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## **LANZAROTE CONVENTION**

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

**Replies to the thematic questionnaire**

**SLOVAK REPUBLIC**

**2<sup>nd</sup> thematic monitoring round**

**“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”**

Replies registered by the Secretariat on 20 October 2017

The replies to this questionnaire were prepared by the National Coordination Centre for Resolving the Issues of Violence against Children (under the Ministry of Labour, Social Affairs and Family of the Slovak Republic) together with the following state bodies, agencies and independent bodies contributed to responding to the questionnaire:

- the General Prosecutors Office of the Slovak Republic
- the Ministry of Education, Science, Research and Sport of the Slovak Republic
- the Ministry of Health of the Slovak Republic
- the Ministry of Interior of the Slovak Republic
- the Ministry of Justice of the Slovak Republic
- the Ministry of Labour, Social Affairs and Family of the Slovak Republic
- [Office of the Children's Commissioner](#)

## Prevention

### Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
- self-generated sexually explicit images and/or videos?
  - self-generated sexual content?

*Reply:*

*Yes, there are awareness-raising activities addressed to children about the above-mentioned risks in the Slovak Republic. Primarily, these activities are carried out by Ministry of Interior of the Slovak Republic and its cooperation with non-governmental organisations (especially, a project of a non-governmental organisation eSlovensko o.z.: [www.ovce.sk](http://www.ovce.sk)). These activities are also ensured by Ministry of Education, Science, Research and Sport of the Slovak Republic, Ministry of Health of the Slovak Republic as well as facilities of socio-legal protection of children and social guardianship.*

- 1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
- self-generated sexually explicit images and/or videos?
  - self-generated sexual content?

*Reply:*

*The above-mentioned awareness-raising activities are addressed to children in general, not specifically for children who produce or share the self-generated sexually explicit images/or videos/self-generated sexual content and then individually for children indirectly involved in such action as bystanders/observers. Therefore, reply to question 1.1. is equally applied for this question.*

- 1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:
- self-generated sexually explicit images and/or videos?
  - self-generated sexual content?

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

*Reply:*

*The above-mentioned awareness-raising activities are carried out by several entities- Ministry of Interior of the Slovak republic, Ministry of Health of the Slovak Republic, Ministry of Education, Science, Research and Sport of the Slovak Republic and facilities of socio-legal protection of children and social guardianship.*

*The Police Force as one of the prevention entity carries out the awareness-raising activities as well as activities aimed to raise legal awareness of children in the area of safe use of modern information and communication technologies (hereinafter as "ICTs"). Within lectures and seminars, the Police representatives draw attention on risks of production or sharing sexually explicit images and/or videos and information of such content by children as well as threats of communication with persons only known from the internet. Respectively, the Police representatives explain terms such as unlawful conduct, malpractice, criminal offence and criminal liability to children. Pertinent preventive activities are held mainly in primary schools and high schools, but also in basic schools for children with special*

*needs, therapeutic and educational sanatorium, children homes and re-education centres. These activities are performed mainly by the Police representatives from Prevention Departments of Regional and District Directorates of the Police Force.*

*Recently, the Police Force also held the lectures aimed at safe use of ICTs for coordinators of prevention at primary schools, educational consultants and parents as well. For coordinators of prevention at primary schools and high schools in Prešov, there was a meeting on topic "Youth and internet" held in May 2016. In February 2017, a discussion on topic "Cyberbullying" was carried out for parents of pupils of 9<sup>th</sup> grade of primary school Sečovce at the so called parents' session at school. There was also lecture and subsequent discussion on topic "Safe internet" held for directors of primary schools and high schools and educational consultants in March 2017 in Ružomberok. These lectures and discussions were aimed at following information: risks related to the use of internet, basic facts of cyberbullying, forms of cyberbullying, consequences of cyberbullying, identification of victims of cyberbullying, cyber stalking, cyberbullying from point of view of criminal law, recommendations and information about protection of children.*

*The awareness-raising activities as well as educational activities covering the pertinent area are taken place also in the facilities of the socio-legal protection of children and social guardianship within the individual or group preventative activities in accordance to age and maturity of children. These activities are ensured by internal employees of the facilities (psychologist, special pedagogic, remedial pedagogic, consultant or social worker) or external specialists in the pertinent area (before mentioned activities of the Police Force). These information are provided in a language flexible and comprehensive to children, throughout talks, play activities, workshops and discussions which are regularly planned within the preventative programmes of the facilities. Activities aimed at pertinent risks are presented to children throughout group activities mainly by psychologist of the facility of the socio-legal protection and social guardianship in a form of lecture or discussion by using materials sent by the Central Office of Labour, Social Affairs and Family. Animated serial of the project [www.ovce.sk](http://www.ovce.sk) pointing out the threats of virtual space is part of it (see more about the project below). Subsequently, the discussion on pertinent topic with children follows.*

*Within the children homes established by the Central Office of Labour, Social Affairs and Family, there is an individual specialised group intended to children in need of increased care due to abuse, including children sexually abused and sexually exploited throughout ICTs. Care of such children is also ensured by accredited entities- crisis centres (accreditation acquired from the Ministry of Labour, Social Affairs and Family of the Slovak Republic). These facilities are obliged to raise the awareness of its employees in the applicable area within the protection of children against sexual exploitation and sexual abuse also via ICTs.*

*To the subject of the pertinent awareness-raising of individuals in contact with children in the sector of social protection (teachers, psychologists, and health care professionals), the facilities of the socio-legal protection of children and social guardianship ensure and support their participation in the accredited educational programmes of state and non-state entities. Individuals trained in that area subsequently implement the relevant knowledge and obtained skills directly into the preventative programmes designed for children in particular facilities.*

*Within the health care sector, The Public Health Authority of the Slovak Republic prepared educational material aimed at risks related to the area of cyberbullying in broader concept of children protection. The material is geared for individuals in regular contact with children intended to raise their awareness in the area of prevention of violence against children, predominantly when using the ICTs and points out the sensitivity of the issue. The pertinent material has been distributed as a professional educational material to all regional public health authorities.*

Ministry of Education, Science, Sport and Research of the Slovak Republic prepares recommendations, methodises and expertly relevant sources available on the internet for schools aimed at raising awareness of teachers of pertinent issue, throughout pedagogical- organisational orders for actual school year. State Pedagogic Institute of the Ministry of Education, Science, Research and Sport of the Slovak Republic guides pedagogics how to realize pertinent topic in re-education and education process and also recommends suitable educational materials (to the subject of pertinent topic e.g. M. Gregussová and M. Drobný: "Children on the web" and "Kyberšikanovie.sk"- "Cyberbullying"). State Pedagogic Institute is specifically focused on this topic also in the so called "school subject commission" for subject "Ethics". The commission works on preparation of methodological materials for teachers of ethics with specific subject-matter for the topic of protection of children against sexual abuse and sexual exploitation (child pornography) with regard to international documents.

