the child, the adult natural person, the family and their close persons. The plan includes the mode of cooperation with the school and the manner of regular informing the legal representative of the child who has yet to complete mandatory schooling. Implementation of an individual plan for overcoming the crisis is evaluated by crisis centres in writing. If the person in a crisis situation is a child, crisis centres evaluate the individual plan in cooperation with the respective authority of socio-legal protection of children and social guardianship.

Crisis centres shall draw up their programmes in writing, including information about primary target groups, the specialisation of the crisis centre, provided the crisis centre specialises in assistance in certain types of crisis situations, or certain age category of children, conditions of admission to the crisis centre, work methods, methodology of work, professional staff, rights and duties of clients, offer of follow-up expert assistance after completing the individual plan for overcoming the crisis, and the capacity if the crisis centre operates in a residential manner. For the sake of the protection and safety of natural persons, crisis centres do not disclose their programme.

Within their competences, municipalities organise programmes of assistance to children and adult natural persons and families endangered by actions of their member(s) or actions of other persons, and provide assistance to a child in urgent cases, particularly when his/her life, health or favourable mental, physical and social development is at risk, or when a child is endangered by actions of a family member/family members, or actions of other natural persons.

In accordance with Article 132 of the Act No. 245/2008 Coll. on Upbringing and Education (the School Act) and on amendments and supplements to certain acts, centres for pedagogical-psychological counselling and prevention provide a comprehensive psychological, special pedagogical, educational and preventive care, as well as diagnostics and counselling to children regarding optimisation of their personality, educational and professional development, development of talents, and elimination of psychological and behavioural disorders.

Centres for pedagogical-psychological counselling and prevention provide counselling to legal representatives of children and pedagogical staff. In cooperation with the family, the school and school facility they provide preventive educational and psychological care to children and their legal representatives, particularly in cases of psychological development disorders and behavioural disorders, and in the event of occurrence of socio-pathological phenomena in the population of children within their territorial scope of action.

Expert counselling and psychotherapy are carried out by expert staff – psychologists. They provide respective assistance and crisis intervention to children and pupils up to 18 years of age, while taking into consideration the specificities of the child's age and his/her mental abilities, as well as his/her current mental and emotional state.

The Ministry of Interior of the Slovak Republic provides assistance and protection to victims of trafficking in human beings via the Programme of Support and Protection for Victims of Human Trafficking, implemented under the Information Centre for Combating Trafficking in Human Beings and for Crime Prevention.

Regarding this matter, the director of the consular department for representative offices of the Slovak Republic abroad issued a regulation, in accordance with which assistance to victims of trafficking in human beings is realised via the International Organisation for Migration in collaboration with representative offices of the Slovak Republic. The assistance primarily involves safeguarding voluntary return of trafficked persons to the Slovak Republic. Minors shall be accompanied by an adult.

Non-governmental organisations play a significant role in providing support and assistance to victims. A number of organisations in Slovak Republic provide free assistance and diverse services to victims of such criminal offences, whether it is legal services, social counselling, psychological counselling, accommodation in crisis centres, or other.

- b. Please specify if and to what extent internal law provides for the possibility of removing **(Article 14, para. 3, Explanatory Report, para. 99)**:
- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
 - the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.

Reply:

In line with Article 325, para. 2, letter e) of the Act No. 160/2015 Coll. the Civil Proceedings Code for Adversarial Proceedings, a court may issue an urgent measure to temporarily prevent the respective party from entering the house or the flat inhabited by the person against which the party is reasonably believed to have perpetrated violence.

Another important institute is ordering the abuser out of the joint dwelling, i.e. the authorisation of a member of the Police Force to order out of a house or a flat or other space co-inhabited by the person who, based on identified facts and previous assaults, poses threat to life, health, liberty or dignity of an endangered person (Article 27a, para. 1 of the Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force, as amended). Effective from January 1, 2016, the period of ordering the person out of the joint dwelling by a Police Force member has been prolonged to 10 days.

If a child finds himself/herself without any care, or if his/her life, health or favourable mental, physical and social development are severely jeopardised and affected, the authority of socio-legal protection of children and social guardianship within the territorial scope of which the child is present, is obliged without delay to file a proposition at a court to issue an interim measure according to a special regulation, and satisfy the fundamental needs of the child and his/her admission to a children's home or a crisis centre.

A child who has to be removed from the environment that poses threat to him/her, or who needs to be provided with expert assistance due to being maltreated, sexually abused, or due to being a victim of a criminal offence jeopardising his/her favourable mental, physical and social development, is placed into a facility for the implementation of courts'

ruling. Institutional care, interim measures and educational measures are implemented also in cases of children in need of increased care due to results of expert diagnostics suggesting the child had been maltreated, sexually abused, or a criminal act endangering his/her favourable mental, physical and social development had been committed against him/her. For this purpose, specialized groups are set up for these children.

c. If internal law does provide for this:

- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?

Reply:

Decision making about urgent measures should proceed in line with the best interests of the child. In accordance with the Act No. 36/2005 Coll. on Family and on amendments and supplements to certain acts, as amended, the best interest of the child is the primary consideration in all decisions affecting him/her. In the process of determining and assessing the best interests of the child, the following should be primarily considered:

a) the level of care for the child,

b safety of the child, as well as safety and stability of the environment,

c) protection of dignity, as well as mental, physical and emotional development of the child,

d) circumstances pertaining to health condition of the child or the disability of the child,

e) threat to development of the child by invading his/her integrity and threat to development of the child by invading mental, physical and emotional integrity of a person who is a close person to the child,

f) conditions for maintaining the identity of the child and for development of his/her abilities and talents,

g) the view of the child and the risk of placing the child in loyalty conflicts and subsequent feelings of guilt

h) conditions for establishment and development of emotional bonds with both parents, siblings and other close persons,

i) utilisation of all means to maintain the family environment of the child when an intervention in parental rights and duties is considered.

