



Convention on the Rights of the Child

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial reports of States parties due in 2006

Slovakia***

[30 October 2009]

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I.Introduction

1.The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (hereinafter referred to as the “Optional Protocol”) was adopted in New York on 25th May 2000. The National Council of the

Slovak Republic has expressed its consent with the Optional Protocol by Resolution No. 778 dated 4th February 2004 and the President of the Slovak Republic ratified it on 14th June 2004. The ratification deed was deposited with the Secretary-General of the United Nations, the protocol depository, on 25th June 2004.

2.The Optional Protocol came into force on 18th January 2002 in accordance with Article 14, Section 1 and became valid for the Slovak Republic on 25th July 2004 in accordance with Article 14, Section 2. The wording of the Optional Protocol was published in the Collection of Laws of the Slovak Republic by Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 424/2004 Coll.

3.The Slovak Republic submits the initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to the Committee on the Rights of the Child (hereinafter referred to as the “initial report”) by virtue of article 12, paragraph 1, of the Optional Protocol with the detailed information on measures adopted for the implementation of provisions of the Optional Protocol.

4.In relation to the above-mentioned and referring to Resolution No. 94 dated 28th January 2009, by which the Government of the Slovak Republic (SR) has approved the National Action Plan for Children for 2009–2012 (hereinafter referred to as the “NAP”), the Ministry of Interior of the SR in cooperation with the Ministry of Justice of the SR, Ministry of Labour, Social Affairs, and Family of the SR, other competent central state administration bodies, as well as affected non-governmental organisations, has prepared a report, which shall be passed to the Committee on the Rights of the Child.

5.The Constitution of the SR provides for the principle of the special protection of children and young people in Article 41, Section 1 as follows: “Special protection of children and juveniles shall be guaranteed”, while this fundamental constitutional principle is further stipulated by particular branches of legal regulations of the Slovak Republic. The Constitution of the Slovak Republic guarantees fundamental rights and freedoms for everyone, naturally, save for rights attached to the citizenship of the Slovak Republic.

6.The report has been prepared according to the revised rules concerning initial reports being submitted under article 12, paragraph 1, of the Optional Protocol adopted by the Committee on the Rights of the Child at its 43rd meeting on 29th September 2006, and which contain recommendations to be taken into account in the content and form of particular initial reports to the international human rights treaties of the United Nations.

II.Prohibition of the sale of children, child prostitution, and child pornography (arts. 1–3)

7.The valid criminal legislation of the Slovak Republic defines the term of “child” in Section 127 (1) of Act No. 300/2005 Coll., the Criminal Code, as amended (hereinafter referred to as the “Criminal Code”), as follows: “For the purpose hereof the child shall mean a person younger than eighteen years of age, unless it has already reached the lawful age before.” This definition has been taken over from article 1 of the Convention on the Rights of the Child adopted on 20th November 1989 in New York (hereinafter referred to as the “Convention”).

Article 3

Article 3, paragraphs 1 and 3

8.The prohibition of the sale of children, child prostitution, and child pornography shall be stipulated by provisions of the Criminal Code in Article 187 (Abduction to a Foreign Country), Article 179 Section 2 (Trafficking in human beings), Articles 180 and 181 (Child Trafficking), Article 200 (Sexual Violence), Article 201 (Sexual Abuse), Article 211 (Corrupting the Morals of Youth) and Article 372 (Corrupting the Morals), Article 367 (Pandering), Article 368 (Child Pornography Production), Article 369 (Child Pornography Dissemination), Article 370 (Child Pornography Possession) and Article 371 (Corrupting the Morals). By these provisions, especially moral principles applicable in a democratic state shall be protected. The interest in a due performance of the care for a child shall be protected, as well as the moral development and education of children against their exploitation for production or possession, trading in, and dissemination of pornography. Any breach of these interests protected by law shall be classified as an unlawful acting, which is punishable under the Criminal Code.

9.In relation to the need to provide for the punishability of the actions stated in article 1 of the Optional Protocol in as well as outside the territory of the Slovak Republic, the Slovak regulations provide for the principle of universality, i.e., the criminal sanction for sexual exploitation of children even if committed by an offender – individual or organised group – outside the territory of the Slovak Republic.

10.In relation to the sale of children pursuant to the definition in article 2 of the Optional Protocol, offering, supplying, or accepting a child in any manner for purposes of a sexual abuse of the child, supply of child’s organs for consideration or employment of a child in forced labours shall be punishable under provisions of the Criminal Code, specifically, Article 179 Section 2 (People Trafficking), Article 181 (Child Trafficking), Article 201 and 202 (Sexual Abuse), Article 190–192 (Abusive Constraint and Constraint).

Article 3, paragraph 2

11.The attempt to commit any of the crimes stated in article 3, paragraph 1, of the Optional Protocol or to participate as an accomplice or a participant in any of these crimes is specified in provisions of Article 14 (Attempted Crime), Article 20 (Accomplice) and Article 21 (Participant) of the Criminal Code. The Criminal Code defines the attempt as an acting immediately leading to a completion of a crime and the subjects of the participant (has an active approach in a criminal activity) and the accomplice (it does so in cooperation with another person) as persons directing their actions to a criminal activity or commitment of a crime.

Article 3, paragraph 4

12.The regulation of the legal liability of legal persons for crimes is dealt with by an amendment of the Criminal Code in Articles 83a and 83b under preparation, which shall solve the liability of legal persons for crimes of natural persons in a special manner. Negotiations on that issue were, however, suspended in the debate of the government in April 2008. The provisions represent a justification of the necessity to introduce protective measures against legal persons as an execution of international obligations and recommendations towards the Slovak Republic concerning the introduction of sanctions against legal persons for crimes of natural persons committed within the framework of authorisations or subordination to a legal person. The introduction of the criminal liability of legal persons is not permissible in the Slovak Republic in relation to the principle of the individual liability for a fault, the principle of the personality of punishments and at the same time the inability of a legal person to bear a volitional responsibility along with the possibility of a choice to act in accordance with law or against law.

13.The Slovak Republic has selected, in the area of the regulation of criminal liability in the draft amendment, a compromise way of the fictitious criminal liability of legal persons according to the Spanish example, while new criminal sanctions are being planned to be introduced in the form of protective measures against legal persons, specifically:

- (a)Confiscation of a determined amount of funds;
- (b)Property confiscation.

Article 3, paragraph 5

14.The issues of intermediation in the adoption of children and foster care (hereinafter referred to as the “substitute family care”) as an integral part of the socio-legal protection of children falls under the powers of the Ministry of Labour, Social Affairs, and Family of the Slovak Republic (hereinafter referred to as the ‘Ministry of Labour’). National legal regulations governing this area include Act No. 36/2005 Coll. on Family and on the Amendment and Supplementation of Certain Acts (hereinafter referred to as the “Act on Family”) and Act No. 305/2005 Coll. on Socio-Legal Protection of Children and Social Guardianship and on the Amendment and Supplementation of Certain Acts, as amended (hereinafter referred to as the “Act on SLPCH and SG”).

15.In addition to the entities, which directly or indirectly participate by their activity in protection of the rights of children, or their activities directly or indirectly concern children, measures of the socio-legal protection of children and social guardianship (the “SLPCH-and-SG Measures”) are implemented under the Act on SLPCH and SG by state administration authorities, being, in addition to the Ministry of Labour, also authorities of the socio-legal protection of children and guardianship:

- (a)Centre of Labour, Social Affairs, and Family;
- (b)Labour, Social Affairs and Family Office (the “LSAFO”); and
- (c)Centre for International Legal Protection of Children and Youth (the “Centre”), and the other authorities of the socio-legal protection of children and social guardianship (hereinafter referred to as the “SLPCH-and-SG authorities”) pursuant to Article 71 Section 1 of the Act on SLPCH and SG.

16.The Act provides also for conditions, under which a non-state entity may interact or cooperate in implementing the SLPCH-and-SG measures.

17.If parents do not or may not provide for a personal care for a child and it is impossible to entrust the child into a personal care of a natural person other than the parents pursuant to Article 44 Section 3 (a) and Articles 45 through 47 of the Act on Family, the SLPCH-and-SG body shall intermediate a foster care or adoption of the child (hereinafter referred to as the “substitute family care”).

18.Further to the above-stated, Article 33 Section 8 of the Act on SLPCH and SG defines what the mediation of a substitute family care means and the Act on Family specifies in Article 98, who may become an adoptive parent of a child.

19.Mediation of a substitute for family care, which falls under the powers of the specified LSAFO, is performed within the framework of the organisational structure of the specified LSAFOs by responsible employees of the Departments of Socio-Legal Protection of Children and Social Guardianship. The performance of this agenda may not be cumulated along with the performance of other agendas. This fact corresponds also with the specification of a government employee position of the relevant employee. In the case of absence (incapacity to work, vacation, performance of official obligations), an employee must be appointed that shall provide for the functioning of the agenda.

20.Preparation for the substitute family care, assessment and recommendation of a natural person interested in becoming a foster parent or adoptive parent is performed by the LSAFO or an accredited entity.

21.Pursuant to Article 93 Section 2 of the Act on SLPCH and SG, mediation of a substitute family care may be performed for purposes of this Act only by natural persons who have obtained a university education in the field of study of social work, or have a recognised document proving such university education issued by a foreign university.

22.Preparation of a natural person interested in becoming a foster parent or adoptive parent for the substitute family care is performed on the basis of a written agreement entered into between the entity performing the preparation for the substitute family care and the natural person interested in becoming a foster parent or an adoptive parent.

23.The entity that performs such preparation for the substitute family care, shall, upon a completion of the preparation of the natural person interested in becoming a foster parent or an adoptive parent, prepare a final report on the preparation thereof, a part of which must be, including, without limitation, characteristic of the personality of the natural person, opinion on the assumptions of the natural

person to educate a child, on motivation, interest of the natural person in becoming a foster parent or an adoptive parent, stability of the marital relationship and the family environment.

24.A natural person interested in becoming a foster parent or an adoptive parent is not capable of the performance of the substitute family care, if:

- (a)He/she has been convicted of a wilful criminal act for an unconditional sentence of imprisonment for more than one year; or
- (b)He/she has admitted his/her guilt for any of the serious offences against social cohesion, against family and youth, against human dignity, humanity, for crimes of endangering by venereal diseases or human immunodeficiency virus.

25.In 2008 altogether 283 children were entrusted into the care of future adoptive parents, of which 50 children in foreign countries. By virtue of a valid and effective court decision altogether 345 children were adopted, of which 25 were adopted in foreign countries. By virtue of a valid and effective court decision altogether 293 children were entrusted into the foster care.

