

# Protection of Children against Sexual Abuse in the Circle of Trust: Legal Frameworks (Lanzarote Convention Monitoring Questionnaire)

Fields marked with \* are mandatory.

## Introduction

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1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of all forms of child sexual abuse. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

2. The Committee of the Parties to the Convention (also known as the “Lanzarote Committee”), established to monitor whether Parties effectively implement the Convention (Article 1 § 2), decided that:

*“1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.*

*2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.*

*3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Lanzarote Committee.”[1]*

### **The notion of the circle of trust**

3. In January 2018, the Lanzarote Committee concluded its first monitoring round “Protection of children against sexual abuse in the circle of trust”. The notion of “circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, and any other persons with whom the child has relations, including his/her peers.[2]

### **The previous and current monitoring rounds on the circle of trust**

4. The two implementation reports adopted as a result of the first monitoring round evaluated the frameworks and strategies put in place by the 26 States Parties to the Lanzarote Convention which had ratified it by the time the monitoring round was launched[3]. Since then, the Convention has been ratified by 22 other Parties,[4] and numerous changes have taken place in the subject area due to the development of international standards and national reforms. Furthermore, a child’s circle of trust remains the environment

where the vast majority of sexual abuse occurs.[5] The Committee therefore decided to come back to the subject matter of the first monitoring round in 2023, to both take stock of the situation in the 22 Parties that had not been examined in the first round and to evaluate the follow-up given to the Committee's recommendations by the 26 Parties that had.

5. All of the current 48 Parties will be monitored at the same time to create a momentum around specific aspects of the monitoring theme. To ensure a more accurate reflection of the situation in the Parties and a speedier publication of intermediary results, the monitoring round will be divided into several parts and conducted on the basis of information submitted by the Parties and other stakeholders in response to questionnaires specific for each part.

#### ***Involvement of civil society and other relevant stakeholders in the monitoring round***

6. In accordance with paragraph 4 of Rule 26 of the Lanzarote Committee's Rules of Procedure, the Secretariat shall seek the views of the representatives of civil society and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children on the implementation of the Convention by Parties, in particular by asking them to comment on the replies to this questionnaire or by any other means (e.g. by offering the observers and participants in the Lanzarote Committee to submit any relevant information they may have with regard to any Party to the Convention by replying directly to some or all of the questions of this questionnaire). These comments and replies will be transmitted by the Secretariat to the Party(ies) concerned and made public.

#### ***Type of questions and elements to be borne in mind when replying***

7. Each of the questionnaires of this monitoring round will contain questions derived from the Committee's first monitoring round recommendations and findings, as well as a few new questions based on the Committee's adopted texts and international standards that have emerged in the meantime, including the case-law of the European Court of Human Rights, to gather information for capacity-building purposes. The first part of the monitoring round will assess the legal framework and related procedures with respect to sexual abuse of children in the circle of trust ("Legal frameworks").

8. This specific first questionnaire was adopted by the Lanzarote Committee on 2 June 2023. It is recalled that, in accordance with Rule 26 of the Lanzarote Committee's Rules of Procedure:

*"...2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".*

*3. Parties shall submit their replies in one of the official languages of the Council of Europe to the secretariat within the time limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public.*

*5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation."*

9. In addition, Parties are kindly requested to:

- answer the questions with regard to central, regional and local levels to the extent possible. Federal States may, in respect of their sovereign entities, answer the questions in a summarised way;
- provide, whenever questions/answers refer to it, the relevant text (or a summary) of legislation or other regulations in English or French;

- answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.

10. The term “national legal framework” used in the questionnaire includes not only laws but also all forms of regulations (decrees, resolutions, administrative directions, instructions, and any other decisions creating legal consequences for more than one individual) and higher courts’ directive rulings.

11. The questions asked concern the legal frameworks pertaining to both online and offline forms of activity. Should your national legal framework distinguish between them, please provide details.

12. As indicated above, some of the questions are included for capacity-building purposes. Therefore, nothing in the wording of these questions should be taken as an indication of a preferred state of affairs or course of action.

13. The questionnaire uses a colour-coded system to help you differentiate questions based on the Lanzarote Committee’s 1st monitoring report’s “invite” recommendations (in blue) and “urge”/ “consider” recommendations (in red). The questions based on the European Court of Human Rights’ case law and the Committee’s adopted texts are coloured red. The questions included for capacity-building purposes are coloured blue.

14. Some of the questions are addressed only to specific Parties found to be not in compliance with a particular requirement of the Convention in the first monitoring round, or to those Parties and to the 22 Parties which had not been evaluated during the first monitoring round. All other questions are meant to be replied to by all Parties.

[1] Rule 24 of the Lanzarote Committee’s [Rules of Procedure](#)

[2] See [1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”](#), p. 12. Examples of the different categories of persons may be found in paragraphs 123-125 of the [Explanatory Report to the Lanzarote Convention](#)

[3] Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Spain, Türkiye and Ukraine

[4] Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Estonia, Georgia, Germany, Hungary, Ireland, Latvia, Liechtenstein, Monaco, Norway, Poland, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom

[5] See the [Explanatory Report to the Lanzarote Convention](#), paras. 48 and 123-125

## IDENTIFICATION OF THE RESPONDER

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\* Name of the Party responding or concerned by your response

Slovak republic

\* Name of the contact person/coordinator

\* Email address of the contact person/coordinator

## KEY NOTIONS Question 1. Does your national legal framework:

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a. **have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?**<sup>[6]</sup> If yes, please provide a copy of the relevant provision(s).

[6] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework” adopted by the Lanzarote Committee on 4 December 15, Recommendation 3.

- Yes  
 No

If appropriate, please provide more information (1.a No)

It is not listed as a separate sexual offence against children but misuse of a recognised position that results from trust, authority or influence, is one of the basic facts of the criminal offence of sexual abuse according to section 202(1)(c) of the act no. 300/2005 coll. The Criminal Code, as amended (hereinafter only The Criminal Code).

Sexual abuse, section 202

(1) Whoever encourages a child to have extramarital intercourse or otherwise sexually abuses him or her, if  
a) such a child is entrusted to his or her care or under his or her supervision or if such a child is his or her dependent person,

b) it is child prostitution, or

c) misuses a recognised position that results from trust, authority or influence over a child, shall be punished by imprisonment for one to five years.

(2) The offender shall be punished by imprisonment for two to eight years if he or she commits the act referred to in paragraph 1

a) exerting duress, or

b) acting jointly in cooperation with at least two persons.

(3) The offender shall be punished by imprisonment for three to ten years if he or she commits the act referred to in paragraph 1 and directly endangers the life of a child.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + Belgium and Luxembourg] establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”?**<sup>[7]</sup> If yes, please indicate the specific legal provision.

[7] *Ibid.*, Recommendation 2

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.b Yes)

Misuse of a recognised position that results from trust, authority or influence over a child is a mandatory feature of the objective aspect of the basic facts of the criminal offence of sexual abuse, and thus does not constitute an aggravating circumstance.

Sexual abuse of children under the age of 15 - the crime of sexual abuse according to § 201 of the Criminal Code - the fact that the victim is a "protected person", in this case a close person or a dependent person - if the crime is committed against a so-called protected person, it is an aggravating circumstance. According to the provisions of the law, a protected person is defined as a child, a close person, a dependent person and other exhaustively named persons (§ 139 of the Criminal Code)

Sexual abuse (§ 201 of the Criminal Code)

(1) Whoever commits sexual intercourse with a person younger than fifteen years or who otherwise sexually abuses such a person shall be punished by imprisonment for three to ten years.

(2) The offender shall be punished by imprisonment for seven to twelve years if he commits the act referred to in paragraph 1

- a) a more serious way of acting,
- b) on a protected person,
- c) for a special motive, or
- d) joint action of at least two persons.

(3) The offender shall be punished by imprisonment for twelve to fifteen years if he commits the act referred to in paragraph 1 and

- a) causes serious injury to health, or
- b) immediately endangers the life of the child.