In terms of activities aimed at individuals in contact with children, the Methodological and Pedagogical Centre of the Ministry of Education, Science, Research and Sport of the Slovak republic, an educational institution, ensures continuous education of pedagogical and specialised employees. The centre provides with education in accredited educational programmes (for example Medial Education as a cross-cutting topic in the kindergarten, Information Safety at school, Medial Education after the classes, Information and Communication Technologies in daily educational system), arranges expert seminars, workshops and methodological days as non-accredited forms of education and prepares educational materials and different didactical materials covering the pertinent issues. The Methodological and Pedagogical Centre of the Ministry of Education, Science, Research and Sport of the Slovak Republic also cooperates with different institutions on expert basis, e. g. with already mentioned non-governmental organisation eSlovensko o.z. as well as Coordinating-Methodical Centre for gender-based and domestic violence of Institute of Labour and Family Research.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

Reply:

[www.ovce.sk](http://www.ovce.sk) - <http://sk.sheeplive.eu/>

A project Sheeplive (OVCE.sk in Slovak original version) has been created as initiative of eSlovensko o.z. (<http://www.eslovensko.sk/start.htm>) as a part of three projects- Zodpovedne.sk, Pomoc.sk and Stopline.sk. The Ministry of Interior of the Slovak Republic and the Slovak committee for UNICEF support the project as their partners. The main purpose of the project presents child cartoon series and international internet portal. The fairy tales have been made with financial support of the EU programme Safe Internet. The project is aimed at the children and minors safety, principally on the threats of internet, mobile and new technologies. The project intends to fill the role of prevention for lower age categories, it is also supposed to show minors what kind of behaviour of theirs is considered as inappropriate and last, but not least the project aims to teach adults as well. The episode "Do not dance with the wolf" (<http://sk.sheeplive.eu/fairytales/netancuj-s-vlkom>) is one from the four main episodes pointing out the issue of abuse of self-generated sexually explicit photos and/or videos.

[https://www.youtube.com/watch?v=2TkuuHnQE\\_U](https://www.youtube.com/watch?v=2TkuuHnQE_U)

<https://www.minv.sk/?tlacove-spravy-2&sprava=povedz-nie-sexualnemu-vydieraniu-na-internete>

Preventative video "Say No!"- the video production has been pursued in cooperation with EUROPOL and operational action plan EMPACT Child Sexual Exploitation Online composed of law enforcement

representatives from respective member states. For Slovakia, it is a Department of Cybercrime of the Criminal Police Office of the Presidium of the Police Force which is responsible for the content of the website, communication with media and providing public with information in cooperation with Department of Communication and Prevention. The information about the campaign was published on Facebook Page of the Slovak Police (<https://www.facebook.com/policiaslovakia>). The pertinent material has been used within the preventative activities by the Police. In the half of 2017, the National Coordination Centre for Resolving the Issues of Violence against Children has started a new online campaign aimed at raising public awareness within the issues of sexual abuse. The campaign had also aimed at sexual coercion and sexual extortion via supporting the spread of the above-mentioned video "Say No!".

In the facilities of the socio-legal protection of children and social guardianship, the following research study from the Institute for public questions has been used: [https://www.telekom.sk/swift\\_data/source/pdf/Deti\\_a\\_rodicia\\_v\\_kyberpriestore.pdf](https://www.telekom.sk/swift_data/source/pdf/Deti_a_rodicia_v_kyberpriestore.pdf)  
Research study: Children and parents in cyberspace. The main purpose of the research study was to find out how using of modern information technologies reflects in children's life: how much time children go online, what they do online, which website they visit, what kind of experience they have with the websites or the level of children awareness of risks and dangers that come together with the ICTs use.

<http://www.uvzsr.sk/docs/info/podpora/letaky/kybersikanovanie.pdf>

The Public Health Authority of the Slovak Republic prepared educational material aimed at risks related to the area of cyberbullying in the wider concept of children protection. The material is geared for individuals in regular contact with children intended to raise their awareness in the area of prevention of violence against children, predominantly when using the ICTs and point out the sensitivity of the issue. The pertinent material has been distributed as an expert educational material to all regional public health authorities.

## **Question 2. Civil society involvement**

- 2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:
- a. self-generated sexually explicit images and/or videos?
  - b. self-generated sexual content?

Reply:

The Department of Cybercrime of the Criminal Police Office of the Presidium of the Police Force takes part in preventative projects of non-governmental organisation eSlovensko o.z.- [www.zodpovedne.sk](http://www.zodpovedne.sk), [www.pomoc.sk](http://www.pomoc.sk), [www.stopline.sk](http://www.stopline.sk), [www.ovce.sk](http://www.ovce.sk). which are intended to protect children against risks of virtual space including protection of children against sexual abuse through internet.

- 2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:
- a. self-generated sexually explicit images and/or videos;
  - b. self-generated sexual content?

Reply:

[www.ovce.sk](http://www.ovce.sk) - <http://sk.sheeplive.eu/>

A project Sheeplive (OVCE.sk in Slovak original version) has been created as initiative of eSlovensko o.z. (<http://www.eslovensko.sk/start.htm>) as a part of three projects- Zodpovedne.sk, Pomoc.sk and Stopline.sk. The Ministry of Interior of the Slovak Republic and the Slovak committee for UNICEF support the project as their partners. The main purpose of the project presents child cartoon series and international internet portal. The fairy tales have been made with financial support of the EU programme Safe Internet. The project is aimed at the children and minors safety, principally on the threats of internet, mobile and new technologies. The project intends to fill the role of prevention for lower age categories, it is also supposed to show minors what kind of behaviour of theirs is considered as inappropriate and last, but not least the project aims to teach adults as well. The episode "Do not dance with the wolf" (<http://sk.sheeplive.eu/fairytales/netancuj-s-vlkom>) is one from the four main episodes pointed out the issue of abuse of self-generated sexually explicit photos and/or videos.

<http://ipcko.upside.sk/>

IPcko is internet consulting service for youngsters providing with space for talking, advice or help by consultants mainly from the area of psychology and social work. The consultants are of accredited education and professional supervision aimed at ensuring help of a good quality on the basis of respect and friendly approach. Ministry of Labour, Social Affairs and Family of the Slovak Republic is partner of this internet consulting service.