Table No. 1

Number of children entrusted into the SFC for the year 2008

<i>Number of children entrusted into</i>	<i>Foster care</i>	<i>Pre-adoptive care</i>	<i>Of which into pre-adoptive care abroad</i>	<i>Adoption</i>	<i>Of which adoption abroad</i>
	293	283	50	345	25

Source: Centre of Labour, Social Affairs, and Family.

26.The LSAFO monitors — on a quarterly basis — within the framework of monitoring the program budget, indices of the proportion of the number of children in the residential care and the number of children in substitute care, which are sent to the Ministry of Labour.

Table No. 2

Comparison of the number of children entrusted into the SFC, 2007 and 2008

<i>Substitute family care</i>	<i>Number of children entrusted into</i>	<i>Wardship</i>
2007	<i>Foster care</i> 4 877	2 672 625
2008	<i>Foster care</i> 5 038	2 595 653

Source: Centre of Labour, Social Affairs, and Family.

27.The Centre has been established above all for the purpose of the implementation of international conventions. At the international level the Centre performs tasks in the area of protection of children against harmful effects of their unauthorised relocation (i.e. kidnapping by a parent), performs tasks in securing the right of children for contacts with both parents, the right of children to grow in a family environment even if no suitable family environment has been found for them in the SR, in enforcing alimony for minors as well as for the authorised full-aged, of which obligors living abroad have the duty to support and maintain them.

28.The Centre performs also tasks of the International Social Service – it is its correspondent. Current programs of the International Social Service within the framework of the protection of children and family concern protection of children and families in intercountry adoptions for the purpose of a development of internationally used standards, provision of the maximum care and protection to abandoned children and children who have been taken from their parents, and if possible, provide for reuniting separated families.

29.The Convention on the Protection of Children and Cooperation in respect of Inter-Country Adoption (hereinafter referred to as the “Convention on Adoptions”) became valid for the Slovak Republic on 1st October 2001. Pursuant to Article 6, the Centre has been appointed by the Government of the Slovak Republic as a central authority to perform tasks imposed by the Convention on Adoptions.

30.In accordance with Article 2 of the Convention on Adoptions, the Centre shall perform the function of a central authority, should the Slovak Republic become:

- (a)The country of origin – a foreign applicant may adopt a child whose usual residence is in the territory of the Slovak Republic;
- (b)The receiving country – a Slovak applicant may adopt a child whose usual residence is abroad.

31.The Centre as a central authority of the country of origin shall perform the following tasks:

- (a)Cooperate with foreign central authorities and negotiate administrative procedures for the implementation of intercountry adoptions pursuant to the Convention on Adoptions in the form of the Protocol on Cooperation in Intercountry Adoptions;
- (b)Monitor and compare the current legal regulations in particular of cooperating countries with regard to laws of the Slovak Republic;
- (c)Monitor the compliance with the adopted protocols on cooperation in intercountry adoptions and take suitable measures to remove the discrepancies;
- (d)Receive and evaluate requests of foreign applicants for intercountry adoption pursuant to the Convention on Adoptions and under

the agreed procedures;

- (e)Keep records of requests and a list of foreign applicants for intercountry adoptions;
- (f)Keep a list of children, for whom an intercountry adoption may be mediated, evaluate and provide for the completeness of the documentation of such children;
- (g)For the purpose of the mediation of a personal relationship between the child and the foreign applicant, select the most suitable foreign applicant for the adoption; establish advisory bodies for this purpose;
- (h)In cooperation with Labour, Social Affairs, and Family Offices organise children's homes, and other participated entities, establish a personal relationship between the child and the foreign applicant;
- (i)Coordinate and supervise the whole course of intercountry adoptions;
- (j)Take measures to obtain permissions for the purpose of emigration of a child from the Slovak Republic to the receiving country abroad;
- (k)Follow the development of the child that has been entrusted into the pre-adoptive care or adopted abroad pursuant to the Convention on Adoptions through the Partner Central Authorities or Accredited Institutions of Receiving Countries;
- (l)Receive, review, and evaluate social reports on integration of a child entrusted or adopted abroad under the Convention on Adoptions;
- (m)Give approvals with an adoption of a child under the Convention on Adoptions and Act on Family;
- (n)Inform foster parents about property relations of the child upon a delivery of a valid and effective and enforceable court decision on the adoption of the child.

32.The Centre is also a body competent pursuant to Article 23 of the Convention on Adoptions to issue certificates. When applying the Convention on Adoptions, the principle of subsidiarity expressed in article 21 (b) of the Convention shall be strictly observed. Intercountry adoptions may be performed only if the competent authorities fail to find a suitable substitute family environment for the child in the Slovak Republic.

33.The Centre shall cooperate with partner central authorities and accredited institutions of those countries only, which are contractual parties of the Convention on Adoptions. Individual intercountry adoptions without consent of the Centre are impermissible. When mediating an intercountry adoption, the SLPCH-and-SG bodies and children's homes perform tasks determined by a special act. Tasks in an intercountry adoption may be performed, under conditions provided for by law, also by an accredited entity.

34.Cases of an intercountry adoption of a child, when the applicant is a citizen of the Slovak Republic but his/her usual place of residence is abroad, are also subject to the procedure under the Convention on Adoptions.

35.The Centre provides free legal assistance in the whole process of the intercountry adoption. The LSAFO and children's homes provide free professional social advisory service.

36.The Centre monitors, in cooperation with a competent authority of the receiving country, upon the emigration of a child into the receiving country of the future adoptive parents, the child's integration in a new family environment in the form of social reports regularly sent to the Centre from the receiving country.

III.Criminal/procedural procedures (arts. 4–7)

Article 4

37.Act No. 301/2005 Coll., the Code of Criminal Procedure as amended (hereinafter referred to as the “Code of Criminal Procedure”) provides for the jurisdiction of a court as the jurisdiction of a specific court that is to act and decide in the given case. Pursuant to the Criminal Code, punishability of a crime, which has been committed in the territory of the Slovak Republic, shall be considered partially in the territory of the Slovak Republic, if the breach or endangerment of an interest protected by the Criminal Code has or should have occurred fully or partially outside the territory or outside the territory of the Slovak Republic, if a breach or endangerment of an interest protected by law has allegedly occurred here or if a consequence has allegedly occurred here at least partially. Jurisdiction of courts also covers the consideration of a crime, which has been committed outside the territory of the Slovak Republic on board of a ship sailing under the state flag of the Slovak Republic or on board of an aircraft registered in the Aircraft Register of the Slovak Republic. Articles 4 and 5 of the Criminal Code provide for a personal competence, since punishability of a crime, which has been committed outside the territory of the Slovak Republic by a citizen of the Slovak Republic or a foreigner having his/her permanent residence in the territory of the Slovak Republic, as well as punishability of an extremely serious offence, if committed outside the territory of the Slovak Republic against a citizen of the Slovak Republic and such act is punishable in the scene of the crime or if the scene of the crime is not subject to any penal authority, are also evaluated under this Act. However, the Slovak Republic has not introduced passive personal jurisdiction in relation to child victims, as allowed by the Optional Protocol in article 4, paragraph (2) (b).

Article 5

38.The crimes stated in article 3, paragraph 1, of the Optional Protocol are considered to be crimes being subject to extradition, providing for the competence to receive a request for extradition sent from abroad. These proceedings are regulated by provisions of the Code of Criminal Procedure, which define extradition crimes as follows: "Extradition of a person to a foreign country is permissible, if the act, for which the extradition is requested, represents, under laws of the Slovak Republic, a crime and the maximum length of imprisonment, which may be imposed for this crime under laws of the Slovak Republic, is no less than one year. Extradition of a person to a foreign country for the service of an already imposed imprisonment for the crime under the foregoing sentence is permissible, if the imposed sentence to be served or a remaining part thereof is no less than four months. Several sentences or non-served remaining parts of several crimes are totalled." The Code of Criminal Procedure further provides for conditions and obstacles of the extradition and all formal and material prerequisites, which are subject to the extradition and legal relationships related therewith.

Article 6

39.Section V Chapter V of the Code of Criminal Procedure provides, in Articles 531 through 552, for legal assistance in relation to foreign countries in its own (narrower) sense. This regulation is laid out and historically follows from the principle of subsidiarity of the national legal regulation in relation to international contractual obligations and the principle of reciprocity (mutuality). Provisions define the subject-matter of the legal assistance for purposes of international cooperation in criminal cases. The purpose of the legal assistance is to provide for evidence or take an action in the territory of another state, which may not be executed in the territory of the demanding state. These provisions provide, including, without limitation, for the procedure in case of the absence of an international treaty concluded between the Slovak Republic and another demanding state. In the case of the existence of an international treaty, the provisions shall take precedence over statutory provisions (Article 478 of the Code of Criminal Procedure), save for the event, when it concerns peremptory statutory provisions (Article 532 Section 2 of the Code of Criminal Procedure) or statutory provisions providing for powers of Slovak authorities (Article 538, Article 539, Article 543 of the Code of Criminal Procedure, etc.).

Article 7

40.Measures to seize and confiscate property are the subject matter of international obligations of the Slovak Republic at the level of OECD, UNO, Council of Europe and European Union. An interdepartmental working group for transposition of framework decisions of the EU Council has been created with the Ministry of Justice of the Slovak Republic, the primary goal of which is to prepare Acts, by which the framework decision of the EU (2005/214/SVV) on the application of the principle of mutual recognition for financial sanctions and framework decision of the EU Council (2006/783/SVV) on the application of the principle of mutual recognition for confiscation orders shall be implemented in laws of the Slovak Republic. The working group performs the assigned tasks and defines the scope of legislative changes in relation to the transposition, the output of which shall be a legislative Bill on Financial Sanctions and Confiscation Order.

41.Measures for the seizure and confiscation of property are provided for in the Criminal Code in Articles 56 and 57 (Monetary Punishment) in Articles 58 and 59 (Sentence of the Forfeiture of Property) and Article 60 (Sentence of the Forfeiture of a Thing), by which offender's income from criminal activities may also be sanctioned. The Criminal Code also allows the imposition of a protective measure on a perpetrator of a crime – seizure of a thing pursuant to Article 33 (e) subject to legal conditions.