(4) The offender shall be punished by imprisonment for fifteen to twenty years if he commits the act referred to in paragraph 1

- a) and causes death by it, or
- b) in a crisis situation

Sexual abuse (§ 202 of the Criminal Code)

(1) Whoever encourages a child to have extramarital intercourse or otherwise sexually abuses him or her, if

- a) such a child is entrusted to his or her care or under his or her supervision or if such a child is his or her dependent person,
- b) it is child prostitution, or
- c) misuses a recognised position that results from trust, authority or influence over a child, shall be punished by imprisonment for one to five years.

(2) The offender shall be punished by imprisonment for one to five years if he or she commits the act referred to in paragraph 1

- a) exerting duress, or
  - b) acting jointly in cooperation with at least two persons.
- (3) The offender shall be punished by imprisonment for three to ten years if he or she commits the act referred to in paragraph 1 and directly endangers the life of a child.

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c. [list specific categories of adults in contact with children automatically qualifying as holding this position?](#)<sup>[8]</sup>

[8] *Ibid*, Recommendation 4. Examples: members of the extended family (including new partners), persons having caretaking functions (including trainers of any kind) or exercising control over the child professionally or on a voluntary basis (including persons who look after children in their leisure-time) and any other person trusted by the child (including other children).

- Yes
- No

If appropriate, please provide more information (1.c No)

This is a broad group of people who are assessed ad hoc. It is any position that inspires trust in the victim or exerts authority over the victim. He or she can inspire trust and exert authority in various ways, such as through his or her achievements or abilities. In general, these are mainly parents, educators, resocialisation centre employees and teachers, but can also include high-ranking state officials and scientists.

The Criminal Code does not contain any specific calculation of the perpetrators, the status of the perpetrator can in some cases be derived indirectly from the definition of the victim as a protected person, where in some definitions of the protected person a certain relationship of the victim to the perpetrator is a prerequisite, such as close person, entrusted person, dependent person. Only the law enforcement authorities and the court can assess in a specific case whether the perpetrator has a position from which he will abuse e.g. trust of the victim.

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d. [define the notion of “circle of trust”?](#)<sup>[9]</sup>

[9] *Ibid*

- Yes
- No

If appropriate, please provide more information (1.d No)

Here you can upload any file(s) in support of your answer

**VICTIMS' AGE Question 2. Does your national legal framework:**

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a. [for 22 Parties + Italy, Portugal, San Marino, and Türkiye] provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence?<sup>[10]</sup>Please refer to the specific legal provisions.

[10] *Ibid.*, Recommendation 6

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (2.a Yes)

The material object of the attack within the facts of the criminal offence of sexual abuse according to section 202 of the Criminal Code is a child, who, in accordance with section 127(1) of the Criminal Code is considered a person who is younger than 18 years, unless the law provides otherwise. This means a male or female person between 15 and 18 years old. It cannot be a person who is younger than 15 years, because these persons are primarily protected by Section 201 of the Criminal Code.

Sexual abuse (§ 201 of the Criminal Code)

(1) Whoever commits sexual intercourse with a person younger than fifteen years or who otherwise sexually abuses such a person shall be punished by imprisonment for three to ten years.

(2) The offender shall be punished by imprisonment for seven to twelve years if he commits the act referred to in paragraph 1

- a) a more serious way of acting,
- b) on a protected person,
- c) for a special motive, or
- d) joint action of at least two persons.

(3) The offender shall be punished by imprisonment for twelve to fifteen years if he commits the act referred to in paragraph 1 and

- a) causes serious injury to health, or
- b) immediately endangers the life of the child.

(4) The offender shall be punished by imprisonment for fifteen to twenty years if he commits the act referred to in paragraph 1

- a) and causes death by it, or
- b) in a crisis situation

Sexual abuse (§ 202 of the Criminal Code)

(1) Whoever encourages a child to have extramarital intercourse or otherwise sexually abuses him or her, if

- a) such a child is entrusted to his or her care or under his or her supervision or if such a child is his or her dependent person,
- b) it is child prostitution, or
- c) misuses a recognised position that results from trust, authority or influence over a child, shall be punished by imprisonment for one to five years.

(2) The offender shall be punished by imprisonment for two to eight years if he or she commits the act referred to in paragraph 1

- a) exerting duress, or
- b) acting jointly in cooperation with at least two persons.

(3) The offender shall be punished by imprisonment for three to ten years if he or she commits the act referred to in paragraph 1 and directly endangers the life of a child.

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b. **[for 22 Parties + North Macedonia and Ukraine]** indicate that the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence?<sup>[1]</sup> Please provide details.

[1] *Ibid.*, Recommendation 5

- Yes  
 No

If appropriate, please provide more information (2.b No)

The material object of the attack within the facts of the criminal offence according to section 202 of the Criminal Code is a child, who, in accordance with section 127(1) of the Criminal Code is considered a person who is younger than 18 years, unless the law provides otherwise. However, it cannot be a person who is younger than 15 years, because these persons are primarily protected by Section 201 of the Criminal Code. The definition of a child given in section 127 of the Criminal Code is based on the definition of a child given in article 1 of the Convention on the Rights of the Child. The above-mentioned article of the Convention states that for the purposes of the Convention, a child means any human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier. Under the conditions of the Slovak Republic, age became the key criterion regarding the criminal law definition of a child from the point of view of substantive law, regardless of whether the person has reached the age of majority in the sense of section 8 of the act no. 40/1964 Coll. the Civil Code, as amended.

The Criminal Code distinguishes circumstances excluding criminal responsibility, where a natural person cannot be a criminally responsible offender due to lack of age.

The specific wording of the provision according to Criminal Law no. 300/2005 Coll.

Age (§ 22 of the Criminal Code)

(1) Anyone who has not reached the age of fourteen at the time of committing an otherwise criminal act is not criminally liable.

(2) Anyone under the age of fifteen at the time of the crime is not criminally liable for the criminal act of sexual abuse pursuant to Section 201.

Here you can upload any file(s) in support of your answer

## SCOPE OF OFFENCE Question 3. Does your national legal framework criminalise sexual abuse of children:

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a. **where the offender abuses a recognised position of influence?** <sup>[12]</sup> Please refer to the specific legal provisions.

[12] *Ibid.*, Recommendation 1

- Yes  
 No



Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.a Yes)

Based on the facts of the criminal offence of sexual abuse according to section 202(1)(c) of the Criminal Code, the actions of an offender who has a recognised influential position, for example, the actions of a high-ranking state official or a scientist can also be punished. The actions of an offender who abuses his or her influential position in the case of sexual abuse could, under certain circumstances (fulfilment of other elements of the facts of the case), also be penalised on the basis of the facts of the criminal offence of sexual abuse according to section 201(2)(a) of the Criminal Code, while more serious actions according to section 138(h) of the Criminal Code mean a violation of an important obligation resulting from the offender's employment, position or function or an obligation imposed on him or her by law.

The specific wording of the provision according to Criminal Law no. 300/2005 Coll. :

Sexual violence (§ 200 of the Criminal Code)

(1) Whoever forces another person to perform oral intercourse, anal intercourse or other sexual practices by force or the threat of immediate violence, or who exploits his defenselessness for such an act, shall be punished by imprisonment for five to ten years.

(2) The offender shall be punished by imprisonment for seven to fifteen years if he commits the act referred to in paragraph 1 a) in a more serious manner,

b) on a protected person,

3) The offender shall be punished by imprisonment for fifteen to twenty years if he commits the act referred to in paragraph 1 and a) causes serious injury to his health, or

b) immediately endangers the life of the child.

(4) The offender shall be punished by imprisonment for twenty to twenty-five years if he commits the act referred to in paragraph 1 a) and causes death, or

b) in a crisis situation.

Sexual abuse (§ 201 of the Criminal Code)

(1) Whoever commits sexual intercourse with a person younger than fifteen years or who otherwise sexually abuses such a person shall be punished by imprisonment for three to ten years.

(2) The offender shall be punished by imprisonment for seven to twelve years if he commits the act referred to in paragraph 1 b) on a protected person,

(3) The offender shall be punished by imprisonment for twelve to fifteen years if he commits the act referred to in paragraph 1 and a) causes serious injury to his health, or

b) immediately endangers the life of the child.

(4) The offender shall be punished by deprivation of liberty for fifteen to twenty years if he commits the act referred to in paragraph 1 a) causes death

Sexual abuse (§ 201a of the Criminal Code)

Whoever, through an electronic communication service, proposes a personal meeting with a child under the age of fifteen with the intention of committing a criminal offense of sexual abuse or the criminal offense of producing child pornography against him, while he himself is not a child, shall be punished by imprisonment for six months to three years.