### **Question 3. National curriculum**

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Reply:

The pertinent problematic is to some extent reflected in binding educational standards of several subjects at primary schools and high schools. E.g. within school subject "Informatics"- there are themes focused on safety in cyberspace, within school subject "Civic education"- there is a focus on raising human and legal awareness and school subject "Ethical education" is concentrated to values and aspect of morals.

### **Question 4. Higher education curriculum and continuous training**

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Reply:

Methodical and Pedagogical Centre of the Ministry of Education, Science, Research and Sport of the Slovak Republic provides with the accredited educational programmes such as Medial Education as a cross-cutting topic in the kindergarten, Information Safety at school, Medial Education outside the classroom, Information and Communication Technologies in daily educational system. Pedagogical employees and expert employees are target group of these accredited programmes. Purpose of these programmes (which are focused on deepening, development and dissemination of pedagogical knowledge and skills of pedagogical employees) is

*knowledge and identification of basic socio-pathological phenomenon threatening development of children's personality, protection of personality and elimination of possibilities of threats (such as manufacturing and dissemination of child pornography), publishing adequate information in appropriate form and with appropriate tools as well as identification of danger of social networks and removal of possible risks while working on the internet.*

*Within the continuous lifelong learning of policemen, there are courses offered on yearly basis and organised by CEPOL (European Police College) and MEPA (Central European Police Academy) in cooperation with member states on the topic of fight against sexual abuse of children online and theme of detection and investigation of sexual exploitation online and identification of victims.*

## **Question 5. Research**

- 5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
- self-generated sexually explicit images and/or videos?
  - self-generated sexual content?

*Reply:*

*No, there has not been any research on these pertinent issues initiated/supported by the public authorities or other bodies.*

- 5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:
- self-generated sexually explicit images and/or videos as children have been shared online?
  - self-generated sexual content as children has been shared online?

*Reply:*

*Research Institute for Child Psychology and Pathopsychology has been working on the research task "Mental health of children and youth" with subtask "Digitalisation and mental development of children" with its due date until 2018. The main goal of the research task is to determine the current state of play of cyberbullying (including issues of online sensitive content abuse), addictions as well as mental and other health problems resulted from the pertinent phenomenon in Slovakia with impact for educational and consulting practice and prevention.*

*Since 2012, Slovakia has been part of European network EU Kids Online III, financed by the European Commission programme Safe Internet that brings together researchers and experts from the whole Europe and carries out a comparable research aimed at children, their behaviour and safety on the internet. National team EU Kids Online III. is covered by the Research Institute for Child Psychology and Pathopsychology. Before mentioned eSlovensko o.z. is a part of this team and ensures the spread of research findings towards the public- to teachers, psychologists and other individuals working with children and youth as well as to commercial sector.*

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.



## Protection

### Question 6. Assistance to victims

- 6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:
- self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
  - self-generated sexual content are provided with the necessary support, assistance and psychological help?

*Reply:*

*For the purposes of the above mentioned, there is a specific mechanism of reporting throughout the helpline run by eSlovensko o.z.- <http://stopline.sk/sk/uvod/-it> is a national centre for reporting of an unlawful content or activities on the internet throughout the form, which aims at fighting against child abuse (child pornography, sexual exploitation, child prostitution, child trafficking, grooming etc.) as well as different content or activities that fall under the bodies of criminal offences according to the second part of the Act No. 300/2005 Coll. the Criminal Code. Reports related to the content placed outside the area of Slovak Republic are resent to partner organisations which cooperate in international network INHOPE. Likewise, if citizen of different country reports a suspicious content placed in the area of Slovak Republic, pertinent report is- throughout international network INHOPE-resent to the helpline stopline.sk operating on national level. (In 2016, there were 8 reports resent to the Department of Cybercrime of the Criminal Police Office of the Presidium of the Police Force, in 2017, there has been so far 7 reports.)*

*Child victims can seek for help also at the helpline Linka detskej istoty (Child assurance helpline), LDI-UNICEF- 0800 116 111, which is part of the associated helpline Pomoc.sk within the project Zodpovedne.sk supported by the European Commission programme Connecting Europe Facility. Its purpose is coordinated help, consultancy for responsible use of internet, mobile communication and new technologies. Helpline Pomoc.sk is associated helpline of Child Assurance Helpline, helplines of project Zodpovedne.sk and Child Confidence Helpline.*

*Every facility of the socio-legal protection of children and social guardianship has its internal psychologist who provides with help to children or ensures the help through distribution within the individual or group interventions. Except from that, during realization of preventative programmes for protection of children against sexual exploitation and sexual abuse throughout ICTs, children learn how to use above-mentioned free helpline or how to write down the e-mail on [potrebujem@pomoc.sk](mailto:potrebujem@pomoc.sk) or to use live chat aimed at psychological help for online threats [www.pomoc.sk](http://www.pomoc.sk).*

*Within help to child victims, there is internet consulting service IPcko operating. IPcko is internet consulting service for youngsters providing with space for talking, advice or help by consultants mainly from the area of psychology and social work. The consultants are of accredited education and professional supervision aimed at ensuring help of a good quality on the basis of respect and friendly approach. Ministry of Labour, Social Affairs and Family of the Slovak Republic is partner of this internet consulting service.*

*The update of National Strategy on the Protection of Children against Violence (The document was approved by Resolution of the Government of the Slovak Republic no. 24/2014) was approved by the government of the Slovak Republic on 11<sup>th</sup> of October 2017. Within its strategic objectives, there is a task to create and operate national helpline for help of child victims as a goal to create complex*

*mechanism of reporting at national level. Ministry of Labour, Social Affairs and Family of the Slovak Republic, specifically National Coordination Centre for Resolving the Issues of Violence against Children, is responsible to perform this important task.*

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

*Reply:*

*General regulation of providing help to children whose rights have been breached or threatened, encompasses following:*

*a) Legislative measures aimed at obligation to report*

*- professional guidance of Ministry of Health of the Slovak Republic published in Journal of the Ministry, no. 39-60, volume 60, recommends health care providers **to note information** about the physical or mental damage of health and development of child, probable mechanism of origin of the injury, the severity of the injury or damage and assumed length of hospitalisation **in the notification of suspicion** for neglect, maltreatment or abuse of child **to create a basis for the investigation** by the law enforcement authorities,*