IV. Protection of the rights of child victims (arts. 8 and 9)

Article 8

42.Provides rather for application instruments and mechanisms, which operate pro future for securing rights of a child and securing an extraordinary treatment of a child during criminal procedure, when a child is viewed as an extremely vulnerable person.
[http://www.rokovania.sk/app1/material.nsf/0/810B4163BA787E64C12574AD0047285E/\\$FILE/Zdroj.html](http://www.rokovania.sk/app1/material.nsf/0/810B4163BA787E64C12574AD0047285E/$FILE/Zdroj.html) - _ftn5.

43.Pursuant to the Act on SLPCH and SG, all entities implementing the SLPCH-and-SG measures are obliged to care that there is no endangerment or violation of the rights of a child; all these entities are obliged under this Act to provide for such protection and care of the child, which is necessary for its well-being and protection of its interests protected by law, while respecting its rights recognised by the Convention. Everyone is obliged to notify the SLPCH-and-SG body of a violation of the rights of a child. Any child is entitled to request the SLPCH-and-SG body, another public authority competent to protect the rights and interests of a child protected by law, any institution, municipality, a higher regional unit, an accredited entity, a school, school institutions of a health care provider for assistance in protection of his/her rights, while all these entities are obliged to provide the child with immediate assistance in protection of his/her life and health, take measures to secure his/her rights and interests protected by law, specifically, also by mediating such assistance. This applies even if the child may not, with regard to his/her age and intellectual maturity, request the assistance by himself/herself but through a third party.

44.The SLPCH-and-SG body implements measures or provides for the implementation of measures in cooperation with entities, which operate in the given region and specifically devote themselves to protection and assistance to victims of child trafficking, child prostitution, and child pornography, or provide for an activity for an execution of a court decision based on the granted accreditation, or implements measures in cooperation with an accredited entity, while performing the tasks of a coordinator. The SLPCH-and-SG body proceeds, when implementing measures of the socio-legal protection of children for victims of child trafficking, child prostitution and child pornography, pursuant to the Act on SLPCH and SG, Act on Family, and other applicable legal regulations, as well as in accordance with international treaties, by which the Slovak Republic is bound.

Article 8, paragraph 1 (a)

45. The Code of Criminal Procedure provides in Article 135 for a protective approach in relation to victims in such a manner that criminal proceedings do not worsen the child's experienced trauma. If a witness, a person younger than 15 years, is interrogated about matters, the recall of memory of which could, with regard to his/her age, unfavourably affect his/her mental and moral development, the interrogation must be executed particularly considerately and, in terms of the content, in such a manner that the interrogation does not have to be repeated in next proceedings. A pedagogue, another person having experience in education of youth, or an expert who shall, with regard to the subject-matter of the interrogation and the degree of the mental development of the person being interrogated, contribute to the right conducting of the interrogation, shall be invited for the interrogation. If it may contribute to the right conducting of the interrogation, a legal representative shall also be invited for the interrogation.

46. In the next proceedings, such person is to be repeatedly interrogated only in necessary cases, in pre-trial proceedings only with the approval of the prosecutor. In proceedings before a court, it is possible to develop evidence by reading minutes on the basis of a court decision.

47. As for the crime committed against a close person or an entrusted person or it is obvious from circumstances of the case that a repeated testimony of a person younger than 15 years of age may be affected or there is a reasonable assumption that the interrogation could affect the mental and moral development of the person, the interrogation shall be conducted by means of technical devices intended for sound and image transmission, in such a manner that such person could be in interrogated in next proceedings only in exceptional cases. Next interrogation of such person may be conducted in the pre-trial proceedings only with the approval of his/her legal representative or guardian, in case, when the insured's legal representative may not exercise its rights.

48. Article 230 of the Code of Criminal Procedure provides for an effective investigation by the prosecutor's supervision. The prosecutor shall exercise supervision over the compliance with legality before the commencement of criminal prosecution and in pre-trial proceedings, while the above-stated Article provides for authorisations, which may be exercised by the prosecutor when exercising such supervision. Pursuant to the provision of Article 210, the accused, injured, and the person concerned are entitled to request the prosecutor, at any time during the investigation or accelerated investigation, to review the procedure of a policeman, including, without limitation, to remove delays or other discrepancies in the investigation or accelerated investigation.

Article 8, paragraph 1 (b)

49. Section VII of the Code of Criminal Procedure provides in Articles 46 through 48 for authorisations of the injured. The child shall be informed about his/her rights and position in criminal proceedings through the legal representatives of the child who may be a parent or a guardian ad litem in accordance with Section 31 of the Act on Family or LSAFO within the framework of social guardianship of children pursuant to Articles 16 and 17 of the Act on SLPCH and SG.

Article 8, paragraph 1 (c)

50. The criminal procedure of the Slovak Republic applies the principle that even in the case when a party to proceedings is a child, general principles shall be applied, unless the legal regulation contains special provisions.

51. Pursuant to Article 49 of the Code of Criminal Procedure, an investigative, prosecuting, and adjudicating body is obliged, already at the first contact with the injured person, to provide him/her with written information about his/her rights in criminal proceedings and about organisations for aid to injured persons including services provided by them. Investigative, prosecuting, and adjudicating bodies and the court are at the same time obliged to instruct the minor about his/her rights and provide them with a full possibility to exercise them. In addition to provisions for protection of the rights of minor injured persons, quoted in the initial report, provisions of Articles 249 and 250 of the Code of Criminal Procedure, allowing exceptions from the principle of the publicity of the trial in the interest of a witness or protection of morality or integrity of the parties concerned, are important too. The provision of Article 46 (8) of the Code of Criminal Procedure is also important (right to information of the injured on the release of an offender from prison or service of a term of imprisonment or about an escape from these institutions) and provision of Article 80 of the Code of Criminal Procedure (possibility to impose reasonable restrictions, e.g., prohibition to approach a victim).

52. In accordance with Article 43 (1) of the Act on Family, a minor child that is able, with regard to his/her age and mental maturity, to express his/her opinion, has the right to freely express his/her opinion in all matters which concern him or her. In proceedings, in which matters concerning a minor child are being decided, the minor child has the right to be heard. Due attention must be paid to the minor child's opinion corresponding to his/her age and mental maturity.

53. In conditions of the Act on SLPCH and SG, the SLPCH-and-SG body proceeds, when implementing the SLPCH-and-SG measures for a minor child, in accordance with laws of the Slovak Republic. Protection of rights and interests protected by law respects the fact that it is necessary to ascertain the child's opinion, and it is ascertained through the SLPCH-and-SG body, advisory expert in the given area or psychologist, specifically, directly in a discussion with the child, while he/she is obliged to provide the child with necessary assistance to simplify the course of ascertaining child's opinion on the matter in the environment suitable or created for this purpose.

54. The introduction of the child's possibility to express his/her opinion directly in proceedings does not itself provide a guarantee for the sufficient protection of his/her rights. Even though the court takes into account, when making its decisions, the express demonstrations of the child's will, it is insufficient to be content only with his/her interrogation. With this aim, national legal regulations provide for the institute of a legal representative or a guardian. His/her participation and interrogation in all proceedings, to which a minor child is a party, is obligatory and its goal is to protect the child's interest.

Article 8, paragraph 1 (d)

55. Supporting services during the whole legal proceedings are performed by inviting the SLPCH-and-SG body, pedagogue, child

psychologist, or physician.

56. The SLPCH-and-SG body:

- (a) Provides social advisory and information about authorities and organisations operating in the given area (about the availability of health, social services and other assistance to provide for due and prompt protection and assistance);
- (b) Cooperates with investigative, prosecuting, and adjudicating bodies, represents minor children and performs the function of a guardian in the proceedings, provides support during the criminal prosecution and judicial trial;
- (c) Within the framework of preventive and prospecting activities, it pays attention to risk groups and risk life situations;
- (d) Cooperates with professional and non-governmental organisations operating in the given area (such as courts, police, prosecution, schools, school institutions, municipalities, higher regional units, accredited entities, as well as other legal and natural persons);
- (e) Intermediates participation in programs focused on the aid to victims of trafficking.

57. When implementing these measures, the SLPCH-and-SG body closely cooperates with the Department of Advisory and Psychological Services (Article 73 (2) (b/10 of the Act on SLPCH-and-SG), which provides professional advisory services and psychological assistance, prevention of socio-pathological phenomena, and which has been explicitly included in the job description, psychological advisory services provided to victims of violence. By their mutual cooperation, advisory services and terrain social work are interconnected, as well as psychological assistance in a biological family reconstruction. For employees of Departments of Advisory and Psychological Services, the "Methodical Instruction for the Preparation of Reports for Psychologists and Other Professional Employees of Departments of Advisory and Psychological Services" has been prepared. Departments of Advisory and Psychological Services also recommend, if a special intervention is necessary, specialised services of professionals within the framework of their activity.

Article 8, paragraph 1 (e)

58. Protection of privacy and identity of child victims is regulated by Article 6 Section 2 of the Code of Criminal Procedure that stipulates that the investigative, prosecuting, and adjudicating bodies and the court are particular about not disclosing protected personal data or facts of a private nature, including, without limitation, those of family life, place of residence and correspondence, which are not related to a criminal activity, while interests of minor, juvenile, and injured persons, whose personal data are not disclosed, are particularly taken care of.

59. It is performed through an investigator and in cooperation with patrolling police, with the support of the supervising prosecutor. It is possible to use also the institute of a protected or an undisclosed witness or provide protection by means of the placement in asylum houses.

Article 8, paragraph 1 (f)

60. Protection of child victims may be provided for also by Act No. 491/2008 Coll., amending and supplementing Act of the National Council of the Slovak Republic No. 171/1993 Coll., on Police Forces, as amended, and on the Amendment and Supplementation of Certain Acts, which became effective on 15th December 2008 (hereinafter referred to as the "Act on Police Forces"). This Act provides in Article 27a for the authorisation of a policeman to expel a person from a common residence, in case of which an attack to life, health, freedom or a particularly serious attack to human dignity of an endangered person may be expected on the basis of facts found, including, without limitation, with regard to such previous attacks; a part of expelling from a common residence is also a prohibition of entry into the common residence for the expelled persons for 48 hour upon the expelling. The policeman is entitled to expel such person from a common residence also during his/her absence. If the endangered person is a child, a copy of a record shall be sent to the SLPCH-and-SG body.

61. A court may order a participant by a preliminary measure in accordance with Article 76 (1) (g) of Act No. 99/1963 Coll., the Civil Procedure Code, as amended (the "CPC"), not to enter a house or flat temporarily, in which a person is living, in relationship to whom he/she is reasonably suspicious of violence. Such preliminary measure shall be decided by a court no later than 48 hours upon a delivery of a proposal fulfilling all prerequisites required by law.