Sexual abuse (§ 201b of the Criminal Code)

(1) Whoever abuses a child under the age of fifteen with the intention of inducing sexual gratification through his participation in sexual activities or sexual abuse, although such a child may not directly participate in them, or who enables such abuse, shall be punished by imprisonment for up to two years.

(2) The offender shall be punished by imprisonment for one to five years if he commits the act referred to in paragraph 1 by the joint action of at least two persons.

Sexual abuse (§ 202 of the Criminal Code)

- (1) Whoever induces a child to have extramarital sex or otherwise sexually abuses him, if a) such a child is entrusted to his care or under his supervision or a dependent person,  
b) it is child prostitution, or  
c) misuses a recognized position resulting from trust, authority or influence over a child, shall be punished by imprisonment for one to five years.
- (2) The offender shall be punished by imprisonment for two to eight years if he commits the act referred to in paragraph 1  
a) using coercion, or  
b) joint action of at least two persons.
- (3) The offender shall be punished by imprisonment for three to ten years if he commits the act referred to in paragraph 1 and directly endangers the life of a child.

Intercourse between relatives (§ 203 of the Criminal Code)

- (1) Whoever commits sexual intercourse with a relative in the direct line or with a sibling shall be punished by imprisonment for up to two years.
- (2) The offender shall be punished by imprisonment for one to five years if he commits the act referred to in paragraph 1 on a protected person.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + Belgium] where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim's spouse or marital partner?**<sup>[13]</sup> Please refer to the specific legal provisions.

[13] *Ibid.*, Recommendation 7

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.b Yes)

The material object of the attack within the facts of the criminal offence according to section 202 of the Criminal Code is a child, who, in accordance with section 127(1) of the Criminal Code is considered a person who is younger than 18 years, unless the law provides otherwise. However, it cannot be a person who is younger than 15 years, because these persons are primarily protected by Section 201 of the Criminal Code. The definition of a child given in section 127 of the Criminal Code is based on the definition of a child given in article 1 of the Convention on the Rights of the Child. The above-mentioned article of the Convention states that for the purposes of the Convention, a child means any human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier. Under the conditions of the Slovak Republic, age became the key criterion regarding the criminal law definition of a child from the point of view of substantive law, regardless of whether the person has reached the age of majority in the sense of section 8 of the act no. 40/1964 Coll. the Civil Code, as amended, i.e. regardless of whether or not the person reached the age of majority by getting married before reaching the age of 18.

According to section 202 of the Criminal Code, only cases of extramarital (partner) intercourse can be prosecuted, but not intercourse between spouses. In the case of another type of sexual abuse, it is not relevant for the criminal character of the offence whether the persons who are married or are only in a partnership.

According to the Criminal Code, a child is defined as a person under the age of 18, and the conclusion of a marriage before reaching this age does not affect the assessment of the child as a protected person, this means that if a crime is committed against such a person, it will not have an impact and this person will continue to be considered for a protected person.

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c. **[for 22 Parties + the Republic of Moldova] where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?**<sup>[14]</sup> Please refer to the specific legal provisions.

[14] *Ibid.*, Recommendation 8

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.c Yes)

To fulfil the characters of the facts of the criminal offence of sexual abuse according to section 202(1)(c) of the Criminal Code, the offender does not need to exert duress, force or threat. The exertion of duress is a circumstance that conditions the application of a higher penalty rate in the sense of section 202(2)(a) of the Criminal Code.

So according to the provisions of Section 202 of the Criminal Code, violence or the threat of violence is not required in the basic facts (paragraph 1). If the perpetrator uses coercion - this is an aggravating circumstance and a qualified fact (paragraph 2) with a higher penalty rate.

Here you can upload any file(s) in support of your answer

## SCOPE OF OFFENCE Question 4. Does your national legal framework:

a. **criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?**<sup>[15]</sup>

Please specify which other acts are covered and whether violation of a child's "sexual integrity" specifically is criminalised.

[15] *Ibid.*, Recommendation 9

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.a Yes)

Intercourse means the union of the genitals of a man and a woman, in this case the union of the genitals of the offender and the child. Even partial penetration of the genital organ is considered to be perfect intercourse, and such an action cannot be legally qualified as an attempt. The term "intercourse" must be carefully distinguished from sexual intercourse, which can be defined as any way of expressing sexual impulses on the body of another person. In the event that it is only a matter of touching individual organs, but not of penetration, the given action of the offender can be legally qualified as an attempted criminal act of sexual abuse according to section 14(1) of the Criminal Code to section section 201(1) of the Criminal Code. For criminal law liability, it is not decisive whether there is sexual satisfaction or ejaculation. It suffices if the offender tries to satisfy his or her sexual excitement in any way.

Another form of sexual abuse is intervention in the victim's sexual sphere of the same or similar intensity as intercourse. This will primarily involve oral intercourse (fellatio or cunilinctus), anal intercourse (coitus analis), inserting fingers or other objects into the female genital system, inserting the genital organ between the girl's breasts (coitus inter femora), touching the genitals of a girl or a boy, touching the girl's breasts, nipple suction (sactustupratio), erotic massages performed by the offender on another person, or a person under the age of 15 performing a massage on the offender. Another way of sexual abuse can be interventions in the sexual sphere of the victims with various intensity, such as the above-mentioned fondling of the breasts or genitals, which leads to sexual excitement of the offender. As a general rule, one-time or passing touches through clothing will not be considered as such a way of sexual abuse. Also cases involving touching (not intercourse) will not be considered a criminal offence of sexual abuse, if the offender and the victim are close in age and there is an emotional relationship between them.

Violation of a child's sexual integrity is not specifically penalised, because the very subject of protection against the criminal offence of sexual abuse is society's interest in protecting freedom of decision in sexual relations. It follows from the above-mentioned that the punishments for such actions are the same. With sexual abuse of children, or interference with the "sexual integrity of the child" may also be related to other crimes, such as pimping, production of child pornography, support and promotion of sexually pathological practices.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + Bulgaria] ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?**<sup>[16]</sup> Please refer to the specific legal provisions.

[16] *Ibid.*, Recommendation 11

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.b Yes)

The facts of the criminal offence of sexual abuse according to section 202 of the Criminal Code protects society's interest in protecting the morals and physical development of children, regardless of their gender or sexual maturity. The sexual preference of the offender is not decisive either, i.e. it does not necessary need to be a person suffering from paedophilia and it does not matter whether the offender is homosexual or heterosexual. The perpetrator of criminal acts of sexual abuse according to section 201 and section 202 of the Criminal Code can be any criminally responsible natural or legal person. The perpetrator can be a man or a woman. In the case of sexual abuse in the form of intercourse, it can only be a person of the opposite

sex to the abused person, but this has no relevance to the criminality of the act in the case of sexual intercourse between persons of the same sex, which can be subsumed under another form of sexual abuse, which is just as criminal as intercourse between persons of the opposite sex.

Here you can upload any file(s) in support of your answer

c. **[for 22 Parties + Albania and the Republic of Moldova]** make any distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children?<sup>[17]</sup> Please refer to the specific legal provisions.

[17] *Ibid.*, Recommendation 12

- Yes  
 No

If appropriate, please provide more information (4.c No)

Here you can upload any file(s) in support of your answer

## EX OFFICIO PROSECUTION Question 5. Does your national legal framework:

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a. contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his /her legal representative? <sup>[18]</sup> Please refer to the specific legal provisions.

[18] *Ibid.*, Recommendation 57

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.a Yes)

Section 2(5) of the act no. 301/2005 Coll. the Criminal Proceedings Order, as amended (hereinafter only the Criminal Proceedings Order) – the prosecutor is obliged to prosecute all criminal acts of which he or she is aware. This means that if the prosecutor learns of the facts that a criminal offence of sexual abuse has been committed, he or she is obliged to act even without a complaint/initiative from the victim or his or her legal representative.

Section 2(6) of the Criminal Proceedings Order – if this law does not provide otherwise, law enforcement bodies and courts act out of official duty. They are obliged to resolve matters involving detainment in a preferential and expeditious manner. Neither law enforcement bodies nor the courts take into consideration the content of petitions interfering with the fulfilment of these duties.