*- in line with the provision stipulated in Article 79, para 4, letter a) of the Act No. 578/2004 Coll. on Health Care Providers, Health Care Workers and Professional Organisations in Health Service and on amendments and supplements to certain acts, the health care provider is obliged to immediately **notify** sexual exploitation of a child to the law enforcement authority and the Office of Labour, Social Affairs and Family as the authority of the socio-legal protection of children and social guardianship (respective office according to the venue of district where a child lives),*

*- in line with the provision stipulated in Article 7, para 1 of the Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on amendments and supplements to certain acts, everybody is obliged to notify the respective authority of the socio-legal protection of children and social guardianship when rights of child are breached.*

*b) Measures concerning with ensuring help (socio-legal protection of children)*

*- Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on amendments and supplements to certain acts names **measures of the socio-legal protection of children** aimed at restriction and removal of negative influences threatening mental, physical and social development of a child, **such as to** offer help to child or parents, to observe the negative influences affecting the child, to find out cause of its origin and to execute measures to restrain from adverse effects, to organise and arrange participation on programmes focused on help to problems of children.*

*- Child has a right to ask for help, to protect her or his rights, the authority of the socio-legal protection of children and social guardianship or different state body respective to protection of rights and child interests protected by law (e.g. The Police Force), facility of the socio-legal protection of children and social guardianship, municipalities, self-governing regions, accredited entity, school, school facility and health care provider. These entities are obliged to provide with immediate help to the child in order to secure his life and health, to execute measures to ensure his rights and child interests protected by law and also to mediate such assistance. This also stands for the situation*

when child in accordance to age and maturity cannot ask for help on his own, but throughout the third person.

- The parent and the person taking care of child are entitled during execution of their rights to ask for help the respective authority of the socio-legal protection of children and social guardianship or different state body respective to protection of rights and child interests protected by law, facility of the socio-legal protection of children and social guardianship, municipalities, self-governing regions, accredited entity, school, school facility and health care provider. These entities and accredited entities are obliged to provide with the help within the extent of their competence to the parent or the person taking care of children.

The Slovak Republic established the Office of the Children's Commissioner by Act No. 175/2015 Coll. on the Commissioner for Children and the Commissioner for Persons with Disabilities and on amendments and supplements to certain acts. Every person shall enjoy the law-guaranteed right to refer to the commissioner in case of breach or threat of children rights. Child is entitled to address the commissioner directly or throughout third person and also without consent of his or her parents, legal guardian or different person who has care of child replacing the care of parents.

### Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

Reply:

Within the prevention agenda, the Department of Cybercrime of the Criminal Police Office of the Presidium of the Police Force takes part in the community programme of the eSlovensko o.z. project, mainly aimed at the protection of children online. Within the pertinent programme to support safe use of internet and new online technologies, there are projects such as [www.zodpovedne.sk](http://www.zodpovedne.sk), [www.pomoc.sk](http://www.pomoc.sk), [www.stopline.sk](http://www.stopline.sk) a [www.ovce.sk](http://www.ovce.sk) conducted. The core asset of these projects is starting off the children helpline, internet monitoring and reporting of websites with unlawful and inappropriate content as well as providing with information to children how to use internet safely and raise awareness about the risks and threats of virtual space.

## Prosecution

### Question 8. Legislation

- 8.1. Does national law contain any reference to:
- self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

Reply:

There is no explicit reference to "self-generated sexually explicit images and/or videos" related to the pertinent offences in the legal order of the Slovak Republic. The Criminal Code does not regulate neither closely specify the term "self-generated sexually explicit images or videos". However, it is possible to subsume this term under the term "child pornography" defined in Article 132 para. 4 of the Act No. 300/2005 Coll. the Criminal Code, as amended (hereinafter as "Criminal Code"), particularly the first part of the definition (see below the underlined part of the legal definition): **"Child pornography visually depicts sexual intercourse, pretense sexual intercourse, different act of sexual intercourse, or other conduct similar to sexual intercourse with a child or person who looks**

*like a child, or visually depicts naked parts of the child's body or body of person who looks like a child designed to gratify sexual desire of another." The pertinent legal regulation defines the term "child pornography" without any further specification of person who creates the depiction.*

- b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

*Reply:*

*There is no explicit reference to "self-generated sexual content" related to the pertinent offences in the legal order of the Slovak Republic. The Criminal Code does not regulate neither closely specify the term "self-generated sexual content". However, it is possible to subsume this term under the term "child pornography" defined in Article 132 para. 4 of the Criminal Code, particularly the second part of the definition (see below the underlined part of the legal definition): "Child pornography visually depicts sexual intercourse, pretense sexual intercourse, different act of sexual intercourse, or other conduct similar to sexual intercourse with a child or person who looks like a child, or **visually depicts naked parts of the child's body or body of person who looks like a child designed to gratify sexual desire of another.**" The pertinent legal regulation defines the term "child pornography" without any further specification of person who creates the depiction. Regarding "self-generated sexual content", it shall be considered thoroughly whether it is possible to classify such material as "child pornography".*

- c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

*Reply:*

*National law does not comprise regulations concerning with non-pictorial sexual content. In line with Article 132 para. 4 of the Criminal Code, "Child pornography visually depicts sexual intercourse, pretense sexual intercourse, different act of sexual intercourse, or other conduct similar to sexual intercourse with a child or person who looks like a child, or visually depicts naked parts of the child's body or body of person who looks like a child designed to gratify sexual desire of another.". Definition of child pornography embraces only pictorial sexual content (only if possible to subsume such material under the term "child pornography" as stated in reply to question 8.1.b.) and does not include non-pictorial sexual content (for example voice or text).*

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

- a. self-generated sexually explicit images and/or videos?  
b. self-generated sexual content?

8.3. Are there specificities related to the fact that more children appear on the:

- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?  
b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

*Reply to questions 8.2. and 8.3.:*

*Article 138 letter j) of the Criminal Code regulates commission of criminal offence by acting in a more serious manner against several persons (for the purposes of this Act, there shall be minimum three persons affected). When criminal offence related to the above mentioned action is committed by acting in a more serious manner (e.g. against more than two children), there is a higher statutory penalty set out for commission of such offence.*

## Question 9. Criminalisation

9.1. Does national law criminalise cases when adults:<sup>1</sup>

- a. possess child self-generated sexually explicit images and/or videos?

*Reply:*

*Article 370 of the Criminal Code regulates criminal offence of possession of child pornography and attendance at a pornographic performance involving a child. The Criminal Code does not regulate details related to the content of child pornography, therefore possession of “child self-generated sexually explicit images and/or videos” is regulated by the pertinent provision as well as such images and/or videos created by different person.*

- b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?