62. The provision of protection to victims of people trafficking including victims of sexual exploitation is enabled also by Regulation of the Ministry of Interior of the SR No. 47/2008 on the Provision of the Program of Support and Protection of People Trafficking Victims that stipulates conditions for the provision of support and assistance to victims of people trafficking and provision for protection of their fundamental human rights, freedoms, and dignity.

63. In more serious cases, it is possible to proceed pursuant to measures for the protection of a witness to better conceal the identity of child victims and their witnesses and use the institute of an undisclosed witness under the Code of Criminal Procedure.

Article 8, paragraph 1 (g)

64. Provisions of the Code of Criminal Procedure provide that criminal proceedings are conducted without unreasonable delay. Article 2 (6) (basic principles of criminal proceedings) states that investigative, prosecuting, and adjudicating bodies and courts shall act under an official duty. They are obliged to deal with custodial matters preferentially and expeditiously. Section 10 states that investigative, prosecuting, and adjudicating bodies shall proceed in such a manner that facts of the case are ascertained, about which no reasonable doubts exist, specifically, to the extent necessary for deciding upon them. Article 201 Section 2 states that a policeman shall proceed in investigation or accelerated investigation in such a manner that he obtains details to explain the act as soon as

possible to the extent necessary to review the case and ascertain an offender of a crime.

Violence committed in families; battered, neglected and abused children

Aid to battered, sexually abused, and bullied children

65.In accordance with the performance of tasks of the Crime Prevention Program within powers of the Department of Labour, Social Affairs, and Family for 2008–2010 in the area of violence committed in families, battered, neglected, and abused children, the LSAFO implemented in 2008, based on a reasonable suspicion, the SLPCH-and-SG measures in 609 cases in total. The implementation of the SLPCH-and-SG measures has been focused on the provision of social advisory services, terrain social work, and through the Department of Advisory and Psychological Services, especially psychological advisory services and psychological aid is provided in reconstructing a biological family within the framework of aid to victims of violence. Health care had been provided in 252 cases and residential care had been provided in 38 cases.

66.When implementing measures, the SLPCH-and-SG body has closely cooperated with police, court, state prosecution office, school, school institutions, municipalities, higher regional units, accredited entities, health institutions, as well as other legal and natural persons operating in the given area. Based on the suggestion of the SLPCH-and-SG body, in 111 cases, criminal proceedings had been initiated in criminal cases of battering and sexual abuse of minor children. The SLPCH-and-SG body fulfilled the function of a custodian in criminal proceedings in 261 cases.

Table No. 3

Aid to battered, sexually abused, and bullied children

<i>Aid to battered, sexually abused, and bullied children</i>	<i>I. r.</i>	<i>Physical battering</i>	<i>Mental battering</i>	<i>Sexual abuse</i>	<i>Bullying</i>	<i>Exploitation for commercial purposes (p pornography, p prostitution)</i>	<i>Total</i>
Number of registered children		Total	1	245	164	152	36
of which		up to 6 y.	2	67	29	15	0
up to 15 y.		3	136	98	116	28	11
up to 18 y.		4	42	37	21	8	0
Number of proposals of a body to commence criminal proceedings		Total	5	51	15	34	0
Children, for whom the SLPCH - and - SG body had been appointed as a custodian in criminal proceedings (from 1 y.)	6	x	x	x	x	X	261
Selected forms of provided aid (number of children from 1 y.)	Health care	7	x	x	x	x	X 252
Residential care	8	x	x	x	x	X	38
of which	institutions	9	x	x	x	x	X 49
crisis centre from 9 y.	10	x	x	x	x	X	16
Substitute family care	11	x	x	x	x	X	19

Source: Centre of Labour, Social Affairs and Family.

Table No. 4

Victims of sexual abuse including prostitution and pornography, to whom aid was provided. Comparison by age and sex (B-boys, G-girls)

<i>Year</i>	<i>B up to 6 y.</i>	<i>B up to 15 y.</i>	<i>B up to 18 y.</i>	<i>G up to 6 y.</i>	<i>G up to 15 y.</i>	<i>G up to 18 y.</i>
2004	6	18	0	9	12	17
2005	3	6	1	11	104	16
2006	2	12	1	12	96	36
2007	1	11	0	10	113	20
2008	4	15	9	11	101	12

Table No. 5

Victims of abuse (physical battering, mental battering, sexual abuse, bullying, exploitation for commercial purposes)

<i>Year</i>	<i>B up to 6 y.</i>	<i>B up to 15 y.</i>	<i>B up to 18 y.</i>	<i>G up to 6 y.</i>	<i>G up to 15 y.</i>	<i>G up to 18 y.</i>
2004	11	34	7	15	31	11
2005	54	231	50	69	286	82
2006	53	209	63	56	265	73
2007	79	202	45	54	277	89
2008	52	160	57	60	229	51

67.In the case of crimes committed against a close person or entrusted person, if the injured is a minor person, including without

limitation, the public authority (SLPCH-and-SG body) or an authorised representative of an organisation for aid to injured persons is appointed as a custodian.

68.The Centre of Labour, Social Affairs and Family has a representation in an expert group for prevention and elimination of violence committed against women and families with the Crime Prevention Council of the SR Government and participated, last year, in the preparation of priorities of the “National Action Plan for Prevention and Elimination of Violence Committed against Women for 2009–2012”. The Centre of Labour, Social Affairs and Family has also participated in the research named “Ways of Implementation of EU Directives regarding Violence against Children, Young People, and Women”. The goal of this research has been to strengthen and harmonise the implementation of the European Union’s policy against violence in member states of the European Union by means of applied recommendations. Results shall be presented in Slovakia in 2009.

69.In Article 75a the CPC stipulates that if a minor child is found without any care or if his/her life, health, or favourable development is seriously endangered or impaired, the court shall order, without a proposal or upon a proposal of the SLPCH-and-SG body, pursuant to special regulations, through a preliminary measure, that the minor child be temporarily entrusted into the care of a natural person or a legal person that shall be specified by the court in the resolution. In such a case, the court shall decide no later than 24 hours upon a delivery of the proposal having the prerequisites determined by law. Institutions for the execution of a court decision on a preliminary measure are children’s homes and crisis centres.

Article 8, paragraph 2

70.The Criminal Code does not require the condition to ascertain the injured person’s age for the commencement of criminal prosecution in the case of crimes. When evaluating the age with regard to whether it constitutes an aggravating circumstance stated in qualified facts of the crime, e.g., if a crime is committed against a protected person, criminal prosecution shall not thereby be postponed or prolonged.

Article 8, paragraph 3

71.This paragraph regulates the preference of interests of the protection of children in criminal proceedings, which is reached by a special approach to a child as the injured person. Specifics are in the testimony, where the child is unable to talk about experienced events, which have caused a trauma to him/her as fluently as an adult and pushes the experienced events into the subconsciousness. This requires investigators specifically trained for working with children and interrogations in relation to crimes, as stated under the section on article 8, paragraph 4, below.

Article 8, paragraph 4

72.Within the framework of the National Project NP XIV “Targeted Education of LSAFO Employees” in the area of identification of victims of people trafficking, communication and implementation of SLPCH-and-SG measures in 2008, education and training of 120 LSAFO employees took place. Another series of educational activities was implemented in cooperation with the International Organization for Migration and the Ministry of Interior of the SR. A total of 77 employees of the LSAFO took part in the educational program.

73.On the part of the Presidium of the Police Forces, the education takes place regularly, at least once a year in the form of an instructional and methodical employment of police workers assigned in the Department for Youth Issues. Policemen also give lectures for civil associations dealing with these issues but also for state institutions, such as, for instance, employees from the Ministry of Labour, Social Affairs, and Family of the SR and Ministry of Education of the SR.

Article 8, paragraph 6

74.In this paragraph, the Optional Protocol states that none of the provisions of article 8 shall be interpreted in such a manner that it would hinder the exercise of rights or it would breach the rights of the accused persons to fair and impartial legal proceedings. The Code of Criminal Procedure provides for the exercise of rights, fair and impartial legal proceedings for all parties to the proceedings, i.e., including the accused person.

Article 9

Article 9, paragraph 1

75.On 28th January 2009 the Government of the Slovak Republic approved by virtue of Resolution No. 94, the National Action Plan for Children for 2009–2012, systematically following from the National Action Plan for Children approved by Resolution of the Government of the Slovak Republic No. 837 dated 7th August 2002 for the period of 2002–2005 and from a brief evaluation of the progress in 2005–2007.

76.The Slovak Republic has responded also to the unfavourable development in the area of people trafficking, by a complex criminal regulation following from international documents, by an active approach to international cooperation but also by a significant advance in the area of detection of people trafficking, in preventive activities and the care for victims.

77.By virtue of Resolution of the SR Government No. 3 dated 11th January 2006, the National Action Plan on Combating People Trafficking for 2006 and 2007 had been adopted, which specified key areas of the strategy of combating people trafficking, including, without limitation, for the purpose of sexual exploitation. One of the areas has been the awareness and education of employees of investigative, prosecuting, and adjudicating bodies, courts and state administration and self-government employees. The aim has been to reach a professional approach of the involved professions in detection and investigation of people trafficking crimes,

in the provision of aid to victims and implementation of preventive measures. One of the tasks of the National Action Plan on Combating People Trafficking has been to create a working group, which prepared in 2007, under the charges of the Office for Combating Organised Crime of the Presidium of the Police Forces, with the presence of the Office for Justice and Criminal Police of the Presidium of the Police Forces, Police Force Academy and General Prosecution of the SR, the methodical aid, “investigation of people trafficking crimes”, especially for the purpose of sexual exploitation, which provides PC investigators with an instruction how to proceed within the framework of the applicable legislation in investigating particular cases of the above-stated crimes.

78.By virtue of Resolution of the SR Government No. 251 dated 23rd April 2008, the National Program on Combating People Trafficking for 2008–2010 (the ‘National Program’) was approved, the aim of which is to provide for a complex and effective national strategy of combating people trafficking (the “national strategy”), which supports the development of mutual understanding and coordinated activity of all involved entities within the framework of elimination of risks and prevention of the commitment of the people trafficking crime as well as in creating conditions for the provision of the support and aid to people trafficking victims and provision for protection of their human rights and dignity, including the progress achieved in the area of protection of the rights of children recognised by the Convention on Rights of the Child.