A criminal prosecution will be initiated by a criminal prosecution authority either on the basis of a criminal report or on the basis of other facts that it learned during its activities. Filing e.g. of an oral or written criminal report is not a condition for initiating criminal prosecution. It is valid that the law enforcement authority will initiate a criminal prosecution if the notification does not contain facts that would exclude the commission of a crime. It means that if the described facts lead to the conclusion that a crime has been committed, the law enforcement agency is obliged to initiate a criminal prosecution as a matter of official duty. Law enforcement authorities and courts are obliged to act out of official duty, this follows from the principle of officiality of the Criminal Code.

Here you can upload any file(s) in support of your answer

b. **contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint /statements?**<sup>[19]</sup> Please refer to the specific legal provision(s).

[19] *Ibid*

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.b Yes)

The consent of the victim in accordance with section 211 of the Criminal Code is not required for criminal prosecution of sexual abuse according to section 201, 201a, 201b and 202 of the Criminal Proceedings Order. According to section 2(6) of the Criminal Proceedings Order, law enforcement bodies and courts act in this case out of official duty. The fact that the victim has withdrawn his or her complaint/initiative /statements is not relevant.

Here you can upload any file(s) in support of your answer

c. **[for Portugal] in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child's death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?**<sup>[20]</sup>

[20] *Ibid.*, Recommendation 56

- Yes  
 No

Here you can upload any file(s) in support of your answer

## MEASURES IN RESPECT OF CHILDREN WHO SEXUALLY OFFEND AND CHILDREN DISPLAYING RISKY AND HARMFUL SEXUAL BEHAVIOUR Question 6. Does your national legal framework:

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a. [provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children?](#)<sup>[21]</sup>Please provide details.

[21] Inspired by *X and Others v. Bulgaria* (no. 22457/16), 2 February 2021 and *A.P. v. the Republic of Moldova* (no. 41086/12), 26 October 2021

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.a Yes)

In these cases, the legal order allows to impose protective measures or educational measures.

Here you can upload any file(s) in support of your answer

b. [differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children?](#)<sup>[22]</sup> Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.

[22] Question included for capacity-building purposes

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.b Yes)

For the criminal offence of sexual abuse according to section 201b and section 202 of the Criminal Code, the general limit of the age of offender's criminal responsibility specified in section 22 of the Criminal Code applies, and thus anyone who was under the age of 14 at the time of committing an otherwise criminal offence is not criminally responsible. For the criminal offence of sexual abuse according to section 201 of the Criminal Code, the specific limit of the age of offender's criminal responsibility applies, while the person who has not reached the age of 15 at the time of committing the act is not criminally responsible. For the criminal offence of sexual abuse according to section 201a of the Criminal Code, criminal liability requires that the offender has reached the age of 18 at the time of committing the act (and is not a child). According to section 94(1) of the Criminal Code, a person who has reached the age of 14 at the time of committing the crime and has not exceeded the age of 18 is considered an adolescent. According to section 95 of the Criminal Code, an adolescent under the age of 15, who at the time of committing the act did not reach such a level of intellectual and moral maturity to be able to recognise illegality of his or her action or is not able to control his or her actions, is not criminally responsible for this act; this is a so-called relative criminal responsibility. An offence whose features are listed in the Criminal Code is not a criminal offence if it

is committed by an adolescent and if its severity is small (material corrective). According to section 117(1) of the Criminal Code, the penalty rates of imprisonment established in the Criminal Code are halved for adolescents; the upper limit of the reduced penalty rate may not exceed seven years and the lower limit of the reduced penalty rate may not exceed two years.

Here you can upload any file(s) in support of your answer

## CHILD VICTIMS' RIGHT TO PROTECTION AND PARENTAL RIGHTS

### Question 7. Does your national legal framework:

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a. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?<sup>[23]</sup> Please provide details.

[23] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 26

- Yes  
 No

If appropriate, please provide more information (7.a No)

The parent or other person who personally cares for the child must be informed that the child's opinion will be investigated, but the opinion can be investigated even without the presence of these persons, since their consent is not necessary.

In the meaning of the act no. 305/2005 Coll. on the social and legal protection of children and on social guardianship and on the amendments and supplements to certain acts, however, the child has the right to request assistance in protecting his or her rights from the authority of the social and legal protection of children and social guardianship, another state body, municipality, higher territorial unit, school, school facility or health care provider even without the knowledge of the parents/person who personally cares for the child. These authorities are obliged to provide assistance to the child without delay.

In the event that the suspect is a legal representative, during the criminal proceedings, his or her consent to question the child is not necessary and the child is appointed a representative from the ranks of lawyers (section 48(2) of the Criminal Proceedings Order).

The conflict of interests is also regulated in the act no. 36/2005 Coll. on the family and on the amendments and supplements to certain acts, which in section 31(2) regulates that none of the parents can represent their child, if it is a legal act, in which there could be a conflict of interests between the parents and the child or between the children. In that case, the court appoints a guardian for the child who will represent the child in proceedings or in a certain legal act (the so-called conflict guardian).

Here you can upload any file(s) in support of your answer



b. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?<sup>[24]</sup> Please provide details.

[24] *Ibid*

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.b Yes)

The social and legal protection authority for children and social guardianship is authorised to personally check the child's condition and conduct an interview, even without consent from the parents, or conduct an interview with another person who personally cares for the child, or with a natural person who has a close relationship with the child, but these persons must be informed about such interview in advance.

If an employee of the social and legal protection authority for children and social guardianship should make a video recording, video and audio recording and audio recording of the authorised performance, this information must be submitted before the natural person present allows this authorised performance. An employee of the social and legal protection authority for children and social guardianship may make a video recording, video and audio recording and audio recording without prior notification only if during the authorised performance he or she discovers circumstances indicating that the child is exposed to a life threat, health threat or inhumane or bad treatment.

If an employee of the social and legal protection authority for children and social guardianship is not allowed to investigate the child's condition (he or she must exploit all activities aimed at checking the child's condition) and has information indicating that the child is exposed to a life threat and health threat, he or she may apply to the court for permission to enter the dwelling.

In the meaning of the act no. 305/2005 Coll. on the social and legal protection of children and on social guardianship and on the amendments and supplements to certain acts, however, the child has the right to request assistance in protecting his or her rights from the authority of the social and legal protection of children and social guardianship, another state body, municipality, higher territorial unit, school, school facility or health care provider even without the knowledge of the parents/person who personally cares for the child. These authorities are obliged to provide assistance to the child without delay.

In the event that the suspect is a legal representative, during the criminal proceedings, his or her consent to question the child is not necessary and the child is appointed a representative from the ranks of lawyers (section 48(2) of the Criminal Proceedings Order).

The conflict of interests is also regulated in the act no. 36/2005 Coll. on the family and on the amendments and supplements to certain acts, which in section 31(2) regulates that none of the parents can represent their child, if it is a legal act, in which there could be a conflict of interests between the parents and the child or between the children. In that case, the court appoints a guardian for the child who will represent the child in proceedings or in a certain legal act (the so-called conflict guardian).

Here you can upload any file(s) in support of your answer

c. allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?<sup>[25]</sup> Please provide details.

[25] This question results from the Committee's reasoning that "before resorting to the removal of the victim, the removal of the perpetrator should be preferred" (page 28 of the 1st implementation report).

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.c Yes)

In the case of an ongoing criminal proceedings, the offender can be prosecuted in custody if the presumption of the existence of grounds for detention is met (section 71 of the Criminal Proceedings Order).

Another instance is the expulsion of a violent person from a common residence according to section 27a of the act no. 171/1993 Coll. on the Police Forces. In the case of expulsion, the violent person may not enter the common residence for 14 days and approach the endangered person at a distance of less than 50 meters. The effects of expulsion are extended in the event that a request to issue an urgent measure is filed until the court's decision on this request becomes enforceable.

Urgent measures according to section 324 et seq. of the act no. 160/2015 Coll. on the Civil Dispute Order or section 360 et seq. of the act no. 161/2015 Coll. on the Civil Non-Dispute Order are also a means of expulsion of the suspected offender from the family environment.