*Reply:*

*Article 369 of the Criminal Code defines criminal offence of dissemination of child pornography. In line with this article, acting when person breeds, transfers, detains, makes available or otherwise expands child pornography is punishable.*

- c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

*Reply:*

*For case of distribution and broadcasting these images and/or videos to other children than children depicted on the images and/or videos, it is possible to apply Article 369 of the Criminal Code defining criminal offence of dissemination of child pornography. In line with this article, acting when person breeds, transfers, detains, makes available or otherwise expands child pornography is punishable. The pertinent provision does not specify recipients of such materials, therefore the pornographic material could be distributed also to other children than children depicted on the images and/or videos. Simultaneously, the above mentioned conduct shall be subsumed under the body of the criminal offence of corrupting morals in accordance with Article 372 of the Criminal Code- acting when person offers, leaves or sells pornography to children, or exhibits pornography or otherwise makes pornography available at places accessible to children.*

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

*Reply:*

*The fact whether particular cases are prosecuted or lead to conviction depends on particular consideration of individual case.*

*Article 40 para. 1 of the Criminal Code regulates institute of waiver of punishment which is permissible for offenders who commit minor offence without causing **grievous bodily harm or death and there must be all the other conditions fulfilled in line with this article. The waiver of punishment means that the criminal proceedings itself is sufficient for remedy of the offender as***

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<sup>1</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

**well as protection of society. If the pertinent provision is applied, the court rules the offender is recognised guilty but there is no punishment imposed on the offender.**

An act, which otherwise gives rise to criminal liability, is not considered as criminal offence if there are some of circumstances excluding unlawfulness of this act (Articles 24-30, of the Criminal Code) present.

Different circumstances that do not enable criminal prosecution and conviction of the offender are insanity of the offender according to Article 23 of the Criminal Code (No person incapable of judging the seriousness of an act, which otherwise gives rise to criminal liability, at the time of its commission, or to exercise self-restraint because of mental disorder may be held criminally liable for such an offence, unless the Criminal Code provides otherwise.) and inadmissibility of criminal prosecution according to Article 9 of the Act No. 301/2005 Coll. the Criminal Procedure Code (hereinafter as "Criminal Procedure Code"), mainly limitation of criminal proceedings according to Article 87 of the Criminal Code or finding a minor offence of lesser seriousness in line with Article 10 para. 2 of the Criminal Code. (The Act shall not constitute a minor offence if it is of lesser seriousness in view of the mode of its commission and consequences, the circumstances of its commission, the degree of causation, and the motivation of the offender. Note: According to the Criminal Code, a minor offence is an offence committed by negligence or an intentional criminal offence, for which the Criminal Code sets out a maximum statutory penalty of not more than five years.)

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

Reply:

Legal consequences of unlawful conduct stated in 9.1.a-c encompass the criminal prosecution of offenders- adult persons. When there are justified reasons, the offender is remanded in custody. If his guilt is proved, the offender is convicted to certain punishment or protective measure which could be imposed individually or together with the punishment. The offender also faces to punishment of prohibition to undertake certain activities forevermore in line with Article 61 para. 4 of the Criminal Code, punishment of forfeiture of a thing which had been used or stated for commission of the offence in line with Article 60 para. 4 of the Criminal Code.

The statutory penalties for punishment of imprisonment in accordance with the Criminal Code are as follows:

- Dissemination of child pornography according to Article 369 of the Criminal Code
  - punishment of imprisonment of 1 to 5 years
  - commission of the offence by acting in a more serious manner or publicly: punishment of imprisonment of 3 to 8 years
  - gaining larger benefits by committing the offence: punishment of imprisonment of 4 to 10 years
  - gaining benefits of significant extent by committing the offence: punishment of imprisonment of 7 to 12 years
- Possession of child pornography and attendance on pornographic performance involving a child according to Article 370 of the Criminal Code
  - punishment of imprisonment up to 2 years

- 9.4. Does national law criminalise cases when adults:<sup>2</sup>
- a. possess child self-generated sexual content?
  - b. distribute or transmit child self-generated sexual content to other adults?
  - c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

*Reply:*

*Legal order of the Slovak Republic criminalises acting of adults when possess or distribute or transmit “self-generated sexual content” to other adults or other children if this material may be subsumed under the legal term “child pornography” (see reply to question 8.1.b.). If the sexual content is not created for purposes of gratifying sexual desire to another, therefore possession and distribution of such content it is not subject of criminal liability in accordance with the Criminal Code. In accordance with the above mentioned, replies to questions 9.1. a.,b.,c. are proportionately applied for these questions.*

- 9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

*Reply:*

*With regard to replies to question 9.4. - reply to question 9.2. is equally applied for this question.*

- 9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

*Reply:*

*With regard to replies to question 9.4. - reply to question 9.3. is equally applied for this question.*

- 9.7. Does national law criminalise cases when children:<sup>3</sup>
- a. produce self-generated sexually explicit images and/or videos?

*Reply:*

*Child production of “self-generated sexually explicit images and/or videos” itself is not subject of criminal liability in accordance with legal order of the Slovak republic.*

- b. possess self-generated sexually explicit images and/or videos?

*Reply:*

*In general, possession of “self-generated sexually explicit images/or videos” in line with legal term “child pornography” is subject to criminal liability in accordance with Article 370 para. 1 of the Criminal Code as a criminal offence of possession of child pornography and attendance on pornographic performance involving a child. However, this shall not be applied to person who possesses child pornography made by him.*

*In line with Article 127 para. 1 of the Criminal Code, for the purposes of criminal proceedings a child is defined as a person under the age of 18 years, unless stated otherwise. Age category for the criminal liability in the Slovak Republic is stated for age 14 years old, for criminal offence of sexual abuse according to Article 201 of the Criminal Code it is 15 years old. With regard to the above*

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<sup>2</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

<sup>3</sup> This question does not in any way suggest that these behaviours should be criminalised.

mentioned, each person of age 14 (respectively 15) is criminally liable. The Criminal Code punishes each offender who conducts unlawfully as stated above mentioned and is minimum 14 years old. Who does not reach the age 14 years in a time of the commission of the criminal offence is not criminally liable (Article 22 para. 1 of the Criminal Code).

- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

*Reply:*

*Distribution or transmission of “self-generated sexually explicit images and/or videos” as stated as in letters c.-f. is subject of criminal liability in line with Article 369 of the Criminal Code as a criminal offence of dissemination of child pornography.*

*In line with Article 127 para. 1 of the Criminal Code, for the purposes of criminal proceedings a child is defined as a person under the age of 18 years, unless stated otherwise. Age category for the criminal liability in the Slovak Republic is stated for age 14 years old, for criminal offence of sexual abuse according to Article 201 of the Criminal Code it is 15 years. With regard to the above mentioned, each person of age 14 (respectively 15) is criminally liable. The Criminal Code punishes each offender who conducts unlawfully as stated above mentioned and is in age 14 years minimum. Who does not reach the age 14 years in a time of the commission of the criminal offence is not criminally liable (Article 22 para. 1 of the Criminal Code).*

*Reply to 9.7. b.- f.:*

*National law of the Slovak Republic allows criminal liability of minors- offenders who reach the age of 14 years old. Category of minors is from 14 up to 18 years old. In line with Article 95 of the Criminal Code, it is obligatory to examine level of intellectual and moral maturity to ascertain their criminal liability, more specifically whether they are able to manage their conduct and recognise its unlawfulness. It is always necessary to examine subjective element of the criminal offence and motive of conduct **to avoid unreasonable criminal prosecution of children.***

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

*Reply:*

*Criminal prosecution of children (youthful offenders) depends on reaching the age of 14 years (Article 22 of the Criminal Code). Criminal liability of child is excluded if child in age between 14 and 15 years is not able to manage his conduct and recognise its unlawfulness (Article 95 of the Criminal Code, Article 338 of the Criminal Procedure Code) with regard to his level of intellectual and moral maturity. Another circumstance excluding unlawfulness of an act is stated in Article 10 para. 2 of the Criminal Code as an evaluation of seriousness of the act. In line with Article 95 para. 2 of the Criminal Code, minor offence whose elements are regulated in the Criminal Code, is not a criminal offence when committed by youth and is of lesser seriousness.*



*The fact whether particular cases are prosecuted or lead to conviction depends on particular consideration of individual case.*

*Article 98 of the Criminal Codes regulates institute of waiver of punishment which is permissible for youth offenders who commits minor offence with **all the other conditions fulfilled in line with this article**. **The waiver of punishment means that the criminal proceedings itself is sufficient for remedy of youth offender as well as protection of society. If the pertinent provision is applied, the court rules the youth offender is recognised guilty but there is no punishment imposed on the offender. Under the conditions stated in Article 98 of the Criminal Code, court may conditionally waive of the punishment of youth offender when considers as necessary to observe behaviour of youth for certain period of time, in line with Article 101 of the Criminal Code. In this case, court could simultaneously impose re-education measures under the Article 106 and following of the Criminal Code.***

*An act, which otherwise gives raise to criminal liability, is not considered as criminal offence if there are some of circumstances excluding unlawfulness of an act (Articles 24 -30, of the Criminal Code) present.*

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

*Reply:*

*Criminal prosecution of children (youth offenders) in the age from 14 up to 18 years is regulated in Articles 94-121 of the Criminal Code and Articles 336-347 of the Criminal Procedure Code. Criminal prosecution could lead to an indictment or an agreement of guilt and punishment with accused minor with his legal representative present and subsequently to punishment ruled by the court. The statutory penalty for youth offenders is half decreased (Article 117 of the Criminal Code), maximum of a decreased statutory penalty cannot exceed 7 years and minimum of a decreased statutory penalty cannot exceed 2 years. The court could also impose punishment of prohibition to undertake certain activities (Article 112 of the Criminal Code) or protective re-education (Article 102 of the Criminal Code).*

9.10. Does national law criminalise cases when children:<sup>4</sup>

a. produce self-generated sexual content?

*Reply:*

*Child production of “self-generated sexual content” itself is not subject of criminal liability in accordance with legal order of the Slovak republic.*

b. possess self-generated sexual content?

*Reply:*

*In general, possession of “self-generated sexual content” in line with legal term “child pornography” is subject to criminal liability in accordance with Article 370 para. 1 of the Criminal Code as a criminal offence of possession of child pornography and attendance on pornographic performance involving a child. However, this shall not be applied to person who possesses child pornography made by him.*

*There is also specific situation when person possesses “self-generated sexual content” that had not been created for the purpose to gratify sexual desire to another. Therefore, if person possesses “self-generated sexual content” that would be possible to subsume under the term child pornography according to Article 132 para. 4 of the Criminal Code, it does not have to necessarily entail it is a child*

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<sup>4</sup> This question does not in any way suggest that these behaviours should be criminalised.

*pornography unless this content has been created for the purpose of gratifying sexual desire to another.*

*In line with Article 127 para. 1 of the Criminal Code, for the purposes of criminal proceedings a child is defined as a person under the age of 18 years, unless stated otherwise. Age category for the criminal liability in the Slovak Republic is stated for age 14 years old, for criminal offence of sexual abuse according to Article 201 of the Criminal Code it is 15 years old. With regard to the above mentioned, each person of age 14(respectively 15) is criminally liable. The Criminal Code punishes each offender who conducts unlawfully as stated above mentioned and is minimum 14 years old. Who does not reach the age 14 years in a time of the commission of the criminal offence is not criminally liable (Article 22 para. 1 of the Criminal Code).*

- c. distribute or transmit self-generated sexual content to peers?
- d. distribute or transmit self-generated sexual content to adults?
- e. distribute or transmit self-generated sexual content of other children to peers?
- f. distribute or transmit self-generated sexual content of other children to adults?

*Reply:*

*Distribution or transmission of “self-generated sexual content” as stated as in letters c.-f. is subject of criminal liability in line with Article 369 of the Criminal Code as a criminal offence of dissemination of child pornography.*

*In line with Article 127 para. 1 of the Criminal Code, for the purposes of criminal proceedings a child is defined as a person under the age of 18 years, unless stated otherwise. Age category for the criminal liability in the Slovak Republic is stated for age 14 years old, for criminal offence of sexual abuse according to Article 201 of the Criminal Code it is 15 years. With regard to the above mentioned, each person of age 14 (respectively 15) is criminally liable. The Criminal Code punishes each offender who conducts unlawfully as stated above mentioned and is in age 14 years minimum. Who does not reach the age 14 years in a time of the commission of the criminal offence is not criminally liable (Article 22 para. 1 of the Criminal Code).*

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

*Reply:*

*Reply to question 9.8. is equally applied for this question (taking into consideration reply to question 8.1.b.).*

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

*Reply:*

*Reply to question 9.9. is equally applied for this question (taking into consideration reply to question 8.1.b.).*