79.By virtue of Resolution of the SR Government No. 192 dated 26th March 2008, the National Program for the Care of Children and Young People in the Slovak Republic (the ‘NPCCCHYP’), paying attention also to violence committed against children, its consequences in the mental and physical development of a child, was approved. One of the tasks arising out of the NPCCCHYP is to provide, through generally binding legal regulations, for the obligation of medical workers, to report cases of sexual abuse of children, based on which a professional directive of the Ministry of Health of the Slovak Republic on the obligation to immediately report any suspicion of sexual abuse of a child is currently being prepared in cooperation with the Ministry of Interior of the Slovak Republic.

80.In relation to the priority of increasing safety of cities, it can be stated that the new regulation of social services (effective from 1st January 2009), creates, in terms of the crime prevention, in addition to various social services to support families with children, in order to provide for fundamental life conditions and low-threshold social services, space for important supporting measures – community development and community work development. To support victimisation prevention and aid to crime victims, conditions of the provision of specific types and forms of social services have been provided for as assistance in crisis life situations including social services for victims of violence. A database of information about possibilities of aid to children and families (about entities operating in the area of SLPCH and SG) including the aid to crime victims, in particular territories, are maintained by Labour, Social Affairs, and Family Offices.

81.Act No. 448/2008 Coll., on Social Services and on the Amendment and Supplementation of Act No. 445/1991 Coll., on Small Firm Business (the Trade Act), as amended (the “Act on Social Services”) has been effective from 1st January 2009. Provisions of Article 31 through 33 of the Act on Social Services provide for social services for supporting families with children. It specifically concerns assistance in personal care for a child (terrain social work) and support of harmonization of family life with working life (out-patients’ or terrain social service), institution for temporary child care and low-threshold centre for children and families.

82.Conditions for community development and community work development are provided for in Section VI of the Act on Social Services, providing, *inter alia*, for the obligation of municipalities to create conditions to support the community development, community work, and community rehabilitation, within the framework of which it is possible to establish community centres as well. The obligation to prepare a community plan of the development of social services and conception of the development of social services by municipalities and higher regional units, cooperation in preparing such documents with other interested entities, basic contents of the documents including targets, priorities, implementation, evaluation, and publication thereof are also provided for therein.

83.In 2008 and 2009, Departments of Youth were created with all Regional Headquarters of the Police Forces in the SR, the scope of employment of which includes detection, documentation, and explanation of crimes of young people as well as crimes violating rights of children stated in the National Action Plan for Children for 2009–2012.

84.Since 1st July 2008, upon the instruction of the Attorney General of the Slovak Republic dated 23rd June 2008, File No. 6/2008, specialisation of prosecutors has been established in the prosecution department on crimes of young people and crimes committed against children. Specialised procurators belong to persons with expertise and life experience and are regularly systematically educated in the area of human rights, including, without limitation, rights of children and treatment of children as crime victims.

Article 9, paragraph 2

85.In the conditions of the Department of Interior, education of and public information take place through Prevention Departments, which are represented in all Regional Headquarters of the Police Forces in the Slovak Republic. Information is provided in the form of lectures and meetings in primary and secondary schools, as well as in the form of visual materials (posters, brochures, CDs), by broadcasting documents and informative shots in regional televisions. The following projects have, for instance, been implemented through the Communication and Prevention Department of the Presidium of the Police Forces: “Behave Normally”, “We know that ...”, “Policeman – My Friend”, “Paula Advises Children”, “Lumiper”, etc.

86.In 2008, investigators of the PF were trained with regard to issues of combating people trafficking, while investigators from particular offices of justice and criminal police of regional and district headquarters of the PF within the framework of the SR had been invited for the training and upon a completion of the training they obtained diplomas for the successful completion of the training in the area of combating people trafficking within the framework of the common project of the UNODC and Ministry of Interior of the SR, “Response of the Criminal System to People Trafficking”.

87.In 2008, the Project named “*Crisis Intervention and Social Inclusion of Human Trafficking Victims*” was implemented in cooperation of the Police Forces with the state administration and self-government, focused on protection of the target group (students of the 3rd–4th grades of secondary schools) against people trafficking.

88.The Ministry of Justice of the Slovak Republic as a central state administration body prepares and compiles a legal regulation in the area of protection of the rights of children. It participates in public information about potential legislative changes in the given legal regulation. Through its departments: The Department of Judicial Cooperation in Crimes, it prepares drafts of bilateral and multilateral international treaties on extradition and other issues of legal contacts with foreign countries in criminal cases, provides for the performance of tasks arising out of international treaties, represents the Ministry in committees and working groups of EU/EC bodies, maintains a database of persons extradited to the Slovak Republic for criminal prosecution and execution of a punishment for crimes committed against children; the Department of Foreign Relations and Human Rights, it provides for contacts of the Ministry with international governmental and non-governmental organisations, performs tasks concerning issues of protection of rights of children arising out of the membership in the Council of Europe, provides for the performance of tasks of the Ministry in the area of international cooperation in protection of human rights and fundamental freedoms related closely to the protection of the rights of children; and other authorities falling under the management of the Ministry, it participates in education of judges and other components of the judicial cooperation in criminal cases and provides cooperation to other Ministries in issues of protection of the rights of children.

Article 9, paragraph 3

89.As of 1st January 2009, if the SLPCH-and-SG body ascertains, when implementing measures under the Act on SLPCH and SG, that a child, parent or person caring for a child in person needs aid due to being unable to solve problems in the family, conflicts in the family, adjust themselves to a new situation in the family, or if it concerns a family with a specific problem and no other measures may be taken, it shall propose, as part of the measures being implemented, the implementation or provision for the implementation of mediation as a professional method to simplify the solving of conflict situations in the family, professional methods for the aid of children or full-aged natural persons, who have been victims of trafficking, or advisory and psychological aid to families with a specific problem and in crisis situations.

Article 9, paragraph 4

90.Indemnification of persons injured by violent crimes is provided for by Act No. 215/2006 Coll., pursuant to which indemnification may be required by any citizen of the SR, to whom damage was incurred by bodily harm. For a child, the request is made by his/her legal representative. Indemnification may be requested for, if a judgement or a sentence order has become valid and effective in criminal proceedings and the bodily harm has not been otherwise fully paid to the injured person. The person's incurred damage must relate to the crime.

Article 9, paragraph 5

91.Pursuant to provisions of Articles 368 through 372 of the Criminal Code, production, dissemination, as well as possession of child pornography or other materials endangering the morality, shall be considered a crime.

92.Provisions of Section V of Act No. 308/2000 Coll., on Broadcasting and Retransmission and on the Amendment of Act No. 195/2000 Coll., on Telecommunications, as amended (the "Act on Broadcasting and Retransmission") provide for protection of human dignity and humanity, and minors, and the right to correction in radio and television broadcasting. Pursuant to Section 19 (1) of the Act on Broadcasting and Retransmission, the program service and all components thereof must not interfere, by the manner of being processed and by their contents, with human dignity and fundamental rights and freedoms of others, in relation to minors, Section 19 (2) (f) of the Act explicitly provides that the program service and all components thereof must not display, in an improper form, minors who are exposed to physical or physical suffering.

93.In relation to protection of minors against unsuitable contents in broadcasting, Article 20 of the Act on Broadcasting and Retransmission provides for the broadcaster's obligation to ensure that programs or other components of the program service, which may impair the physical, mental, or moral development of minors, are not broadcasted, including, without limitation, those containing pornography or gross unjustified violence and that programs or other components of the program service, which could endanger the physical, psychological, or moral development of minors or impair their mental health and emotional condition, are not included in broadcasting at the time from 6:00 a.m. to 10:00 p.m.

94.Protection of minors against unsuitable contents, with regard to peculiarities of particular age groups of minors, and increases in public information and parents' awareness in relation to the contents offered in the area of audiovisual media and broadcasting are provided for by the adoption of Act No. 343/2007 Coll., on Conditions for the Registration, Public Distribution and Preservation of Audiovisual Works, Multimedia Works, and Sound Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the "Audiovisual Act"). By the adoption of the Audiovisual Act, under conditions of the Slovak media environment, the Uniform System of Designation of Audiovisual Works, Sound Recordings of Artistic Performances, Multimedia Works and Programs or Other Program Service Components was provided for as of 1st January 2008 by the age suitability in terms of barred access, unsuitability, or suitability for age groups of minors up to 7, 12, 15, or 18 years. Details on this system are provided for by Decree of the Ministry of Culture of the Slovak Republic No. 589/2007 Coll., providing for basic and uniform rules for evaluation of contents, subsequent classification and designation of works and programs. Designation of programs in broadcasting by graphical symbols enables parents and the public easier orientation in the selection of suitable programs for particular groups of minors.

95.The aim of the regulation is protection of minors against unsuitable contents with regard to distinctiveness of particular age groups. Not only violence constitutes unsuitable contents for particular age groups up to 7, 12, 15, and 18 years; depending on the period of the development, particular contents disseminated by broadcasting or audiovisual industry affect the perception, evaluation, and emotional abilities of children differently whether it is violence, various forms of addiction, sex and erotic subjects, relationship subjects, risk situations, as well as the form of processing the given subject. For this reason, the above-stated Decree provides for

evaluation criteria of suitability or unsuitability or bared access, on the basis of which works, sound records and programs are being classified; subsequently, they are designated by graphical symbols of the uniform designation system.

96.Pursuant to the Audiovisual Act, an operator of an audiovisual technical facility (cinema) shall be obliged to provide for access to information about the work and publication of the age suitability or unsuitability of the work; an operator of a video rental, computer gambling house or mediatheque shall be obliged to provide for a publication of the age limit of the suitability in a catalogue available for the public.