Here you can upload any file(s) in support of your answer

d. consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?<sup>[26]</sup> Please provide details.

[26] *Ibid.*, Recommendation 27

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.d Yes)

In the meaning of section 365(1) of the act no. 161/2015 Coll., the Civil Non-Dispute Order allows an immediate measure to remove a child from the family environment if he or she is without any care or if his or her life, health and favourable development are seriously threatened or disturbed. The court orders the child to be placed in the care of a natural person or a legal entity by means of an immediate measure. The placement is temporary, for a maximum of 6 months; the limitation of the duration of the immediate measure does not apply if the main proceedings are initiated within 6 months, if an unaccompanied child was entrusted to the care of a natural person or legal entity, or if it was not possible to reunite a minor foreigner with his or her family within a period of 6 months.

In the meaning of of section 367 of the act no. 161/2015 Coll. on the Civil Non-Dispute Order, the court by means of an immediate measure may order that the person whom the child has temporarily been entrusted temporarily entrusts the child to the care of the person designated by the court, or to alternate personal care. If the court by means of an immediate measure orders the placement of the child to the care of a facility for the enforcement of the court's decision, it will also determine the duration of the immediate measure to the maximum of 6 months.

Professional assistance in crisis situations of a child battered or sexually abused (or verification of the child's risk of battering, sexual abuse or other acts endangering his or her life, health, favourable mental, physical or social development) has its specifics and the performance of assistance is regulated separately in the form of a specialised programme exercised in centres for children and families.

Since the essence of such a specialization is the provision of professional assistance to a child in a crisis situation (crime) or verification of whether the child is at risk, for example, by sexual abuse (diagnosis is essential, in addition to focusing on professional help in existing situations, it is also important to confirm or refute the presumption of whether or not a child is at risk, for example, by sexual abuse), emphasis is placed on the timeliness of such measures. In addition to the possibility of placing a child in the centre on the basis of an agreement with the parent/person caring for the child personally (on the recommendation of the body of social and legal protection of children and social guardianship) and at the child's request, the child may also be admitted on the basis of a court decision ordering an immediate measure or imposing an educational measure. In the Slovak Republic, the removal of a child from the environment where he or she is raised is always the last and therefore also utmost option, and such removal is also temporary.

Here you can upload any file(s) in support of your answer

e. [ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?](#)<sup>[27]</sup> Please provide details.

[27] *Ibid.*, Recommendation 25

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.e Yes)

The exchange of information is regulated in relation to the bodies of social protection and social guardianship. In the meaning of section 7(1) of the act no. 305/2005 Coll. on the social and legal protection of children and social guardianship and on the amendments and supplements to certain acts, everyone is obliged to notify the body of social and legal protection of children and social guardianship of the violation of the rights of the child.

A multidisciplinary approach and coordination is ensured by the offices of labour, social affairs and family (section 72(2)(e) of the act no. 305/2005 Coll on the social and legal protection of children and social guardianship and on the amendments and supplements to certain acts) and through the so-called coordinators for the protection of children from violence.

In connection with the competence of the body for social and legal protection of children and social guardianship to coordinate various entities that cooperate in solving the situation of children, it is regulated that these entities are clearly bound by the obligation to cooperate. When carrying out the measures, the

body for social and legal protection of children and social guardianship cooperates with interested parties, such as a doctor, school, police, municipality, etc.

With respect of the best interest of the child, it is therefore necessary that the case manager with the involvement of various types of experts from various entities shares the data necessary for the purpose of assisting and protecting such a child. We believe that this follows from the provisions of the article 3(1) of the Convention on the Rights of the Child (i.e. the best interests of the child must be a primary consideration in any procedures relating to children, whether carried out by private social care facilities, courts, administrative or legislative bodies).

Here you can upload any file(s) in support of your answer

## CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

### Question 8. Does your national legal framework clearly distinguish:

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- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and
- cases of withdrawal of parental rights once the court has convicted the said parent?<sup>[28]</sup> Please provide details.

[28] *Ibid.*, Recommendation 32

- Yes  
 No

Please provide information in support of your answer, if possible by referring to specific legal provisions and their exact wording (8 Yes)

The provisions of section 38 and section 39 of the Family Act (act no. 36/2005 Coll.) regulate interventions in rights and obligations of parents.

According to the provisions of section 38(1) of the Family Act, if one of the parents is prevented from exercising his or her parental rights and obligations by a serious obstacle, and if it is in the interest of the minor child, the court may suspend the exercise of parental rights and obligations.

According to the provision of section 38(2), if it is necessary in the interests of the minor child, the court shall restrict the exercise of parental rights, if parents live a permanently disorderly lifestyle, do not execute their obligations resulting from parental rights and obligations at all, or do not ensure the upbringing of the minor child.

In the decision to limit the exercise of parental responsibility according to paragraph 2, the court shall state the scope of rights and obligations to which the limitation applies.

If a parent abuses his or her parental rights and obligations, in particular by misusing, abusing, neglecting a minor child or otherwise badly treating a minor child, or seriously neglects the exercise of parental rights and obligations despite previous warnings, the court shall deprive the parent of the exercise of parental rights.

According to the provision of section 39(1) of the Family Act, if the court has decided to limit or deprive the

exercise of parental rights and obligations, or to suspend their exercise only in relation to one of the parents, the other parent exercises parental rights and obligations to full extent.

If neither parent can exercise parental rights and obligations or if the court has decided according to section 38(1) or (4) in relation to the only living parent, appoints a guardian for the minor child by its decision.

If the court has decided to limit the exercise of parental rights and obligations in relation to both parents or to the only living parent, it shall appoint a guardian for the minor child in its decision in accordance with section 60.

Here you can upload any file(s) in support of your answer

## CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

### Question 9. Does your national legal framework provide for:

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a. [automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending](#)?<sup>[29]</sup> Please provide details.

[29] Question included for capacity-building purposes, i.e. to map whether there are Parties that have a particular legal framework in such cases.

- Yes  
 No

If appropriate, please provide more information (9.a No)

A court decision is always required.

Here you can upload any file(s) in support of your answer

b. [automatic withdrawal of parental rights of parents convicted of sexual abuse of own child](#)?<sup>[30]</sup> Please provide details.

[30] *Ibid*

- Yes  
 No

If appropriate, please provide more information (9.b No)

There must always be court proceedings and the court will issue a decision.

Here you can upload any file(s) in support of your answer

## GUARANTEES OF PROTECTION FOR PERSONS REPORTING SUSPECTED OFFENCES Question 10.

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How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?<sup>[31]</sup>

[31] Based on *Yuppala v. Finland* (no. 18620/03), 2 December 2008 and *M.P. v. Finland* (no. 36487/12), 15 December 2016. Partly based on Article 12 of the Lanzarote Convention.

Everyone is obliged to inform the body for social and legal protection of children and social guardianship about violations of the rights of the child. If a violation of a child's rights is reported to the body for social and legal protection of children and social guardianship, the identity of the notifier must be kept secret, if the notifier requests it; this does not apply if the body for social and legal protection of children and social guardianship provides information to law enforcement authorities and the court.

State authorities, higher territorial units, municipalities and other legal entities are obliged to notify investigative, prosecuting and adjudicating bodies without delay of facts indicating that a criminal offence has been committed and to process requests from investigative, prosecuting and adjudicating bodies and courts in a timely manner.

The Slovak Criminal Code regulates the offence of false accusation in section 345, however, it is an intentional offence, i.e. the offender knew that he or she was falsely accusing someone with the intention to invoke criminal proceedings. Therefore, a person who in good faith reports a suspicion of sexual abuse or exploitation of a child cannot be prosecuted for this crime.

Here you can upload any file(s) in support of your answer

## ASSISTANCE TO THIRD PARTIES Question 11.

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What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?<sup>[32]</sup>

[32] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 30

If the body for social and legal protection of children and social guardianship during the implementation of measures finds that a child, a parent or a person who personally cares for the child needs assistance because they are unable to solve problems within the family, it will propose, as part of the implemented measures, the implementation or provision of implementation of counselling and psychological assistance for families with specific problems and in crisis situations as well. This method of professional assistance can be provided as an outpatient measure in centres for children and families.