## **Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use**

### 10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2<sup>5</sup>

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

### 10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2<sup>6</sup>

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

*Reply:*

*Cases of production and possession of self-generated sexually explicit images and/or videos produced and possessed by children for their own private use is not regulated by Slovak criminal law.*

## **Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion**

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

*Reply:*

*Slovak legal order does not comprise of explicit regulation related to above mentioned cause of conduct, explicit terms “sexual coercion” or “sexual extortion” are not recognised by national law. In practise, there are often cases when the offender **forces minors** who had already created/produced pornographic material- images and/or videos- **to produce more** such images and/or videos and **to send** them to him under the threat of making already received pornographic materials public.*

*Pertinent conduct could be subsumed under the bodies of criminal offences stated in the second part of the Criminal Code as follows:*

*- criminal offence of Manufacturing of Child Pornography according to Article 368 of the Criminal Code (“Any person who exploits, elicits, offers or otherwise abuses a child for manufacturing child pornography, or enables such abuse of a child, or otherwise participates in such manufacturing...”)*

*The offender of such criminal offence shall be liable to a term of imprisonment of four to ten years. (In case the offender commits the offence against a child less than twelve years of age or by acting in a more serious manner (e. g. against more than two children) or in public, he shall be liable to a term of imprisonment of seven to twelve years. In case the offender commits the offence and causes grievous bodily harm or death through its commission or obtains substantial benefit through its*

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<sup>5</sup> Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

<sup>6</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

commission, he shall be liable to a term of imprisonment of ten to fifteen years. When offender commits the offence and causes grievous bodily harm or death to several persons through its commission or obtains large-scale benefit through its commission or commits the offence as a member of a dangerous grouping, he shall be liable to a term of imprisonment of twelve to twenty years.)

-criminal offence of Extortion according to Article 189 of the Criminal Code (“Any person who forces another person by violence, the threat of violence or the threat of other serious harm to do anything, omit doing or endure anything being done...”)

The offender of such offence shall be liable to a term of imprisonment from two to six years.

In line with Article 189 of the Criminal Code para. 2 letter b) of the Criminal Code and Article 139 para. 1 letter a) of the Criminal Code, there is a special regulation protecting children as an object of the criminal offence. In case the offender commits the offence against a protected person (e.g. against children), he shall be liable to term of imprisonment of four to ten years. The offender shall be liable to a term of imprisonment of ten to twenty years if he commits the offence and causes grievous bodily harm or death through its commission or causes substantial damage through its commission. The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence and causes grievous bodily harm or death to several persons through its commission or causes large-scale damage through its commission or commits the offence as a member of a dangerous grouping.

- criminal offence of Gross Coercion according to Article 190 of the Criminal Code (“Any person who, by violence, the threat of violence or other serious harm, forces another to render consideration of proprietary or other than proprietary nature for himself or for a third party in return for his own services or the services of a third party, which he forces on such person against his will, even if he pretends providing the services concerned...”)

The offender of such offence shall be liable to a term of imprisonment from four to ten years. (The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence against protected person (e.g. against child) or causes larger damage through its commission or commits the offence by reason of specific motivation or commits the offence by acting in a more serious manner (e.g. commission of the offence against more than two children). The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence and causes grievous bodily harm or death through its commission or causes substantial damage through its commission. The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence and causes large-scale damage through its commission or causes death to several persons through its commission or commits the offence as a member of a dangerous grouping.

## **Question 12. Jurisdiction rules<sup>7</sup>**

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

Reply:

*In Slovakia, there are several types of jurisdiction applied: personal jurisdiction, territorial jurisdiction and jurisdiction under international agreements (Article 3-7 of the Criminal Code).*

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<sup>7</sup> Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

*In case offender is not present in the territory of the contracting party to the Convention, it is possible to apply personal jurisdiction (according to Article 4 and 5 of the Criminal Code which determine the criminal liability for an act committed outside of the territory of the Slovak Republic by a Slovak national or a foreign national with permanent residence permit and for a particularly serious offence if the act was committed outside of the territory of the Slovak Republic against a Slovak national, and if the act gives rise to criminal liability under the legislation effective in the place of its commission, or if the place of its commission does not fall under any criminal jurisdiction) or jurisdiction under international agreements (in line with Article 7 para. 1 of the Criminal Code), whereas Lanzarote Convention is type of an international convention ratified and promulgated in a manner defined by law and which is binding for the Slovak Republic.*

*In general, the criminal liability for an act is ruled by the Criminal Code if the act is committed in the territory of the Slovak Republic. The criminal offence is considered as committed in the territory of the Slovak Republic also in case when the offender commits the act at least partially on its territory if breach or threat to the interest protected by Criminal Code should happen entirely or partially outside of its territory, or, in case when the offender commits the act outside of the Slovak Republic but breach or threat to the interest protected by Criminal Code was intended to take place on the territory of the Slovak Republic or there should be at least partial consequence of such breach or threat in the territory of the Slovak Republic.*

*Personal jurisdiction of the Criminal Code is established when the offender is citizen of the Slovak republic or foreigner with permanent residence permit in the Slovak republic, also in case the act is committed abroad. There is a jurisdiction of Criminal Code established also in case the act considered as felony is committed abroad, it is a subject of criminal liability in place of its commission or the place of its commission does not establish any other criminal jurisdiction and the aggrieved person is a citizen of the Slovak Republic (serious felony of manufacturing of child pornography according to Article 368 para. 3 and 4 of the Criminal Code). On the basis of above mentioned, it is conceivable to prosecute also foreigner as an offender who commits an offence that is subject to criminal liability also on the territory where it is committed, while the offender is detained on the territory of the Slovak Republic and is not extradited for criminal prosecution to foreign country (Article 6 of the Criminal Code).*

*In case there is a collision of jurisdiction of several contracting parties to the Convention, international cooperation to establish further process in criminal proceedings shall be applied.*

### **Question 13. Specialised units/departments/sections**

- 13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):
- a. in law enforcement?
  - b. in prosecution?
  - c. in courts?

*Reply:*

*Within the law enforcement authorities (the police, the prosecution office, the courts), there are no specialised departments responsible for resolving the sexual offences against children throughout ICTs.*

- 13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

*Reply:*

*In practise, investigation and detection of pertinent criminal activity is solved mainly within the respective competence of Departments of Criminal Police of District Directorates of the Police Force. In line with the Regulation of the Police Force President No. 21/2009 concerning with criminal activities of youth and criminal activity against youth, there is an operative worker and an investigator for investigation of pertinent criminal activity determined. The Department of Cybercrime of the Criminal Police Office of the Presidium of the Police Force is specialised department with competence all over the territory of the Slovak Republic aimed at detection of sexual exploitation of children online (i.e. sexual exploitation of children through ICTs and therefore criminal offences related to child pornography). The Department is also contact point for relations with foreign countries regarding this issue. The Department verifies all the received relevant information and subsequently submits them to territorially respective Criminal Police Departments of District Directorates of the Police Force.*

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?