- are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (**Article 11, Explanatory Report, paras. 87-88**).

Reply:

In Slovakia, there are several accredited facilities run by non-governmental organisations that have an interdisciplinary character, i.e. the facilities provide multi-faceted support, assistance and integrated services to victims and their relatives or persons responsible for their care.

d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (**Article 38, para. 2, Explanatory Report, paras. 258-259**).

Reply:

From the procedural point of view, this scope of competence is regulated by Article 196, paras. 3 and 4 of the Act No. 301/2005 Coll. the Criminal Procedure Code, as amended,

according to which the injured party (victim) of a crime committed in other European Union member state shall have the right to file a criminal complaint to a Slovak law enforcement body, if he/she could not or did not want to do so in the state where the offence was committed. In case the law enforcement body identifies they do not have the jurisdiction to act, the prosecutor, or through the prosecutor a police officer, shall without any delay refer the complaint to a competent body of the European Union member state within the territory of which the criminal offence was committed.

The Act No. 300/2005 Coll. the Criminal Code, as amended, shall also be applied to determine the criminal liability for a particularly serious felony (under such also fall trafficking in human beings and severe forms of sexual abuse) if the act was committed outside the territory of the Slovak Republic against a Slovak Republic national.

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;

Reply:

Intentional conducts in the box below are considered criminal offences by internal law, the Act No. 300/2005 Coll. the Criminal Code, as amended:

- *sexual abuse (Article 201)*
- *child prostitution (Article 202, para. 1, letter b); Article 367, para. 3)*
- *child pornography (Article 201a; Article 368; Article 369; Article 370)*
- *participation of a child in pornographic performances (Article 370)*
- *corruption of children (Article 201b)*
- *solicitation of children for sexual purposes /grooming/ (Article 201a)*
- *aiding or abetting and attempt (Article 14; Article 337; Article 338; Article 339)*

- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;

- c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;

Reply:

The following are also classified as criminal offences by the Act No. 300/2005 Coll. the Criminal Code, as amended:

- *rape (Article 199, para. 2, letter b))*
/definition: the act of using violence or threat of imminent violence to coerce a woman to have sexual intercourse, or the act of taking advantage of a woman's helplessness/

- *sexual violence (Article 200, para. 2, letter b))*
/definition: the act of using force or threat of imminent force to coerce another to engage in oral sex, anal sex, or any other sexual acts, or taking advantage of another's helplessness for such act/
- *corruption of youth (Article 211)*
/definition: the act of exposing, even by negligence, a person under 18 years of age to the risk of debauchery by enticing such person to leading idle or immoral life; enabling such person to lead idle or immoral life; enabling such person to perform actions which are classified as criminal offences under this Act; enabling such person to perform actions which are classified as misdemeanours by special regulations; or preventing such person from compulsory school attendance/

- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

Reply:

In accordance with the definition stipulated in the Criminal Code, a child is a person under the age of 18 years, unless stated otherwise. Concurrently, a child is classified a protected person, and in case of criminal offences against protected persons, the act imposes higher sanctions. The particular age below 18 years is not taken into consideration when qualifying the act, the person is considered a child and a protected person. Nevertheless, when delivering the judgement, the court always takes into account the severity of the act, including in the context of the particular age of the child victim.

Sexual Abuse (Article 18)

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
2. Engaging in sexual activities with a child where
 - use is made of coercion, force or threats;
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution;
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
3. Having recourse to child prostitution.

Child Pornography (Article 20)

1. Producing child pornography;
2. Offering or making available child pornography;
3. Distributing or transmitting child pornography;
4. Procuring child pornography for oneself or for another person;
5. Possessing child pornography;
6. Knowingly obtaining access, through information and communication technologies, to child pornography.

Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with **Article 26**? Please specify under which conditions.

Reply:

Criminal offences established in accordance with Article 26 are incorporated in Article 3 of the Act No. 91/2016 Coll. on criminal liability of legal persons and on amendments and supplements to certain acts. The conditions are stipulated in Article 4 of the Act as follows:

(1) According to Article 3, a crime is deemed to be committed by the legal person, if the legal person benefits from the crime, the crime was perpetrated on behalf of the legal person, in the scope of their activities or via the legal person, providing the one who acted was:

- a) the statutory body or a member of the statutory body of the legal person,*
- b) a person in charge of control or supervision within the legal person, or*

- c) *another person authorised to represent the legal person, or adopt decisions on their behalf.*
- (2) *According to Article 3, a crime is deemed to be committed by the legal person also if a person mentioned in para. 1 by exercising insufficient supervision or control, if only due to their negligence, facilitated commission of a crime by a person acting within the competences vested in him/her by the legal person.*
- (3) *The legal person shall not be charged with the crime committed in accordance with para. 2 if, with respect to activities pursued by the legal person, the manner of the crime, its consequences and circumstances under which it had been committed, the effect of the failure to fulfil the obligations regarding supervision and control on the part of the body of the legal person, or the person stated in para. 1 is negligible.*
- (4) *Criminal liability of the legal person is not conditional upon incurring criminal liability of any of the natural persons mentioned in para 1 and is not conditional upon identification of the individual who committed the misconduct according to para. 1 and para 2.*
- (5) *Criminal liability of the legal person is not terminated upon adjudication of bankruptcy, entry into liquidation, winding-up or imposition of receivership.*
- (6) *Provisions of Articles 1 to 5 are applicable also if*
- a) *the criminal act was committed in the period after the establishment of the legal entity and before its creation,*
 - b) *the legal person has been established, but the court issued a ruling about its nullity,*
 - c) *legal action supposed to establish authorisation of the legal person to act is invalid or ineffective,*
 - d) *the natural person acting on behalf of the legal person is not criminally liable for such criminal act.*