V.International aid and cooperation (art. 10)

Article 10

Article 10, paragraph 1

97.The Slovak Republic is a contractual party to several multilateral as well as bilateral contractual documents in the area of judicial cooperation in criminal cases, enabling extradition or legal assistance and which are applicable to crimes stated herein, or in the area of cooperation in detection, explanation, and prevention of crimes:

- (a)European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (concluded – 30th November 1964, Notice No. 412/2003 Coll.);
- (b)European Convention on Extradition (concluded – 13th December 1957, Notice No. 549/1992 Coll.);
- (c)Additional Protocol to the European Convention on Extradition (concluded on 15th October 1975, Notice No. 10/1997 Coll.);
- (d)Second Additional Protocol to the European Convention on Extradition (concluded on 17th March 1978, Notice No. 11/1997 Coll.);
- (e)European Convention on Mutual Assistance in Criminal Matters (concluded on 20th April 1959, Notice No. 550/1992 Coll.);
- (f)Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (concluded on 17th March 1978, Notice No. 12/1997 Coll.);
- (g)Convention on the Transfer of Sentenced Persons (concluded on 21st March 1983, Notice No. 553/1992 Coll.);
- (h)European Convention on the Transfer of Proceedings in Criminal Matters (concluded on 15th May 1972, Notice No. 551/1992 Coll.);
- (i)European Convention for the Prevention of Torture and Other Inhuman or Degrading Treatment or Punishment (concluded on 26th November 1987, Notice No. 26/1995 Coll.);
- (j)European Convention on the Suppression of Terrorism (concluded on 27th January 1977, Notice No. 552/1992 Coll.);
- (k)Convention on the Transfer of Persons Convicted for Imprisonment to the Country of their Citizenship (concluded on 19th May 1978, Decree No. 123/1980 Coll.);
- (l)Criminal Law Convention on Corruption (concluded on 27th January 1999, Notice No. 375/2002 Coll.);
- (m)Convention on International Access to Justice (concluded on 25th October 1980, Notice No. 182/2003 Coll.);
- (n)Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime (concluded on 8th November 1991, Notice No. 109/2002 Coll., as amended by Notices Nos. 76/2004 Coll. and 549/2006 Coll.);
- (o)United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (concluded on 20th December 1988, Notice No. 462/1991 Coll.);
- (p)United Nations Convention against Transnational Organized Crime (concluded on 15th November 2000, Notice No. 621/2003 Coll.);
- (q)Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (concluded on 26th May 1997, notice No. 42/2006 Coll.);
- (r)Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union established by the Council in accordance with Article 34 of the Treaty on the European Union, with the Protocol (concluded on 29th May 2000, Notice No. 572/2006 Coll.);
- (s)Convention on Cybercrime (opened for signature in Budapest on 23rd November 2001, Notice No. 137/2008).

98.Other international treaties, by which the Slovak Republic is bound:

- (a)Convention on the Rights of the Child (opened for signature in New York on 20th November 1989, Notice No. 104/1991 Coll.);
- (b)Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (adopted on 15th November 2000 in New York, Notice No. 34/2005

Coll);

(c)Council of Europe Convention on Action against Trafficking in Human Beings (adopted in Warsaw on 16th May 2005, Notice No. 487/2008 Coll.);

(d)Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (concluded on 19th October 1996, Notice No. 344/2002 Coll.);

(e)Convention on the Civil Aspects of International Child Abduction (concluded on 5th October 1980 Notice No. 119/2001 Coll.);

(f)European Convention on Recognition and Enforcement of Decisions concerning Custody and on Restoration of Custody of Children (concluded on 20th May 1980, Notice No. 366/2001 Coll.);

(g)Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (concluded on 29th May 1993 Notice No. 380/2001 Coll.).

99. Currently, the national legislative process has been in progress in the Slovak Republic in relation to the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote, 25th October 2007).

Article 10, paragraph 2

100. International cooperation to assist child victims is implemented through the IOM – International Organization for Migration – through the Office in the Slovak Republic. It has also been implemented through the witness protection program.

101. The Centre of Labour, Social Affairs, and Family performs tasks related to the return or relocation of children in relation to a representative office of the Slovak Republic abroad or the Ministry of Foreign Affairs of the SR, coordinates the provision of aid to minor children and implements measures adopted in the interest of their safe return or relocation.

102. Necessary measures in relation to a return or relocation of a minor child are taken by the SLPCH-and-SG body in the case that a parent, relative or a person who personally takes care of the child, cannot do so. In 2008, the SLPCH-and-SG body registered 46 minor children located in the territory of another state. Out of the total number of 46 minor children, in cases when it had been obvious that the child would not be accepted upon his/her return or relocation by a parent or a person, who should take care of the child in person, the SLPCH-and-SG body has filed 31 applications with the court to relocate a child into an institution executing the court's decision. The court had at the same time appointed a custodian for the child, who has accepted the child abroad and delivered him or her to the institution designated by the court's decision.

103. Assistance and cooperation had been provided to the child's parent, relative, or person who takes care of the child in person, in such a manner so that he/she could accept the minor child in person in the territory of another state, by the SLPCH-and-SG body in 26 cases.

Article 10, paragraph 3

104. In accordance with the implementation of an open method of coordination, mutual exchange of experience and good practice and implementation of a common approach of EU member states have been undertaken in the area of dealing with child poverty, directly affecting their mental, physical, and social development, especially by the performance of priority goals Nos. 1 and 2 of the National Action Plan of Social Inclusion for 2006–2008. (It specifically concerns reduction of child poverty and solution of intergeneration reproduction of poverty through preventive measures and support of families with children and provision for an increase of the inclusion of and the fight against discrimination of vulnerable groups of citizens by supporting the availability of public services, developing local solutions and increasing the participation of excluded groups in the life of the society.) To provide for a smooth continuation of the performance of the above-stated priority goals, the Slovak Republic has, upon the evaluation of the success of the performance thereof, determined a goal for the period of 2008–2010 to continue in the performance of the same priority goals, representing, in practice, a complex implementation of activities especially in the area of educational, social, health, and housing policies having impact on the effective reduction of child poverty, preventing their vulnerability and supporting sufficient development. (Note: complex information about the performance of the priority goals for 2006–2008 and determination of new priority goals for 2008–2010 is stated in the National Report on Strategies of Social Protection and Social Inclusion for 2008–2010 http://ec.europa.eu/employment_social/spsi/strategy_reports_en.htm).

105. Other activities include participation of the Slovak Republic in working groups, which actively contribute by the nature of their contents to the solution of issues of child poverty. Membership of the Slovak Republic in the working group of the European Federation for Street Children is an example of such participation; being a non-profit association, supporting, as a priority, cooperation among governments and non-governmental organisations for the purpose of the complex support for street children, which is closely related to the migration of children, trafficking of children and other forms of crimes, in which children are victims or perpetrators of crimes.

Article 10, paragraph 4

106. On 4th March 2009, the Government of the SR approved the Medium-Term Strategy of the Official Development Assistance for the years 2009 through 2013, defining principles, goals, orientation, and priorities of the Slovak Aid, including the territorial and sector ones for next years and reflecting also millennium development goals. By virtue of that strategy, sector priorities shall also include the building up of democratic institutions, a state respecting the rule of law, civil society and peace and social development.

107. No development project has been implemented so far which would have been directly focused on solving the problem of the sale

of children, child pornography and prostitution. The project of the non-governmental organization Tabita in Mozambique named Support of Girls in Distress indirectly dealt with the problem. The goal of the project is to increase re-socialisation and the ability of reintegration of young girls in the society with the understanding that it shall contribute to continuity and quality of their education within the framework of spare-time activities.

Annex

Provisions of the national legislation

Penal Code

Section 179 Trafficking in human beings

(1) Any person who, by using fraudulent practices, a trick, restriction of personal freedom, violence, threatened violence, threat of grievous bodily harm or other forms of coercion, by accepting or offering monetary payment or other benefits in order to get approval of a person on whom another person depends, or by misusing his powers, or abusing of defencelessness or other vulnerable position, entices, transports, harbours, hands over or takes over another person, even upon his consent, for the purposes of his prostitution or another form of sexual exploitation, including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation, shall be liable to a term of imprisonment of four to ten years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who entices, transports, harbours, hands over or takes over a person under eighteen years of age, even upon his consent, for the purposes of his prostitution or other form of sexual exploitation, including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraphs 1 or 2:

- (a) And obtains for himself or another larger benefit through its commission;
- (b) Against a protected person;
- (c) By reason of specific motivation; or
- (d) In a more serious manner.

(4) The offender shall be liable to term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraphs 1 or 2:

- (a) And obtains for himself or another substantial benefit through its commission;
- (b) And causes grievous bodily harm or death, or other particularly serious consequence through its commission; or
- (c) As a member of a dangerous grouping.

(5) The offender shall be liable to a term of imprisonment of twenty-five years to life imprisonment if he commits the offence referred to in paragraphs 1 or 2:

- (a) And he obtains for himself or another large-scale benefit through its commission; or
- (b) And causes grievous bodily harm or death to several persons through its commission.

Trafficking in children

Section 180

(1) Any person who, in breach of a generally binding legal regulation, places a child under the control of another for adoption shall be liable to a term of imprisonment not exceeding three years.

(2) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1:

- (a) And obtains for himself or another larger benefit through its commission; or
- (b) In a more serious manner.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm or death, or other particularly serious consequence.

Section 181

(1) Any person who, in exchange for money, places a child under the control of another with the intention to exploit the child for child labour, or with any other intention, shall be liable to a term of imprisonment of four to ten years.

(2)The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1:

(a)And obtains for himself or another larger benefit through its commission; or

(b)In a more serious manner.

(3)The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1:

(a)And causes grievous bodily harm or death, or other particularly serious consequence through its commission; or

(b)And obtains for himself or another substantial benefit through its commission.

(4)The offender shall be liable to a term of imprisonment of twenty to twenty-five years or life imprisonment if he commits the offence referred to in paragraph 1:

(a)And obtains for himself or another large-scale benefit through its commission;

(b)And causes death to several persons through its commission; or

(c)As a member of a dangerous grouping.

Section 187Abduction to a foreign country

(1)Any person who abducts another person to a foreign country shall be liable to a term of imprisonment of four to ten years.

(2)The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1:

(a)And causes larger damage through its commission;

(b)Against a protected person;

(c)By reason of specific motivation; or

(d)In a more serious manner.

(3)The offender shall be liable to a term of imprisonment of twelve to twenty-five years if he commits the offence referred to in paragraph 1:

(a)And causes grievous bodily harm or death through its commission; or

(b)And causes substantial damage through its commission.

(4)The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or life imprisonment if he commits the offence referred to in paragraph 1:

(a)And causes large-scale damage through its commission;

(b)And causes death to several persons through its commission; or

(c)As a member of a dangerous grouping.

Section 190

(1)The person who makes another person with violence, threat of violence or threat of another serious harm render benefits of proprietary or other than proprietary nature for him/herself or a third person for his/her own services or services of a third person which s/he imposes on him for such benefits unwillingly, namely even if s/he pretends such services, shall be punished with the imprisonment from four to ten years.

(2)The same punishment as in part 1 applies to the person who with respect to a group of people because of their nationality, race, colour of skin, ethnic origin, age, state of health or sex or with the intention to achieve improper or inadequate benefits for him/herself or another person:

(a)Makes them with violence or threat of violence, contrary to their basic human rights, do, neglect or suffer something; or

(b)Batters, tortures or treats them in a similar inhuman and cruel manner.