- act no. 583/2008 Coll. on the prevention of crime and other anti-social activities and on the amendments and supplements to certain acts, as amended

- act no. 274/2017 Coll. on victims of crimes and on the amendments and supplements to certain acts, as amended

Intervention centres, § 28a (act no. 274/2017)

(1) An accredited entity providing specialized professional assistance to victims of a crime of domestic violence may act as an intervention center that provides crisis intervention and professional assistance within the scope of the granted accreditation in the territory of the region or the territory specified in the decision on the granting of accreditation, if more than one operates in the territory of one region as one intervention center. When applying for registration of the designation "intervention center", an accredited entity providing specialized professional assistance to victims of domestic violence is obliged to prove that it has been providing assistance to victims of domestic violence for a period of at least 5 years.

(2) Based on expulsion from the joint household, the intervention center will offer the victim of a crime of domestic violence the provision of crisis intervention and professional assistance within the scope of the granted accreditation within 72 hours from the delivery of a copy of the official record. The assistance of the intervention center can also be provided to the victim of a crime of domestic violence based on their own request. In addition to establishing contact according to the first sentence, the intervention center provides crisis intervention and professional assistance to the victim of a crime of domestic violence only with her consent.

(3) Intervention center in particular

a) provides the victim of a crime of domestic violence with crisis intervention and professional assistance within the scope of the granted accreditation,

b) provides the victim of a crime of domestic violence with legal assistance in accordance with this Act,

c) mediates the provision of social services according to the needs of the victim of a crime of domestic violence,

d) ensures cooperation and exchange of information between intervention centers, entities providing assistance to victims, social service providers and public authorities.

(4) The Ministry of Justice ensures the financing of at least one intervention center in each region based on the recommendation of the evaluation commission.

Here you can upload any file(s) in support of your answer

## ASSISTANCE TO THIRD PARTIES Question 12.

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When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?<sup>[33]</sup>

[33] *Ibid.*, Recommendation 31

Section 136 of the Criminal Proceedings Order

(1) If there is a reasonable concern that the witness or a person close to the witness is in danger because of the statement of the witness's residence, the witness may be allowed to state the workplace or another address to which the summons can be served instead of the residence. If a representative of the body for social and legal protection of children and social guardianship is questioned as a witness about the facts he or she learned in connection with the implementation of measures for the social protection of children and social guardianship, the law enforcement body and the court shall enter in the minutes the address of the seat of the body for social and legal protection of children and social guardianship.

(2) If there is a reasonable concern that the provision of the witness's identity, residence, or place of residence may endanger his or her life, health, or bodily integrity, or if such danger threatens a person close to him or her, the witness may be permitted not to provide personal information. However, at the main proceedings, he or she must state how he or she became familiar with the facts about which he or she is giving evidence. Materials that enable the identification of such a witness are deposited at the prosecutor's office and in court proceedings at the chairman of the senate. They are entered into the file only if the threat has passed. Even such a witness, if necessary, can be asked questions about the circumstances concerning his or her credibility, as well as questions about his or her relationship with the accused or the victim.

(3) Before examination of a witness, whose identity is to remain confidential, the law enforcement body and the court shall carry out measures as necessary, such as changing the appearance and voice of the witness, or interrogate the witness using technical equipment, including video conference equipment, in order to protect the witness.

Here you can upload any file(s) in support of your answer

## MONITORING OF OFFENDERS Question 13. Does your national legal framework provide for:

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a. a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?<sup>[34]</sup>

Please provide details.

[34] *Ibid.*, Recommendation 33

- Yes  
 No

If appropriate, please provide more information (13.a No)

For a certain period ordered by the court, supervision is carried out by a probation and mediation officer, but there is no monitoring mechanism.

Here you can upload any file(s) in support of your answer

b. sharing with other countries data concerning persons convicted of child sexual abuse?<sup>[35]</sup> Please provide details.

[35] Based on Article 38 of the Lanzarote Convention.

- Yes  
 No

If appropriate, please provide more information (13.b No)



Here you can upload any file(s) in support of your answer

## MEASURES IN RESPECT OF PROFESSIONALS AND LEGAL PERSONS Question 14. Does your national legal framework:

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a. **allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?**<sup>[36]</sup> Please provide details.

[36] Based on Article 27§3(b) of the Lanzarote Convention.

- Yes  
 No

If appropriate, please provide more information (13.a No)

An employee of the centre for children and families, who comes into personal contact with children, must meet psychological requirements for professional competency. This centre is obliged to keep a list of posts where an employee of the centre comes into personal contact with children. A person interested in employment proves his or her psychological competence by means of a psychological assessment prepared on the basis of a psychological examination no older than one year. The employee of the centre proves the given competence with a psychological assessment prepared on the basis of a psychological examination within the time limits determined by the centre, not longer than five years from the last psychological examination. If there is a reasonable doubt as to whether an employee of the centre meets the prerequisite of psychological capacity and in the event of suspicion of child abuse or sexual abuse, for which the centre implements measures in the form of a stay, the employee undergoes a psychological examination within a period determined by the director of the centre and is prohibited from contact with children.

Here you can upload any file(s) in support of your answer

b. **ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care”**<sup>[37]</sup> **settings are held liable?**<sup>[38]</sup> Please provide details.

[37] In accordance with the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse adopted at its 25th meeting (15-18 October 2019), “out-of-home care” represents all settings in which children can be placed out of their home for care (see point b of the Declaration).

[38] Based on the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse, point 6.

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

Provision of section 340 of the Criminal Code – (failure to report crime) – in order to fulfil this factual element, it is required that the offender learns in a plausible manner that another person has committed a crime for which the law provides for a custodial sentence with a maximum limit of at least ten years, i.e. also a criminal offence of sexual abuse, and does not report this fact to the competent authorities without delay.

If the criminal offence had not yet been completed, or executed, the offender's actions could fulfil the legal features of the criminal offence of failure to thwart a criminal offence according to section 341.

At the same time, everyone is obliged to inform the body for social and legal protection of children and social guardianship about violations of the rights of the child. However, this obligation does not exempt other entities from the obligation to immediately report suspected sexual abuse of a child to law enforcement authorities, or the prosecutor's office.

Here you can upload any file(s) in support of your answer

c. **ensure that legal persons failing to protect children in their care from sexual abuse are held liable?**<sup>[39]</sup>

Please provide details.

[39] *Ibid.*, see point 7.

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.c Yes)

Provision of section 3 of the act no. 91/2016 Coll. on the criminal liability of legal entities – this provision exhaustively enumerates criminal acts for which a legal entity is liable, including the criminal act of sexual abuse.

The centre for children and families is obliged to protect the children it cares for based on a court decision. However, if there is neglect of work duties in relation to the child, the procedure is as in the answer in 14a, then the neglect is immediately reported to the law enforcement authorities. Any suspicion of violation of obligations is checked by the founder and also by the inspection in social matters. The inspection in social affairs supervises entities implementing measures for the social protection of children and social guardianship. The resulting material from the supervision, i.e. the verification of compliance with the obligations of the supervised entity, in the event that the inspection in social affairs detects deficiencies, is a protocol indicating sanctions ranging from a fine to a ban on activities.

Here you can upload any file(s) in support of your answer

## SPECIAL REPRESENTATIVES Question 15. How does your national legal framework ensure that special representatives and guardians ad litem who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:

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- a. receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?<sup>[40]</sup>

[40] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 35

The investigation is carried out by specialised investigators, and the conflict guardian is an employee of the office of labour, social affairs and family.

According to section 48(2) of the Criminal Proceedings Order, the court appoints a guardian from the ranks of lawyers.

### Section 48 (2)

In cases in which the legal representative of the injured party cannot exercise his rights mentioned in paragraph 1, the president of the senate and in preliminary proceedings at the proposal of the prosecutor, the pre-trial judge appoints a guardian from the ranks of lawyers to exercise these rights for the injured party. A complaint is admissible against the resolution on the appointment of a guardian and against the resolution by which the pre-trial judge rejected the prosecutor's proposal for the appointment of a guardian.

Here you can upload any file(s) in support of your answer

- b. avoid combining the functions of a lawyer and guardian ad litem in one person?<sup>[41]</sup>

[41] Ibid., Recommendation 36

The question is not entirely clear, because in criminal proceedings a guardian from the ranks of lawyers is appointed to represent the impaired child in a qualified manner in the proceedings at the court.