Question 18: Sanctions and measures

- a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (**Article 27, Explanatory Report, paras. 182-193**);

Reply:

Sanctions for natural persons:

- *sexual abuse: 3 – 20 years of imprisonment*
- *child prostitution: 1 – 8 years of imprisonment*
- *child pornography: 6 months – 8 years of imprisonment*
- *participation of a child in pornographic performances: 0 – 2 years of imprisonment*
- *corruption of children: 0 – 2 years of imprisonment*
- *solicitation of children for sexual purposes (grooming): 6 months – 3 years of imprisonment*
- *aiding or abetting: 0 – 3 years of imprisonment*
- *attempt: punishable in accordance with sanctions for an accomplished criminal offence, providing its punishability has not been terminated. Conditions for terminating punishability of a crime are:*

- *abstaining from further actions leading to accomplishing the criminal offence and eradicating dangers threatening a protected interest, or*
- *reporting the attempt by the perpetrator at the time when averting the eminent danger was possible*

Sanctions for legal persons:

- *dissolution of the legal person*
- *forfeiture of property*
- *forfeiture of a thing*
- *pecuniary penalty*
- *prohibition to perform activities*
- *prohibition to receive grants or subventions*
- *prohibition to receive funding provided from the European Union funds*
- *prohibition of participation in public procurement*
- *publication of the judgement*

- b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (**Article 29, Explanatory Report, paras. 203-208**).

Reply:

Pursuant to Article 7b of the Act No. 300/2005 Coll. the Criminal Code, as amended, the judgement of the court of a different state in a criminal case shall be executed in the territory of the Slovak Republic, or shall have other legal effect providing an international convention or the law state so.

A final and conclusive judgement in criminal matters issued by other European Union member state's court shall be taken into consideration as if it had been issued by a court of the Slovak Republic, given the pertaining criminal offence is punishable also under the law of the Slovak Republic.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (**Article 25, Explanatory Report, paras. 165-176**).

Reply:

The subject matter is regulated in Articles 3 to 7b of the Act No. 300/2005 Coll. the Criminal Code, as amended.

Article 3 Territorial scope

- (1) *This Act shall be applied to determine the criminal liability for an act committed in the territory of the Slovak Republic.*
- (2) *The criminal offence is considered to have been committed in the territory of the Slovak Republic also in cases when the offender*
 - a) *committed the act at least in part in its territory, if the actual breach of or the threat to an interest protected under this Act took place or was intended to take place in whole or in part outside its territory, or*

b) committed the act outside the territory of the Slovak Republic if the actual breach or the threat to an interest protected under this Act was intended to take place in its territory, or such a consequence should have taken effect at least in part in its territory.

(3) This Act shall also be applied to determine the criminal liability for an act committed outside the territory of the Slovak Republic aboard a vessel navigating under the state flag of the Slovak Republic or aboard an aircraft listed on the aircraft register of the Slovak Republic.

Personal Scope

Article 4

This Act shall be applied to determine the criminal liability for an act committed outside the territory of the Slovak Republic by a Slovak Republic national or by a foreign national with permanent residence in the Slovak Republic.

Article 5

This Act shall also be applied to determine the criminal liability for a particularly serious felony if the act was committed outside the territory of the Slovak Republic against a Slovak Republic national, and if the act gives rise to criminal liability under the legislation effective in the place of its commission, or if the place of its commission does not fall under any criminal jurisdiction.

Article 5a

This Act shall be applied to determine the criminal liability for the criminal offence of illicit manufacturing and possession of narcotics or psychotropic substances, poisons or precursors, and trafficking in them (Articles 171 and 172); forgery, fraudulent alteration and illicit manufacturing of money and securities (Article 270); uttering counterfeit, fraudulently altered and illicitly manufactured money and securities (Article 271); manufacturing and possession of instruments for counterfeiting and forgery (Article 272); forgery, fraudulent alteration and illicit manufacturing of duty stamps, postage stamps, stickers and postmarks (Article 274); forgery and fraudulent alteration of control technical measures for labelling goods (Article 275); establishing, masterminding and supporting a terrorist group or its member (Article 297); illicit manufacturing and possession of nuclear materials, radioactive substances, hazardous chemicals and hazardous biological agents and toxins (Articles 298 and 299); plotting against the Slovak Republic (Article 312); terror (Articles 313 and 314); destructive actions (Articles 315 and 316); sabotage (Article 317); espionage (Article 318); assaulting a public authority (Article 321); assaulting a public official (Article 323); counterfeiting and altering a public instrument, official seal, official seal-off, official emblem and official mark (Article 352); jeopardising the security of confidential and restricted information (Article 353); smuggling of people (Article 355); jeopardising peace (Article 417); genocide (Article 418); terrorism and some forms of participation in terrorism (Article 419); brutality (Article 425); using prohibited weapons and unlawful warfare (Article 426); plundering in the war area (Article 427); misuse of internationally recognised and national symbols (Article 428); war atrocities (Article 431); persecution of civilians (Article 432); lawlessness in wartime (Article 433); even if such an act was committed outside the territory of the Slovak Republic by a foreign national without permanent residence in the territory of the Slovak Republic.