*Reply:*

*Within the law enforcement bodies (the police), there is no victim identification function existing.*

- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

*Reply:*

*Slovak Police uses the access to database of Interpol CSE that contains image material related to the issue of international sexual exploitation of children conducted by INTERPOL. The database could be used only by certain policemen trained and specialised on this topic.*

#### **Question 14. Challenges in the prosecution phase**

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

*Reply:*

*In the area of legislation, there are challenges related to legislative regulation of data storage of telecommunications and stating of unified and reasonable term until the data are stored by the telecommunications service providers. Within the status quo, after the derogation of an EU Directive<sup>8</sup> and subsequent step on the national level and change of the acts concerned<sup>9</sup>, providing with the information of user IP address is exclusively dependent on the decision of telecommunications service*

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<sup>8</sup> Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC was declared invalid by the Court of Justice of the European Union ruling on 8<sup>th</sup> April 2014.

<sup>9</sup> Finding of the Constitutional Court no. 10/2014-78.

provider. Before mentioned could cause problem in the application practise and prevent from possibility to act quickly and effectively with regard to severity of this type of criminal activity.

While investigating this type of criminal activity, the law enforcement authorities also face to several technical challenges- the continuous development in the area of ICTs sets up high requirements on the amount of employees, their structure and specialisation within individual areas of ICTS, but mostly on their continuous lifelong learning. Regarding rapid development of technologies, it is primarily difficult to obtain evidence. Significant demands are also imposed on obtaining computer data throughout court orders, expert evidence, legal aid (when contact and "sharing" pornography material through Facebook, the evidence is ensured throughout the legal aid to the US). These operations are time-consuming, but necessary for offender identification as well as to prove guilt of committing the criminal offence.

### **Question 15. Training of professionals**

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

*Reply:*

*Policemen, including the Police Force investigators, go through regular trainings within the area of sexual abuse of children, embracing the area of sexual abuse of children through ICTs. The above mentioned trainings are simultaneously organised also for experts from civil area- representatives of the Ministry of Labour, Social Affairs and Family of the Slovak Republic and representatives of non-governmental organisations dealing with help to victims of violent and moral criminal offences. On yearly basis, the Criminal Police Office of the Presidium of the Police Force organises working meeting with training in the area of criminal activities related to child pornography. (Last working meeting was held in May 2017 in Piešťany.)*

*The Department of Cybercrime of the Criminal Police Office of the Presidium of the Police Force proceeds accredited course "cybercrime" containing the area concerned. Training of a one week is set up for representatives of the criminal police chosen from every municipality. Participation and attendance of these representatives is obligatory. Within the project of Ministry of Interior of the Slovak Republic supported by the European Commission "Capacity building for fight against cybercrime"/"Cyber Crime Training", there were 421 policemen who took training on the above mentioned topic.*

*Representatives of the Department of Cybercrime of the Criminal Police Office of the Presidium of the Police Force participated on preparation and running of international seminar MEPA in May 2016, which was aimed at fight against sexual abuse of children online. There were 20 workers from several European countries trained within the seminar.*

*Representatives of the Department of Cybercrime of the Criminal Police Office of the Presidium of the Police Force also participated on the following lectures/trainings:*

- a course "Sexual abuse of children on the internet" in Selma, Germany (2 workers)

- a course "Victim identification" in Budapest, Hungary (1 worker)
- a course "Work with the INTERPOL database ICSE" in Lyon, France (1 worker)

Topic of education within the pertinent problematic is also on the agenda of training programmes of organisation EXTEG- European Cybercrime Training & Education Group, CEPOL and MEPA and it is discussed mainly within the meetings related to EUROPOL project „EMPACT (European Multidisciplinary Platform against Criminal Threats), priorities of Cybercrime, sub priorities „Child Sexual Exploitation On-line“ associating national experts for the fight against sexual exploitation of children online from all the member states including two experts from Slovakia.

The General Prosecution Office of the Slovak Republic regularly carries out intra-ministerial seminars aimed at the actual problems in prosecution practise related to the protection of family and youth including area of sexual abuse and different forms of sexual exploitation deriving from bodies of the above mentioned criminal offences. The recent working meeting of specialised prosecutors took place in November 2016 and was between the others devoted for problems of criminal proceedings in practises of prosecutors concerning with criminal offences according to Article 368, 369 and 370 of the Criminal Code.

Specialised prosecutors for criminal offences committed by youth and domestic violence individually participate on the educational activities organised by the Justice Academy, together with judges (participation on pertinent educational activities is not obligatory).

## Partnerships

### Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

*Reply to the whole question 16:*

*Participation within the operational action programme of project European Multidisciplinary Platform against Criminal Threats- theme Child Sexual Exploitation (hereinafter as "OAP EMPACT CSE") aimed at issue of sexual abuse of children online represents part of the international cooperation with the contracting parties to the Lanzarote Convention. Measures within the operation action plan are aimed at cooperation and unified approach in fight against this type of criminal*



*activity, mainly in the area of prevention, support of awareness-raising, operational cooperation in particular cases and strategic cooperation. Practical face of the cooperation could be seen in the form of individual operation activities (e.g. the above mentioned prevention activity supporting the video "Say NO!" sharing).*

*Reply to 16.1.a, 16.2.a:*

*EUROPOL in cooperation with the OAP EMPACT CSE drew up a strategic document "Sexual coercion and extortion online as a form of crime affecting children" which is aimed at this phenomenon. The document was distributed to all member states in 2016. Its objective is to raise the awareness of sexual coercion and extortion online as one of the most significant threats for children as well as to contribute to public discourse how to react effectively on such threats.*

*Reply to 16.1.b., 16.2.b.:*

*Operation plan OAP EMPACT CSE currently works on creation of the mobile application with possibility of reporting of inappropriate content.*

*Reply to 16.1.c., 16.2.c.:*

*Within the cooperation in investigation and of sexual coercion and extortion, the operative part of the cooperation is significant due to the coverage of daily exchange of information and knowledge related to the above mentioned content aimed to prevent from this type of criminal activities, detection of offenders and identification of victims. EUROPOL and INTERPOL throughout its applications for safe exchange of information SIENA and I 24/7 are the most common communication channels in this area.*