The Criminal Proceedings Order distinguishes between a defence lawyer, who is an advocate, and a conflict guardian, who is a body for social and legal protection of children and social guardianship of the accused adolescent.

For the victim child, the advocate is appointed as the "conflict guardian", while the body for social and legal protection of children and social guardianship is brought in to the interrogation of the victim child to help in the correct questioning of the child with regard to the protection of his or her interests and the prevention of secondary victimisation.

Here you can upload any file(s) in support of your answer

c. are provided free of charge for the child victim?<sup>[42]</sup>

[42] *Ibid.*, Recommendation 37

The guardian from the ranks of lawyers is paid by the state.

Here you can upload any file(s) in support of your answer

## **SPECIAL REPRESENTATIVES Question 16. [for 22 Parties + Malta]**

a. Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?<sup>[43]</sup> Please provide details.

[43] *Ibid.*, Recommendation 34

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (16.a Yes)

For cases in which the legal representative of the victim child cannot exercise his or her rights and represent the child in criminal proceedings, the chairman of the senate and the pre-trial judge in preliminary proceedings, on the proposal of the prosecutor, appoint a guardian from the ranks of lawyers to exercise these rights for the victim child.

The answer is Yes, from the employees of the office for labour, social affairs and family.

Here you can upload any file(s) in support of your answer

b. Is this person allowed to be present throughout the criminal proceedings?<sup>[44]</sup> Please provide details.

[44] *Ibid*

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (16.b Yes)

The body for social and legal protection of children and social guardianship participates in the questioning of the child.

The appointed guardian from the ranks of lawyers represents the child victim in the entire criminal

proceedings, i.e. serves for him or her proposals for supplementing evidence, awarding damages, remedies.

Here you can upload any file(s) in support of your answer

## SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 17. In investigative and judicial proceedings how does your national legal framework ensure that:

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- a. [protection measures are available to all children irrespective of their age](#)?<sup>[45]</sup> Please provide details.

[45] *Ibid.*, Recommendation 38

According to the provision of section 2(1)(c) of the act no. 274/2017 Coll. on victims of crimes we include children as particularly vulnerable victims; child means a person under the age of eighteen, and if the person's age is not known and there is reason to believe that he or she is a child, he or she shall be deemed to be a child until the contrary is proved.

The system of centres for children and families, or other facilities are adapted to the age of the children placed.

Here you can upload any file(s) in support of your answer

- b. [specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child](#)?<sup>[46]</sup> Please provide details.

[46] *Ibid.*, Recommendation 39

The questioning must be carried out with particular consideration and in terms of content so that the questioning does not have to be repeated in the next proceedings. A psychologist or expert shall be called in for the interrogation, who with regard to the subject of the interrogation and the degree of mental development of the interrogated person will contribute to the proper conduct of the interrogation, and a representative of the body of social and legal protection of children and social guardianship. If this can contribute to the proper conduct of the interrogation, the legal representative or teacher will also be called in for the interrogation. The method of interrogation shall be consulted with a psychologist or expert who will be called in for the interrogation and, if necessary, also with the body of social and legal protection of children and social guardianship, the legal representative or teacher, so that to ensure the proper conduct of the interrogation and prevent secondary victimisation.

In further proceedings, such a person should be interrogated again only in necessary cases, in preliminary proceedings only with the consent of the prosecutor. In court proceedings, the minutes of this interrogation are read and, if necessary, the person who was brought in for the interrogation is questioned about the

correctness and completeness of the minutes or the manner in which the interrogation was conducted, as well as the manner in which the interrogated person testified.

Here you can upload any file(s) in support of your answer

c. a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children's psychological well-being?<sup>[47]</sup> Please provide details.

[47] Based on *N.Ç. v. Türkiye* (no. 40591/11), 9 February 2021

According to the provision of section 6(1) of the act no. 274/2017 Coll. on victims of crimes, the entity providing assistance to victims is obliged to provide the victim with general professional assistance upon request without unnecessary delay.

Minors are provided with assistance from a special pedagogue, psychologist and social worker, and in specific cases also from a child psychiatrist.

Here you can upload any file(s) in support of your answer

## SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 18.

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Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?<sup>[48]</sup> Please provide details.

[48] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 40

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (18 Yes)

- the act on victims no. 247/2017  
- The method of interrogation and communication with the child by law enforcement authorities became more sensitive.

Here you can upload any file(s) in support of your answer

## INVESTIGATION Question 19. In the investigation phase:

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***In 2023 the Steering Committee for the Rights of the Child (CDEF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.***

a. **are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?**<sup>[49]</sup> Please provide details.

[49] *Ibid.*, Recommendation 41

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.a Yes)

According to the provisions of section 8(2) of the act no. 274/2017 Coll. on victims of crimes, in order to prevent secondary victimisation, the law enforcement authority and the court use appropriately adapted office rooms.

The police forces implement projects for the construction of special interrogation rooms intended for the interrogation of child victims and other particularly vulnerable victims (in the total number of 23 rooms within the Slovak Republic + 2 rooms specially designated for victims of human trafficking), some are already in use, some are in stage of completion before handover and others are currently under construction. The interrogation room is adapted to eliminate unpleasant experience for the victim caused by standard environment of police departments and also to prevent direct contact between the victim and the offender during the interrogation.

Only one sample room has been set up, namely at the Academy of the Police Force in Bratislava. In other cases, these are mostly office spaces slightly modified for this type of interrogation. In one case, the premises of an accredited entity are used, which is accredited for this type of assistance to child victims.

Here you can upload any file(s) in support of your answer

b. **are all staff responsible for interviewing child victims required to undergo suitable qualifying training?**<sup>[50]</sup> Please provide details.

[50] *Ibid.*, Recommendation 42

- Yes  
 No

If appropriate, please provide more information (19.b No)

The currently valid legislation does not require appropriate qualification training. However, the Police Force, in cooperation with the Academy of the Police Force, implements specialised training for police officers who interrogate children and other particularly vulnerable victims.

When interrogating child victims and child witnesses of sexual abuse, law enforcement authorities cooperate with a psychologist or an expert, with whom they consult the method of conducting the interrogation and bring him or her to the interrogation, in order to prevent secondary victimisation and to ensure the proper conduct of the interrogation with regard to the need to protect the child victim or the child witness in accordance with applicable legislation.

Here you can upload any file(s) in support of your answer

c. [does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span?](#)<sup>[51]</sup> Please provide details.

[51] *Ibid.*, Recommendation 43

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.c Yes)

According to the provision of section 135(2) of the Criminal Proceedings Order, when interrogating a person under the age of 18, it is necessary to take into account the fact that such a person should be re-interrogated about the circumstances of the committed crime only exceptionally during criminal proceedings, and the interrogation must be carried out in such a way that it does not have to be repeated in further proceedings, so that all the facts about which he or she testifies are clarified by him or her. In further proceedings, a minor as a witness should be re-examined only in necessary cases.

According to the provision of section 134(4) of the Criminal Proceedings Order, if a person who is a particularly vulnerable victim according to a special regulation, or when a family member of such a victim is being questioned as a witness in criminal proceedings, the interrogation must be conducted with consideration and in terms of content in such a way that it does not have to be repeated in further proceedings; the interrogation will be carried out using technical equipment designed to record sound and video or using technical equipment designed to transmit and record sound and video; provision of section 270(2) is hereby not affected. The law enforcement authority shall ensure that the interrogations in the preliminary proceedings are conducted by the same person, if this does not disrupt the course of the criminal proceedings. If a particularly vulnerable victim is interrogated as a witness according to a special regulation, about matters recalled due to his or her personal characteristics, the relationship to the person whom the victim identified as the offender, a person who is suspected of having committed a crime, or to a person, against whom criminal proceedings are being conducted or dependence on a person whom the victim identified as the offender, a person who is suspected of committing a crime, or a person against whom criminal proceedings are being conducted, the nature and circumstances of the crime could adversely affect his or her physical integrity or mental integrity or expose him or her to the risk of secondary victimisation, a psychologist or an expert will be brought to the interrogation, who will contribute to proper conduct of the interrogation, taking into account the subject of the interrogation of the person being questioned; provision of section 135(1) is hereby not affected. Before hearing a witness pursuant to the fourth sentence,



investigative, prosecuting and adjudicating bodies shall consult their method of the interrogation conducting with a psychologist or expert who will be called in for the interrogation to ensure the proper conduct of the interrogation and prevent secondary victimisation.