Article 6

- (1) *This Act shall be applied to determine the criminal liability for an act committed outside the territory of the Slovak Republic by a foreign national who does not have a permanent residency status in the Slovak Republic also when*
 - a) *the act gives rise to criminal liability under the legislation effective in the territory where it was committed,*
 - b) *the offender was apprehended or arrested in the territory of the Slovak Republic, and*
 - c) *was not extradited to a foreign state for criminal prosecution.*
- (2) *However, the offender referred to in paragraph 1 may not be sentenced to a more severe punishment than the one allowed under the law of the State in the territory of which the criminal offence was committed.*

Article 7 Scope under international treaties

- (1) *This Act shall be applied to determine the criminal liability also if an international treaty binding on the Slovak Republic, ratified, and promulgated in a manner defined by law, states so.*
- (2) *Provisions of Articles 3 to 6 shall not be applied if their use is prohibited by an international treaty binding on the Slovak Republic, ratified and promulgated in a manner defined by law.*

Article 7a Jurisdiction to impose protective measures

- (1) *Protective measure pursuant to this Act and related to the act committed may be imposed if the punishability of the act concerned is assessed in accordance with it.*
- (2) *Provision of the paragraph 1 shall be applied even if the offender of the act, otherwise punishable, is not criminally responsible, or if the person cannot be prosecuted or convicted.*

Article 7b Execution and consideration of a judgement delivered in other state

- (1) *Judgement in criminal matters delivered by a court in other state may be executed or may have other legal effects in the territory of the Slovak Republic only if an international treaty or the law state so.*
- (2) *Final and conclusive judgement in legal matters delivered by a court of other member state of the European Union shall be considered in criminal proceedings in the same manner as if it was delivered by a court of the Slovak Republic, providing it pertains to a criminal offence punishable also under the law of the Slovak Republic.*

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in **Article 28**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 194-202**).

Reply:

Aggravating circumstances are defined by Article 37 of the Criminal Code. Regarding circumstances enumerated in Article 28 of the Convention there is a partial correlation in the following:

- *the offender abused their occupation, profession, function or position to obtain an unlawful or undue advantage (Article 37, letter a))*
- *the offender has already been convicted for a crime, the court may choose not to take into consideration this fact depending on the nature of the previous conviction (Article 37, letter f)).*

In the second case, the aggravating circumstance is general recidivism (i.e. the offender has been repeatedly convicted of a criminal offence, though not necessarily the same or similar criminal offences). In relation to the criminal offences referred to in the Convention, the so-called special recidivism (i.e. the offender has been repeatedly sentenced for similar acts/criminal offences of the same nature) neither represents a constituent element of the offence, nor is taken into consideration as an aggravating circumstance.

Due to the nature and severity of the criminal offences of corrupting morals, grooming, possession of child pornography and participation in pornographic performances, circumstances listed in Article 28 of the Convention do not form constituent elements of the offence, and neither they can be considered aggravating circumstances at these criminal offences (with the exception of general aggravating circumstances stipulated by Article 37).

Concerning criminal offences according to Article 18, para 1, letter b) of the Convention, circumstances according to Article 28, letter d) of the Convention form constituent elements of the offence.

Compliant with the legislation currently in effect, the remaining circumstances according to Article 28 (with the exception of aggravating circumstances enumerated in Article 37 of the Criminal Code) may not be taken into consideration as aggravating circumstances in such criminal offence. In this regard, it is important to note that if severe consequences follow the action of the offender which includes constituent elements of such criminal offence, or the criminal offence was committed under grave circumstances, this action shall be classified as a more severe criminal offence (e.g. if the offender coerced a 17-year old to have sexual intercourse with him, such action shall be classified as rape), or may be classified as concurrence of several criminal offences (e.g. if the offender, due to negligence, caused a grievous bodily harm to the 17-year old during the intercourse).

Regarding most of other relevant criminal offences, circumstances listed in Article 28 of the Convention form elements of the so-called qualified body of the offence (i.e. occurrence of other grave circumstances is required for the body of the offence to be met). In the table below a summary of qualified bodies of the offence are listed according to the Convention, including circumstances listed in Article 28.

Aggravating Circumstances								
		<i>the criminal offence caused severe impairment to physical or mental health of the victim</i>	<i>torture or severe violence preceded or accompanied the criminal offence</i>	<i>the criminal offence was committed against a particularly vulnerable victim</i>	<i>the criminal offence was committed by a family member, a person co-living with the child or a person abusing their position</i>	<i>the criminal offence was committed by several persons acting together</i>	<i>the criminal offence was committed by a criminal group</i>	<i>the offender has been convicted of criminal offences of similar nature in the past</i>
Criminal Offence	<i>sexual abuse (Article 18, para. 1, letter a) of the Convention)</i>	YES	YES	YES	YES	<i>criminal group of at least three persons</i>	NO	NO
	<i>child prostitution</i>	YES	YES	YES	YES	<i>criminal group of at least three persons</i>	YES	NO
	<i>child pornography (production)</i>	YES	YES	YES <i>(particularly against a child below the age of 12 years)</i>	YES	<i>criminal group of at least three persons</i>	YES	NO
	<i>child pornography (dissemination/distribution)</i>	NO	YES	NO	YES	<i>criminal group of at least three persons</i>	NO	NO

Question 21: Measures of protection for the child victim

- a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (**Article 31, para. 1, letter (a) and para. 2**). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;

Reply:

As law enforcement authorities, the police officer and the prosecutor shall, in first contact with the minor victim, provide his/her legal representative, or the guardian (Article 73, para. 2, letter b), point 5 of the Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship; and Article 35, para. 2 of the Criminal Procedure Code), or the proxy (article 54 of the Criminal Procedure Code), with written information about the procedural rights of the injured party and information about organisations providing assistance to victims, including the services they provide (article 49, para. 1 of the Criminal Procedure Code). In case of foreigners, information is provided in translation into the language they understand.