(3)The offender shall be punished with the imprisonment from seven to twelve years if s/he commits the offence referred to in parts 1 or 2:

(a)And causes major damage by the offence;

(b)On a protected person;

(c)With a specific motive; or

(d)In serious mode of action.

(4)The offender shall be punished with the imprisonment from twelve to twenty years if s/he commits the offence referred to in part 1 or 2:

(a)And causes an aggravated bodily injury or death by the offence; or

(b)And causes considerable damage by the offence.

(5)The offender shall be punished with the imprisonment from twenty to twenty-five years or with a life sentence if s/he commits the offence referred to in parts 1 or 2:

(a)And causes extensive damage by the offence;

(b)And causes death of several people by the offence; or

(c)As a member of a dangerous group.

Section 191

(1)The person who makes another person with violence, threat of violence or threat of another serious harm fulfil a duty from an undertaking to whose fulfilment a third person is otherwise entitled shall be punished with the imprisonment from one to three years.

(2)The offender shall be punished with the imprisonment from three to eight years if s/he commits the offence referred to in part 1:

(a)And causes major damage by the offence;

(b)On a protected person;

(c)With a specific motive; or

(d)In serious mode of action.

(3)The offender shall be punished with the imprisonment from seven to fifteen years if s/he commits the offence referred to in part 1:

(a)And causes an aggravated bodily injury or death by the offence; or

(b)And causes considerable damage by the offence.

(4)The offender shall be punished with the imprisonment from fifteen to twenty-five years or with a life sentence if s/he commits the offence referred to in part 1:

(a)And causes extensive damage by the offence;

(b)And causes death of several people by the offence; or

(c)As a member of a dangerous group.

Section 192Pressure

(1)The person who makes another person do, neglect or suffer something by misusing his/her material poverty or urgent other than proprietary need or difficulty caused by his/her bad personal relations, shall be punished with the imprisonment for up to three years.

(2)The offender shall be punished with the imprisonment from one to five years if s/he commits the offence referred to in part 1:

(a)In serious mode of action;

(b)On a protected person;

(c)With a specific motive;

(d)With the intention to gain a major proprietary benefit or another benefit for him/herself or another person; or

(e)By the fact that s/he denies an employee in employment or another work relation his/her right to work safety, to holiday or to ensuring specific work conditions to women and juveniles, guaranteed by the law.

(3)The offender shall be punished with the imprisonment from four to ten years if s/he commits the offence referred to in part 1:

(a)And causes an aggravated bodily injury or death by the offence; or

(b)And causes considerable damage by the offence.

(4)The offender shall be punished with the imprisonment from ten to twenty-five years or with a life sentence if s/he commits the offence referred to in part 1:

- (a) And causes extensive damage by the offence;
- (b) And causes death of several people by the offence;
- (c) As a member of a dangerous group; or
- (d) In a critical situation.

Section 200Sexual violence

- (1) The person who uses violence or threat of direct violence to make another person have oral sex, anal sex or to other sexual practices or who misuses his/her defencelessness for such an act shall be punished with the imprisonment from five to ten years.
- (2) The offender shall be punished with the imprisonment from seven to fifteen years if s/he commits the offence referred to in part 1:
 - (a) In serious mode of action;
 - (b) On a protected person;
 - (c) With a specific motive; or
 - (d) On a person in the service of custody or in the service of his/her term of imprisonment.
- (3) The offender shall be punished with the imprisonment from fifteen to twenty years if s/he commits the offence referred to in part 1 and causes an aggravated bodily injury by the offence.
- (4) The offender shall be punished with the imprisonment from twenty to twenty-five years if s/he commits the offence referred to in part 1:
 - (a) And causes death by the offence; or
 - (b) In a critical situation.

Sexual abuseSection 201

- (1) The person who has sex with a person younger than the age of fifteen or who sexually abuses such a person in another manner shall be punished with the imprisonment from three to ten years.
- (2) The offender shall be punished with the imprisonment from seven to twelve years if s/he commits the offence referred to in part 1:
 - (a) In serious mode of action;
 - (b) On a protected person; or
 - (c) With a specific motive.
- (3) The offender shall be punished with the imprisonment from twelve to fifteen years if s/he commits the offence referred to in part 1 and causes an aggravated bodily injury by the offence.
- (4) The offender shall be punished with the imprisonment from fifteen to twenty years if s/he commits the offence referred to in part 1:
 - (a) And causes death by the offence; or
 - (b) In a critical situation.

Section 202

- (1) The person who makes a person younger the age of eighteen have extramarital sex or sexually abuses him/her in another manner:
 - (a) If such a person is a person entrusted to his/her custody or supervision or a dependant person; or
 - (b) For a reward shall be punished with the imprisonment from one to five years.
- (2) The offender shall be punished with the imprisonment from two to eight years if s/he commits the offence referred to in part 1 on a person younger the age of eighteen who was made to such acting because of obedience, by pressure or with threat.

Section 211Corrupting the morals of youth

- (1) The person who exposes, even due to negligence, a person younger the age of eighteen to the danger of depravity by:
 - (a) Soliciting him/her to idle or immoral life;
 - (b) Enabling him/her to lead idle or immoral life;

- (c)Enabling him/her commit acts that are criminal offences under this Act; or
 - (d)Impedes his/her compulsory school attendance shall be punished with the imprisonment for up to two years.
- (2)The same punishment as in part 1 applies to the person who, contradictory to general legal regulations of binding force, employs a child younger than the age of fifteen and thus impedes his/her compulsory school attendance.
- (3)The offender shall be punished with the imprisonment from six months to five years if s/he commits the offence referred to in parts 1 or 2:
- (a)In serious mode of action; or
 - (b)With a specific motive.

Section 367Procuring and soliciting prostitution

- (1)The person who procures, moves, entices, uses, gains or offers another person for the execution of prostitution, or the person who profits from prostitution executed by someone else or enables its execution shall be punished with the imprisonment for up to three years.
- (2)The offender shall be punished with the imprisonment from one to five years if s/he commits such an offence in serious mode of action.
- (3)The offender shall be punished with the imprisonment from three to ten years if s/he commits the offence referred to in part 1 on a protected person.
- (4)The offender shall be punished with the imprisonment from seven to twelve years if s/he commits the offence referred to in part 1:
 - (a)And gains a major benefit for him/herself or another person by the offence;
 - (b)As a member of a dangerous group; or
 - (c)On a person younger the age of fifteen.
- (5)The offender shall be punished with the imprisonment from ten to fifteen years if s/he commits the offence referred to in part 1 and causes an aggravated bodily injury or death by the offence.

Section 368Production of child pornography

- (1)The person who uses, gains, offers or otherwise abuses a child for the production of child pornography or enables its abuse or otherwise participates in such production shall be punished with the imprisonment from four to ten years.
- (2)The offender shall be punished with the imprisonment from seven to twelve years if s/he commits the offence referred to in part 1:
 - (a)On a child younger the age of twelve;
 - (b)In serious mode of action; or
 - (c)In public.
- (3)The offender shall be punished with the imprisonment from ten to fifteen years if s/he commits the offence referred to in part 1:
 - (a)And causes an aggravated bodily injury or death by the offence; or
 - (b)And gains a considerable benefit by the offence.
- (4)The offender shall be punished with the imprisonment from twelve to twenty years if s/he commits the offence referred to in part 1:
 - (a)And causes aggravated bodily injuries to several persons or death of several persons;
 - (b)And gains an extensive benefit; or
 - (c)As a member of a dangerous group.

Section 369Dissemination of child pornography

- (1)The person who disseminates, transports, delivers, makes available or otherwise disseminates child pornography shall be punished with the imprisonment from one to five years.
- (2)The offender shall be punished with the imprisonment from three to eight years if s/he commits the offence referred to in part 1:
 - (a)In serious mode of action; or
 - (b)In public.

(3)The offender shall be punished with the imprisonment from four to ten years if s/he commits the offence referred to in part 1 and gains a considerable benefit by the offence.

(4)The offender shall be punished with the imprisonment from seven to twelve years if s/he commits the offence referred to in part 1 and gains an extensive benefit by the offence.

Section 370Receiving and possession of children pornography

Any person who receives and possesses children pornography, shall be liable to a term of imprisonment of up to two years.

Corrupting the moralsSection 371

(1)The person who makes, purchases, imports or otherwise delivers and then sells, lends or otherwise puts into circulation, disseminates, makes available to the public or publishes pornography, sound and visual carriers, images or other objects corrupting morals, showing disrespect to man and violence, or displaying sex with an animal or other sexual pathologic practices shall be punished with the imprisonment for up to two years.

(2)The offender shall be punished with the imprisonment from one to five years if s/he commits the offence referred to in part 1:

(a)In serious mode of action; or

(b)In public.

(3)The offender shall be punished with the imprisonment from three to eight years if s/he commits the offence referred to in part 1 and gains a considerable benefit by the offence.

Section 372

(1)The person who:

(a)Offers, leaves or sells pornography to a person younger the age of eighteen; or

(b)Displays or otherwise makes available pornography in a place available to people younger than the age of eighteen, shall be punished with the imprisonment for up to two years.

(2)The offender shall be punished with the imprisonment from one to five years if s/he commits the offence referred to in part 1:

(a)In serious mode of action; or

(b)In public.

(3)The offender shall be punished with the imprisonment from three to eight years if s/he commits the offence referred to in part 1:

(a)And gains a considerable benefit for him/herself or another person; or

(b)By offering, making available or displaying pornography, sound or visual carriers or images showing disrespect to man and violence or displaying sex with an animal or other sexually pathologic practices.

Section 14Attempted criminal offence

(1)An attempted criminal offence is an action directly leading to the commission of a criminal offence and performed by an offender intending to commit a criminal offence if the commission of a criminal offence was not completed.

(2)An attempted criminal offence shall give rise to the same punishment as a completed criminal offence concerned.

(3)An attempted criminal offence shall not give rise to the punishment if the offender voluntarily:

(a)Stopped performing the action leading to the commission of the criminal offence and removed the threat to an interest protected under this Act presented by the attempt; or

(b)Gave information about the attempted criminal offence to the body active in criminal proceedings or to Police Force at such time when it was still possible to remove the threat to an interest protected under this Act presented by the attempt; members of the armed forces may give such information to their superior officers and persons serving their imprisonment sentences or remanded in custody may give such information also to the officers of the Corps of Prison and Court Guard of the Slovak Republic.