Here you can upload any file(s) in support of your answer

d. **[for Serbia]** how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?<sup>[52]</sup>

[52] *Ibid.*, Recommendation 54

Here you can upload any file(s) in support of your answer

e. where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first?<sup>[53]</sup> Please provide details.

[53] *Ibid.*, Recommendation 44

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.e Yes)

According to the provision of section 134(4) of the Criminal Proceedings Order, the law enforcement authority shall ensure that the interrogations in the preliminary proceedings are conducted by the same person, if this does not disrupt the course of the criminal proceedings.

Here you can upload any file(s) in support of your answer

f. does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?<sup>[54]</sup> Please provide details.

[54] *Ibid.*, Recommendation 45

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.f Yes)

The interrogation should be carried out in such a way that it does not need to be repeated in the next proceedings, therefore technical equipment is also used to create a recording. The interrogation is conducted by the law enforcement authority with the assistance of a psychologist or an expert, or a teacher, while the defence has the right to ask questions.

Here you can upload any file(s) in support of your answer

## JUDICIAL PROCEEDINGS Question 20. In the judicial proceedings:

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***In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.***

a. **is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?**<sup>[55]</sup> Please provide details.

[55] *Ibid.*, Recommendation 46

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.a Yes)

In the court proceedings, the statement from the preliminary proceedings should be read as a priority, the recording from this interrogation should be shown, and the person who was present during this interrogation should be heard. If this is not sufficient, it is necessary to interrogate the child and a video conference device will be used. The interrogation shall be conducted in such a way as to prevent visual contact between the child and the accused.

Here you can upload any file(s) in support of your answer

b. **does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?**<sup>[56]</sup> Please provide details.

[56] *Ibid.*, Recommendation 59

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.b Yes)

According to the provision of section 135(2) of the Criminal Proceedings Order, exceptions to the oral principle are permissible in court proceedings. If necessary, the person brought in for the interrogation can be questioned to confirm the correctness and completeness of the minutes.

According to the provision of section 135(4) of the Criminal Proceedings Order, even though in the court proceedings, the interrogation of a person under the age of 18 can only be carried out exceptionally (section 270(2) of the Criminal Proceedings Order) and the minutes should preferably be read, or to provide evidence by introducing audio, video or audio-visual recording, however, it cannot be completely ruled out that if it is absolutely necessary, the interrogation will be carried out again in court.  
The public may be excluded.

Here you can upload any file(s) in support of your answer

c. [is there any difference in the scope of the application of this requirement based on the child's age?](#)<sup>[57]</sup>

Please provide details.

[57] *Ibid.*, Recommendation 60

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.c Yes)

It is an individual assessment of each thing.

Here you can upload any file(s) in support of your answer

d. [are video recordings of interviews of child victims regarded as admissible evidence?](#)<sup>[58]</sup> Please provide details.

[58] *Ibid.*, Recommendation 47

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.d Yes)

According to the provision of section 135(4) of the Criminal Proceedings Order, if a person under the age of 18 was interrogated, an audio, video or video-audio recording is presented as evidence in court proceedings.

Here you can upload any file(s) in support of your answer

e. [what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?](#)<sup>[59]</sup>

[59] *Ibid.*, Recommendation 48

According to the provision of section 8(2) of the act no. 274/2017 Coll. - the law enforcement authority and the court take other measures to prevent contact of the person identified by the victim as the offender, the person who is suspected of committing a crime, or the person against whom criminal proceedings are being conducted with the victim or his or her family members.

In the meaning of section 35a of the Decree of the Ministry of Justice of the Slovak Republic no. 543/2005 Coll. on the administrative and office order for district courts, regional courts, the Special Court and military courts, for the purpose of preventing secondary victimisation of crime victims and family members of crime victims, there is a special waiting room for crime victims and family members of crime victims in the court building.

Here you can upload any file(s) in support of your answer

f. [does your national legal framework allow taking the child's testimony without the presumed offender being present?](#)<sup>[60]</sup> Please provide details.

[60] *Ibid*

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.f Yes)

According to the provision of section 8(2) of the act no. 274/2017 Coll. - the law enforcement authority and the court take other measures to prevent contact of the person identified by the victim as the offender, the person who is suspected of committing a crime, or the person against whom criminal proceedings are being conducted with the victim or his or her family members.

According to the provision of section 262a of the Criminal Proceedings Order, the chairman of the senate will examine a witness who is a particularly vulnerable victim or a family member of such a victim according to a special law in such a way as to prevent visual contact with the defendant, especially by using technical equipment, including devices intended for the transmission of sound; the provision of section 262 is hereby not affected.

Here you can upload any file(s) in support of your answer

g. [how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?](#)<sup>[61]</sup>

[61] *Ibid*

The chairman of the senate will examine a witness who is a particularly vulnerable victim or a family member of such a victim according to a special law in such a way as to prevent visual contact with the defendant, especially by using technical equipment, including devices intended for the transmission of sound. The defendant, his or her fiduciaries and the public can also be excluded from the courtroom during the interrogation of the witness.

Here you can upload any file(s) in support of your answer

h. [what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?](#)<sup>[62]</sup>

[62] *Ibid.*, Recommendation 49

When providing information, protected personal data or facts of a private nature, especially family life, residence and correspondence, which are not directly related to criminal activity, are not disclosed. Particular attention is paid to the interests of minors, adolescents and victims whose personal data is not disclosed.

Here you can upload any file(s) in support of your answer

i. [does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?](#)<sup>[63]</sup> Please provide details.

[63] *Ibid.*, Recommendation 50

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.i Yes)

According to the provision of section 6(3) of the act no. 274/2017 Coll. - paragraph 3 regulates the conditions and duration of the provision of specialised professional assistance, which is intended exclusively for particularly vulnerable victims. It is stipulated that the provision of specialised professional assistance is free of charge at all times, regardless of whether the victim cooperates with the law enforcement authorities or not. Entities providing assistance to victims cannot under any circumstances ask a particularly vulnerable victim to pay a reasonable fee for the provision of specialised professional assistance.

Here you can upload any file(s) in support of your answer

j. does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?<sup>[64]</sup> Please provide details.

[64] *Ibid.*, Recommendation 51

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.j Yes)

There is a special list of advocates established for victims.

Here you can upload any file(s) in support of your answer

k. what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?<sup>[65]</sup>

[65] *Ibid.*, Recommendation 52

Act no. 274/2017 Coll. on victims of crimes and on the amendments and supplements to certain acts, as amended.

The right to provide professional assistance, § 5

(2) The forms of professional assistance are general professional assistance for the victim and specialized professional assistance for a particularly vulnerable victim.

(3) General professional assistance to the victim is professional activity and provision of services, which is understood as such

a) provision and proper explanation of information according to § 4 par. 2 and 5,

b) legal assistance for exercising the victim's rights, which are due to him according to this Act,

c) legal assistance for exercising the rights of a victim who has the status of victim or witness in criminal proceedings,

d) psychological help,

e) counseling regarding the risk and prevention of repeated victimization.

(4) Specialized professional assistance to a particularly vulnerable victim is a targeted and integrated professional activity and provision of services, which is understood as

a) provision of general professional assistance,

b) provision of crisis psychological intervention,

c) evaluation of the threat of danger to life or health,

d) mediating the provision of social services in an emergency housing facility and specialized social counseling, 6) if the life or health of a particularly vulnerable victim is in immediate danger.

(5) The victim has the right to the provision of professional assistance in accordance with his special needs and to the extent of the harm caused by the crime.

(6) The right to provide professional assistance is guaranteed to the victim regardless of the filing of a criminal complaint or his active participation in criminal proceedings.

(7) The provisions of paragraphs 1 to 5 also apply appropriately to the victim's family member in accordance with his special needs and the extent of the damage caused by the crime committed against the victim.

Right to compensation, § 9

The victim of a violent crime has the right to compensation provided by the state under the conditions and to the extent established by this law.

Here you can upload any file(s) in support of your answer

## Contact

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