The police officer shall instruct the injured party and his/her legal representative, or eventually the guardian or the proxy, about the rights of the injured party and enable him/her to exercise these rights to the fullest (Article 49, para. 2 of the Criminal Procedure Code).

The police officer shall inform the notifier and the injured party about filing a criminal complaint. Upon completing the investigation, the police officer enables the injured party, his/her proxy or the guardian to study the file in a sufficient due-time and submit proposals for supplementing the investigation.

Detailed information:

Following the amendment to the Criminal Procedure Code effective as of January 1, 2016, and in accordance with Article 49, para. 3 of the Code, the law enforcement authority shall provide the injured party with information about options of accessing health care; information about types of specialised assistance, including psychological support, and other types of support available; information about alternative accommodation; information about procedures pertaining to filing a criminal complaint and information about the standing of the injured party within such procedures; information about conditions of providing protection in case of threat to life or health or risk of damage to property; information about conditions of accessing legal counselling or legal aid; information about the right to interpretation and translation; information about measures the injured party may apply for to protect their interests providing they have habitual residence in other European Union member state; information about the procedure of claiming reparation for rights violation by the law enforcement bodies during criminal proceedings; information about the possibility and conditions of closing a settlement; information about the possibility and conditions of costs replacement for the injured party. The above stated amendments provide for the realisation of the directive 2012/29/EU, hence supplementing the obligation to adequately acquaint the injured party with their rights with respect to their special needs. The aim is to inform the injured party about his/her rights in an understandable manner, and provide further information (out of the scope of procedural rights in criminal proceedings) which is substantial following the commission of the criminal offence. This information is provided with respect to special needs and personal circumstances of the injured party and depending on the type and nature of the criminal offence.

Paras. 6 and 7 of Article 28 of the Criminal Procedure Code were amended to regulate the right of the injured party who does not speak the language used in the proceeding, to translation of primary documents pertaining to the criminal proceeding, as defined by the directive 2012/29/EU. In this regard, regulation of the directive 2012/29/EU builds on the provisions of the Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings that grants similar rights to the accused party.

Translation of such documents are assured by the decision making body upon the request of the injured party. Para. 7 regulates the request for translation of documents other than those stated in para. 6 by the injured party, on the condition that these documents are substantial for the exercise of the injured party's rights in the criminal proceeding in a due manner. The alternative is to request interpretation of the gist of the documents, which is then recorded in the protocol about the procedure act within which the injured party requested the translation. Translations of information substantial for exercising the rights of the victims in criminal proceedings are free of charge.

- b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (**Article 31, para. 1, letter (c)**);

Reply:

Every person shall enjoy the law-guaranteed right to refer to law enforcement bodies if he/she believes that a criminal offence affected his/her health, caused damage to his/her property, caused moral or other damage, or violated his/her rights and freedoms guaranteed by law. Such right shall be enjoyed also by a minor if he/she believes that his/her rights have been breached or threatened.

The standing and the rights of the injured party in criminal proceedings are regulated by the Act No. 301/2005 Coll. the Criminal Procedure Code, as amended. The Criminal Procedure Code does not operate with the term "victim", but it uses the term "injured party", which includes children. The injured party is a party to the criminal proceeding (Article 10, para 11 of the Criminal Procedure Code). During the criminal proceeding, the injured party shall enjoy primarily these rights:

- the right to declare whether he/she agrees with the criminal prosecution (in cases defined by the criminal Procedure Code);*
- the right to claim compensation of the damage;*
- the right to claim concrete proposals with the aim to reach reconciliation or agreement with the accused, also via a probation and mediation officer;*
- the right to state proposals for taking evidence or their supplementation, submit evidence and express his/her views on evidence;*
- the right to have access to and study files, and submit a proposal for further investigation;*
- the right to attend the main trial and the public trial deciding about the appeal;*
- the right to give a closing speech;*
- the right to lodge legal remedies in the extent defined by the Criminal Procedure Code;*
- the right to address a request to the prosecutor to eliminate delays or other shortcomings in steps taken by the Police Force investigator or the authorised Police Force member, at any time during the on-going investigation or the summary procedure;*
- in case the police officer and/or the prosecutor identifies that a child (in the position of the injured party and/or the witness) is endangered due to either a temporary or a definite release of the accused or convicted, the injured party has the right to address a request to the prosecutor in the pre-trial proceeding and the judge in the court trial to be informed about the release or the escape of the accused from custody, or the escape of the convicted from prison; the information shall be delivered to the address the party provides for this purpose;*
- the right to claim compensation in case his/her health has been harmed in result of an intentional violent criminal offence, in line with the conditions set forth by the Act 215/2006 Coll. on compensation to persons injured by violent crimes, as amended.*

If the injured party is legally incapacitated or their legal capacity is limited, their rights are in accordance with Article 48, para 1 of the Act No. 301/2005 Coll. the Criminal Procedure Code, as amended, exercised by a legal representative, who also may authorise a victim assistance organisation to represent the injured party.

In case the legal representative of the injured party is not able to exercise their rights and there is a risk of delay, the presiding judge and in a pre-trial proceeding the judge (upon the prosecutor's proposal) may appoint a guardian for the exercise of these rights.

In case the criminal offence was committed against a close or an entrusted person and if the injured party is a minor, the guardian shall be primarily a state body, in particular the authority of socio-legal protection of children and social guardianship, or a proxy appointed by an organisation providing assistance to victims. Other authorisations and rights of the injured party (a child) in criminal proceedings are regulated by Articles 46 to 54 of the Criminal Procedure Code.

The amendment to the Criminal Procedure Code that came to effect on January 1, 2016 sets forth a new provision 48a, in result of transposition and implementation of the Directive 2012/29/EU of the European Parliament and of the Council to legal framework of the Slovak Republic, hence providing for the right of the injured party to be accompanied by a confidant during the procedural acts of the criminal proceeding. Paras. 2 to 4 of the Article regulate pertaining issues of the implementation of this right. The regulation in question aims to reinforce prevention of negative consequences of a criminal offence and the criminal proceeding on the injured party, including elimination of secondary victimisation. The role of the confidant at the acts of criminal proceeding is to provide necessary support to the injured party, particularly psychological one.

Also, in accordance with Article 12 of the UN Convention on the Rights of the Child, "state parties to this Convention shall assure to the child who is capable of forming his/her own views the right to express those views freely in all matters affecting the child, and the views of the child must be give due weight in accordance with the age and maturity of the child. For this purpose the child shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law"⁷.

- c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (**Article 31, para. 1, letter (d)**);

Reply:

In the Slovak Republic, provision of support services to victims of criminal offences takes the form of legal counselling, social counselling, psychological counselling, crisis accommodation and provision of other services, which are performed primarily by non-governmental organisations that engage in assisting victims of crimes.

Several non-governmental organisations specialise in assistance to victims of sexual abuse, sexual violence, rape and maltreatment. Apart from providing services, such organisation may take the role of a proxy of the injured party in criminal proceedings.

⁷ <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

According to Article 62 of the Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on amendments to certain acts, as amended, crisis centres are the primary facilities providing support services to child victims. For detailed information please see the reply to question 15.

- d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (**Article 31, para. 1, letter (e)**);

Reply:

Respective entities proceed in line with Article 16 of the UN Convention on the Rights of the Child.

Concerning protection of the privacy, the identity and the image of the victim, provisions enshrined in Article 6, para. 2 and para. 3 of the Act No. 301/2005 Coll. the Criminal Procedure Code, as amended, are crucial. In accordance with them, when providing information, the law enforcement authorities and the court are authorised to conceal facts that could thwart or impede the investigation of the matter. Concurrently, they are obliged to respect the presumption of innocence. They also mind not to disclose confidential personal data or facts of private nature, particularly facts concerning family life, residence and correspondence that are directly correlated with the criminal activity. Special attention is paid to the interests of minors, youth and injured parties whose personal data are not disclosed.

- e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (**Article 31, para. 1, letter (f)**);

Reply:

The question was partially answered in replies to questions 3 a., 15 b. and 21 d.

According to Article 136, para. 1 of the Act 301/2005 Coll. the Criminal Procedure Code, as amended, provided there is a sound reason that a witness or his/her close person may be endangered by the disclosure of his/her place of residence, the witness may be allowed to provide the address of his/her workplace or other address for the service of summons.

According to Article 136, para. 2 of the Criminal Procedure Code, if there is a sound reason that the life, health or physical integrity of the witness or his/her close person may be endangered by the disclosure of his/her identity, place of residence, and/or his/her place of stay, the witness may be allowed to withhold his/her personal data.

Prior to interrogating a witness whose identity is to remain confidential, the law enforcement authority and the court shall take all necessary measures to ensure protection of the witness, in particular by changing the physical appearance and voice of the witness, or by conducting the interrogation via technical equipment intended for audio and video transmission. The authorisation for such procedure shall be given by the presiding judge of the senate and in the pre-trial proceeding by the prosecutor.

The issues of witness protection are partially regulated also by the Act No. 256/1998 Coll. on the witness protection, as amended, which defines the conditions and procedure in providing protection and assistance to an endangered witness, a protected witness, and their close persons, in relation to whom the testimony or submission of evidence poses

threat to life or to health, from the part of the perpetrators of crimes which may according to the Criminal Code be punished by life imprisonment, or crimes committed by organised or criminal groups, or crimes classified as criminal acts of terrorism.

If the endangered witness is a minor, a protection agreement in writing is settled on their behalf by their legal representatives. If the protection agreement in writing on behalf of a minor may not be reached with the minor's legal representatives, or they refuse such an agreement and it is in the best interest of the minor to be included in the protection programme, the protection agreement in writing shall be settled by the endangered witness in person, while closing such contract is subject to prior approval of the court.

Protection of victims of trafficking in human beings is safeguarded via the Programme of Support and Protection for Victims of Human Trafficking.

The Criminal Code sets forth several institutes to criminalise action pertaining to retaliation or intimidation (Article 140 of the Criminal Code).

- f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (**Article 31, para. 1, letter (b)**);

Reply:

In case a police officer and/or a prosecutor identify that a child (in the position of the injured party and/or the witness) is endangered due to release of the prosecuted or the convicted person, either temporarily or definitely, they provide the legal representative, or the legal guardian in the criminal proceeding (Article 48, para. 2 of the Act No. 301/2005 Coll. the Criminal Procedure Code, as amended) with information about the prosecuted or the convicted person's release or escape, or information about the decision not to detain the prosecuted person while replacing custody (Article 46, para. 8 and Article 72, para. 1, letter f) of the Criminal Procedure Code).

The court shall provide the legal representative of a child with information about the prosecuted/convicted being released if this poses threat to the child.

- g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (**Article 31, para. 1, letter (g)**);

Reply:

Act No. 204/2013 Coll. amending and supplementing Act No. 300/2005 Coll. the Criminal Code, as amended, and which amends and supplements certain acts, effective as of August 1, 2013, in line with the transposed directives (Directive 2011/93/EU of the European parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children, and child pornography, replacing the Council Framework Decision 2004/68/JHA and Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA) reinforced the protection of child victims of trafficking in human beings and child victims of other criminal offences against human dignity by enacting that confrontation of the accused with the child victim/witness under the age of 18 years may

be executed only exceptionally, provided this is necessary for clarifying the matter, while such a procedure shall not be applied under no circumstances in case of a child victim/witness below the age of 15 years (Article 125, para. 4 of the Criminal Procedure Code). The aim of this legal regulation is to eliminate the risk of secondary victimisation of child victims by preventing direct contact with the perpetrator in criminal proceedings.

For further relevant information please see reply to question 23 a.

- h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (**Article 31, para. 3**).

Reply:

Pursuant to Article 47, para. 6 of the Act No. 300/2005 Coll. the Criminal Code, as amended, in the pre-trial proceeding the judge for the pre-trial proceeding after the charges are brought and upon the proposal of the prosecutor, and in court proceedings the presiding judge with or without a proposal of the prosecutor, may appoint a lawyer representative to the injured party claiming compensation for the damage and not having sufficient means to settle pertaining expenses, if the judge/the presiding judge considers it necessary for protecting the interests of the injured party. The lack of sufficient means shall be proved by the injured party.

The question of access to legal aid provided free of charge is to be subject to further regulations within the drafting process of the act on protection of victims.

Question 22: Investigations and criminal measures to protect the child victim

- a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (**Article 30, para. 2, Explanatory Report, paras. 211-215**);

Reply:

Please see replies to questions 3 a., 15, 21 and 23 a.

- b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (**Article 32, Explanatory Report, para. 230**);

Reply:

In accordance with Article 2, para. 6 of the Criminal Procedure Code, when prosecuting criminal offences defined by the Convention, the law enforcement bodies act out of official duty (i. e. prosecution is not conditioned upon a notification from other party). Compliant with Article 207 of the Criminal Procedure Code, prosecution of criminal offences listed in the Convention is not conditioned upon agreement of the injured party.

- c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with **Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b**, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (**Article 33, Explanatory Report, paras. 231-232**);

Reply:

In compliance with Article 87, para. 5 of the Act No. 300/2005 Coll. the Criminal Code, as amended, limitation period of the criminal prosecution shall begin not earlier than three years after a person against which the offence of trafficking in human beings (Article 179), sexual abuse (Articles 201 to 202), battering a close person and a person entrusted into one's care (Article 208), and/or production of child pornography (Article 368) was committed, reached the age of 18 years.

- d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (**Article 31, para. 4**). Please also describe under which conditions it is possible;

Reply:

The question was partially answered in the reply to question 21 b.

In accordance with Article 48, paras. 1 and 2 of the Act No. 301/2005 Coll. the Criminal Procedure Code, as amended, in case of criminal offences committed against a close or an entrusted person where the injured party is a minor and the legal representative of the injured party is not able to realise his/her rights, the court appoints a guardian for the minor in the criminal proceeding. The role of a guardian in criminal proceedings is taken primarily by a state body (in practice most often the authority of socio-legal protection of children and social guardianship) or an appointed representative of a victim assistance organisation.

The authority of socio-legal protection of children and social guardianship in the role of a guardian appointed by the court is authorised to propose taking evidence and supplementing evidence, to submit evidence, have access to and study the files, attend the main trial, express their views to provided evidence, it has the right to give the concluding speech and the right to lodge legal remedies in the extent defined by the Criminal Procedure Code. Furthermore, it accompanies the child throughout the whole criminal proceeding, informs the child about the next steps, explains the importance of individual actions, supports the child, etc. Not less important competences and expertise include the ability to communicate with the child and inform him/her with respect to his/her age and intellectual maturity.

In line with Articles 53 and 54 of the Criminal Procedure Code, the party and the injured party (or possibly their legal representative or guardian) may have themselves represented by a proxy. The proxy may be an appointed representative of an organisation assisting victims.

- *A proxy may only be a person whose legal capacity is not diminished, and he/she may not be a person summoned as a witness, an expert, an interpreter or a translator at the main trial and public session.*
 - *A proxy at a criminal proceeding disclosing confidential information may only be a lawyer, or a person who is entitled to acquaint himself/herself with confidential information in the relevant realm.*
 - *A proxy is authorised to submit proposals for taking evidence, apply for legal remedies, and attend all procedures that can be attended by the party or the injured party on behalf of the party or the injured party.*
- e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (**Article 31, para. 5**). Please specify under which conditions, if so required;

Reply:

Please see reply to question 22 d.

- f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (**Article 30, para. 5**);

Reply:

The Criminal Code sets ground for several provisions having confidential character within criminal proceedings. Provision of Article 113 of the Criminal Code allows for monitoring of persons and things (regarding all criminal offences established in accordance with the Convention) upon reasonable assumption that facts to be obtained by the monitoring prove to be substantial for the criminal proceeding; provision of Article 111 regulates execution of a controlled delivery (in all criminal offences established in accordance with the Convention); provisions of Article 114 and Article 115 regulate secret making of visual, audio and audio-visual records, and wiretapping of persons (regarding all criminal offences established in accordance with the Convention). A wiretap order shall be issued providing there is a reasonable assumption that the facts to be established by the procedure prove to be substantial for the criminal proceeding. The order shall be issued if such objective cannot be achieved otherwise or if achieving it otherwise is significantly hindered. In case wiretapping and recording telecommunication operations reveal that the accused communicates with his/her defence lawyer, information established in such manner shall not be used for the purpose of the criminal proceeding and shall be destroyed without delay by a specified practice; this does not apply to information pertaining to matters in which the lawyer does not represent the accused as a defence lawyer.

Article 117 of the Criminal Procedure Code defines an agent for the purpose of detection of criminal activity, if detecting, investigating and convicting perpetrators of criminal offences in question are significantly hindered and already established facts support the suspicion that a criminal offence had been committed or is to be committed (pertaining to all criminal offences according to the Convention, except grooming; corrupting morals; possession of child pornography; participation in pornographic performance; sexual abuse according to Article 18, para. 1, letter b); and transmitting/distribution of child pornography, provided no circumstances stated in the table in reply to question 20 occurred during the transmitting/distribution).

Provisions of Articles 108 to 110 of the Criminal Procedure Code allow for, in case it is crucial for the investigation of facts substantial for the criminal proceeding, withholding, opening and substitution of content of a mailing/package (pertaining to all criminal offences according to the Convention, except grooming; corrupting morals; possession of child pornography; participation in pornographic performance; sexual abuse according to Article 18, para. 1, letter b); and transmitting/distribution of child pornography, provided no circumstances stated in the table in reply to question 20 occurred during the transmitting/distribution).

Provision of Article 112 of the Criminal Procedure Code allows for the realisation of a counterfeit transfer (in the form of counterfeit purchase, sale, etc.) pertaining to all criminal offences established in accordance with the Convention.

- g. Please also describe what techniques have been developed for examining material containing pornographic images of children (**Article 30, para. 5**).

Reply:

Professionals at the department of informatics criminality of the Criminal Police Office of the Presidium of the Police Force have been retrained in the issues pertaining to the existence and functioning of the international database of sexually abused children administrated by INTERPOL. Methods and procedures for examining corresponding materials build on current scientific knowledge. Respective details shall not be disclosed due to severity of the matter.

These professionals are also engaged in the identification of victims already registered in the database as well as in the contribution to the database.

Question 23: Child friendly interviewing and proceedings

- a. Please describe how interviews (**Article 35**) with child victims are carried out, indicating in particular whether:
- they take place without unjustified delay after the facts have been reported to the competent authorities;
 - they take place, where necessary, in premises designed or adapted for this purpose;
 - they are carried out by professionals trained for this purpose;
 - the same persons are, if possible and where appropriate, conducting all interviews with the child;
 - the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;
 - the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

Reply:

In case the victim of a criminal offence is a child, the Police Force proceed particularly considerately and without delay. Interrogation represents a substantial procedure and means of evidence.

In its reply to the list of issues addressed by the UN Committee on the Rights of the Child, the Slovak Republic submitted the following information:

“In order to protect minor victims and witnesses of crimes against their secondary victimisation, Section 135 of the Code of Criminal Procedure sets forth a special procedure of prosecuting authorities if a person younger than 18 years (the original age

limit of 15 years changed with effect from 1 August 2013) is questioned as a witness in criminal proceeding about matters the recollection of which could, given his/her age, adversely affect his/her mental and moral development. Interrogation of such persons should be carried out very considerately and in terms of its content eliminating the need for its repetition in further proceeding. Such person shall be questioned again in further proceeding only when necessary and in the pre-trial proceeding only with the prosecutor's consent.

Section 135 Subsection 3 of the Code of Criminal Procedure provides for a special procedure for questioning a person under 18 years of age, and if a criminal offence is committed against a close or entrusted person (a person under guardianship), or if it is clear from the circumstances of the case that re-questioning a person under 18 years of age (the original age limit of 15 years was changed as from 1 August 2013) could affect mental and moral development of the person. In such case, the interrogation shall be carried out using technical equipment designed for audio and video recording so that a person younger than 18 years could be questioned in further proceeding only in exceptional cases. Any further interrogation in pre-trial proceeding may only be carried out with the consent of a legal guardian or a curator.”⁸

Interrogation of children is conducted in special rooms which are adapted for child victims. Pursuant to current situation, the Police Force is planning to increase the number of special interrogation rooms by 2020 by establishing such rooms in selected departments with the objective to eliminate secondary victimisation.

A police officer communicates with a child victim from the very beginning. Interrogation is attended also by a pedagogue, a social worker, a psychologist and an expert who with respect to the subject matter and the stage of mental maturity of the child contributes to proper conduct of the interrogation. In general, the same persons communicate with the child throughout the investigation. Interrogation is conducted in a particularly considerate manner and content-wise so that the need to repeat it in further proceeding is eliminated. Providing this can contribute to its proper conduct, the legal guardian of the child is invited to attend the interrogation.

The parent of the child can attend the interrogation only in case of no conflict of interests with the child or the other parent, and providing his presence is beneficial to the interrogation of the child.

Presence of other persons, such as the guardian, is conditioned also on the decision of the investigator.

Please see also replies to questions 3 a., 8 a., 21 e. and 21 g.

- b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

Reply:

Please see reply to question 23 a.

⁸ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/096/18/PDF/G1609618.pdf?OpenElement>

- c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (**Article 36**).

Reply:

Pursuant to Article 249 of the Act No. 301/2005 Coll. the Criminal Procedure Code, as amended, main trials are open to the public. The objective is to provide the public with the possibility to follow the dealing with the matter, hence maximising the educational effect of criminal proceedings on the public.

The public may be excluded from the main trial only in case dealing with the matter in the presence of the public would pose threat to a secret protected by special regulation, public order, morals or safety, or such procedure is substantially in the interest of the accused, the injured party or their closed persons or witnesses. The public shall be excluded during examination of an agent and if protection of confidential facts is at stake. The public may be excluded also for one part of the main trial.

In accordance with Article 262 of the Criminal Procedure Code, in case of concern that a witness refuses to give a true statement in the presence of the accused, or in case of examination of a witness whose testimony poses threat to health or life or other danger to him/her or his/her close person, or in case of examination of an agent or a witness whose identity shall be undisclosed due to substantial reasons, the presiding judge of the senate takes adequate measures to ensure safety or confidentiality and anonymity of the witness, and possibly excludes the accused, his/her confidants and the public from the interrogation of such witness in the courtroom.