(4)The application of paragraph 3 shall not, however, prejudice criminal liability of the offender for a different criminal offence he had already committed through such an action.

Section 20Accomplice

If a criminal offence was committed by two or more persons acting in conjunction (accomplices), each of them has the same criminal liability as the single person who would commit such a criminal offence.

Section 21 Abettor

- (1) An abettor to a completed or attempted criminal offence is any person who wilfully:
- (a) Masterminded or directed the commission of a criminal offence (organiser);
 - (b) Instigated another person to commit a criminal offence (instigator);
 - (c) Asked another person to commit a criminal offence (hirer);
 - (d) Assisted another person in committing a criminal offence, in particular by procuring the means, removing the obstacles, providing an advice, strengthening the determination, making a promise of post crime assistance (aider).
- (2) Unless this Act provides otherwise, the criminal liability of an abettor shall be governed by the same provisions as the criminal liability of an offender.

Code of Criminal Procedure

Chapter Five. International legal assistance

Division One Scope of legal assistance

Section 531 Definition of the matter

Procedural acts carried out after the commencement of the criminal proceedings in the Slovak Republic in the territory of another State on the basis of a request by the Slovak authorities or such acts carried out in the territory of the Slovak Republic on the basis of a request by foreign authorities, in particular service of documents, hearing of persons and taking of other evidence, shall be understood as legal assistance.

Division Two Requests by Slovak authorities

Section 532 Form of transmission of requests

- (1) Requests for legal assistance emanating from the Slovak pre-trial authorities shall be transmitted abroad through the General Prosecutor's Office. Requests for legal assistance emanating from the Slovak courts shall be transmitted abroad through the Ministry of Justice. Diplomatic channels shall not be excluded.
- (2) If an international treaty provides so, the Slovak authorities may transmit their requests abroad through other channels than the ones provided for in paragraph 1. The policeman may transmit the requests abroad solely through the good offices of a prosecutor.

Section 533 Contents and form of request

- (1) A request for legal assistance shall, in addition to a precise description of the required act of assistance, contain a description of the facts of the offence which is the basis of the request, the legal denomination of the offence together with a verbatim wording of the pertinent legal provisions, the personal data of the accused or, as the case may be, of the victim or the witnesses if their examination is requested, as well as further details required for the proper execution of the requested legal assistance.
- (2) The request shall contain the exact specification of the requesting authority, its file number, the date of the request and it shall bear the signature of the responsible officer and the round seal of the requesting authority.
- (3) The request and the supporting documents shall be accompanied by a translation into a foreign language done by an official translator if in relation to the requested State such translation is required.

Section 534 Postal service

Service of documents on a person abroad by post shall be admissible only if so permitted by an international treaty.

Section 535 Validity of procedural acts

Service effected by a foreign authority upon a request by the Slovak authority as well as evidence taken by such authorities shall be valid if they were carried out in accordance with the law of the requested State or if they comply with the law of the Slovak Republic.

Section 536 Summoning persons from abroad

- (1) If the personal appearance of a person who stays abroad is required at a procedural act, he must be served the summons by a request for legal assistance. His appearance must not be compelled by the threat of the use of coercive measures.
- (2) The person who appears in the territory of the Slovak Republic on the basis of a summons must not be subjected to criminal prosecution, convicted or restricted in his personal liberty in respect of a criminal offence committed prior to his entering the territory of the Slovak Republic.
- (3) Criminal prosecution, conviction or restriction of personal liberty of the summoned person shall, however, be admissible:

- (a)In respect of the criminal offence for which the person was summoned as accused;
- (b)If, after giving evidence, the summoned person remains in the territory of the Slovak Republic for a period of more than 15 days, having had an opportunity to leave;
- (c)If the summoned person leaves the territory of the Slovak Republic and returns voluntarily or is lawfully returned to the Slovak Republic from another State.

Division Three Requests by foreign authorities

Section 537 Manner and form of execution of request

- (1)Slovak authorities shall carry out the legal assistance requested by foreign authorities in the manner provided for in this Code or in an international treaty. If the legal assistance shall be provided on the basis of an international treaty by a procedure not provided for in this Code, the responsible prosecutor shall decide how such assistance shall be carried out.
- (2)At a request by the foreign authority the assistance may be provided on the basis of the legal provisions of another State, unless the requested procedure is contrary to the interests protected by Article 481.
- (3)In order to execute the letter rogatory under section 539 paragraph 1 it is required that the act which the letter rogatory concerns is a criminal offence not only under the legal system of the requesting State but also under the legal system of the Slovak Republic.

Section 538 Responsibility for execution of requests

- (1)Requests of a foreign authority for legal assistance shall be sent to the Ministry of Justice.
- (2)The district prosecutor's office in whose district the requested assistance shall be carried out shall have the responsibility for the execution of the request for legal assistance made by a foreign authority. If more prosecutors' offices have territorial jurisdiction, the Ministry of Justice shall send the request to the General Prosecution for the decision on which prosecution office shall provide for its execution.
- (3)If the foreign authority requests that the examination of a person or another act of legal assistance shall be executed by the court by the reason of applicability of the act in the criminal proceedings in requesting State, the prosecutor shall submit the request in that part for execution to the District Court in whose district the requested assistance shall be carried out. If the exclusive subject of the request is the act, which has to be executed by a court, the request shall be sent to the court directly by the Ministry of Justice.

Section 539 Authorisation of assistance by court

- (1)If under this Code the taking of evidence requested by the foreign authority requires an authorisation by the court, such authorisation shall be given by a judge upon a motion by the prosecutor responsible for the execution of the request.
- (2)If the assistance shall be provided on the basis of foreign legal provisions, the judge shall decide upon a motion by the prosecutor whether the foreign procedure does not conflict with the interests protected by the provisions of Article 481. If he does not find such a conflict he shall authorise the provision of the assistance and shall at the same time decide how the evidence shall be taken. An appeal by the prosecutor, with a postponing effect, shall be admissible against the court's decision. The decision of the court on contradiction of procedure under foreign provision is not required if it concerns delivery of a document or instruction of a person under foreign provision.
- (3)The District Court in whose district the assistance shall be carried out shall have jurisdiction to decide under the paragraphs 1 and 2.

Section 540 Acts by foreign authorities

- (1)Foreign authorities may not execute any acts of legal assistance in the territory Slovak Republic by themselves.
- (2)A foreign consular office having jurisdiction for the territory of the Slovak Republic may carry out, if so mandated by the authorities of the State it represents and on their behalf, procedural acts for criminal proceedings only with the prior consent given by the Ministry of Justice. Service of documents on the national of the represented State or the examination of a person who appears voluntarily shall not require any prior consent by the Ministry of Justice.
- (3)The presence of representatives of the foreign authorities as well as other persons at the execution of legal assistance by the Slovak authority shall only be possible with the prior consent by the responsible prosecutor; if the request shall be executed by the court, the consent shall be given by this court.

Section 541 Service of documents

- (1)If the document to be served on an addressee in the Slovak Republic is written in the Slovak language or in a language which, taking into account all circumstances of the case, is deemed to be understood by the addressee, or if a translation into such language is attached to the document and no personal service is requested, the document shall be served on the addressee in accordance with the provisions of this Code governing the service in proper hands. Service by deposit shall be admissible only after a repeated attempt to serve.

(2)If the document is not in the language specified in paragraph 1 and no translation into such language is attached to the document, and the requesting authority was not required under an international treaty to provide such translation, the authority executing the assistance shall arrange for the Slovak translation and subsequently serve the document as provided for in paragraph 1. Otherwise it shall serve the document on the addressee only should he accept it voluntarily after being advised of the possibility to refuse the service.

(3)If the requesting authority requests personal service of the documents, the documents shall be served on the addressee in person. In such an event, the service under paragraph 1 shall not be admissible and should even the repeated attempt to serve the document in person fail, the authority effecting the service shall return the request non-executed and in the cover letter it shall specify the reasons for the failure of service. The addressee shall confirm the effected service by signing the receipt provided by the requesting authority or in the protocol of the authority effecting the service. If the addressee refuses to accept the documents for reasons specified in paragraph 2, the authority effecting the service shall record this fact in the receipt provided by the requesting authority or in the cover letter by which it returns the request to the requesting authority.

Section 542 Examination under oath

(1)If requested by the foreign authority, witnesses, experts and parties may also be examined under oath; prior to the oath they must be advised of the importance of the statement and of the consequences of perjury.

(2)The wording of the oath for the witnesses and parties shall be the following: "I swear on my honour that I shall say the truth and nothing but the truth and withhold nothing intentionally."

(3)The wording of the oath for the expert witness shall be the following: "I swear on my honour that I shall give my expert opinion according to my best knowledge and conscience. I declare that I am aware of criminal consequences of false expert opinion."

Division Four Some special forms of legal assistance

Section 543 Transit

(1)The Minister of Justice shall have the authority to grant the transit of a person through the territory of the Slovak Republic for the purposes of criminal prosecution or execution of a prison sentence upon a request by a foreign authority. During the transfer the personal liberty of the transferred person will be restricted in order to prevent his escape; in order to restrict the personal liberty of the transferred person the coercive measures under special law shall be used.

(2)The decision granting the transfer for purposes which imply the return transfer through the territory of the Slovak Republic shall be deemed as a decision granting such return transfer as well.

Section 544 Cross-border observation and pursuit

(1)In accordance with the terms of an international treaty the police authority may, in observing or pursuing a person, enter the territory of another State and continue abroad the observation or the pursuit of the person.

(2)The authorisation to proceed under paragraph 1 shall be issued by the presiding judge or in the pre-trial by the prosecutor.

(3)In the case of urgency, the procedure under paragraph 1 shall be possible also without an authorisation solely on the basis of consent by the Chief of Police. The authority having jurisdiction to authorise under paragraph 2 shall be informed without delay.

(4)Foreign authorities may carry out the observation or the pursuit in the territory of the Slovak Republic in accordance with the terms of an international treaty. If the international treaty does not specify which Slovak authority has jurisdiction to grant the permission to carry out the cross-border observation or pursuit in the territory of the Slovak Republic, the permission shall be given by the Chief of Police.

Section 545 Temporary surrender of detained person abroad

(1)At the request of a foreign authority a person in custody or serving a prison sentence in the Slovak Republic may be temporarily surrendered abroad for the purposes of giving evidence.

(2)The person specified in paragraph 1 may be temporarily surrendered only if:

(a)He is not the accused in the proceedings abroad and he consents with the temporary surrender;

(b)His absence does not alter the purpose of the custody or the enforcement of the sentence carried out in the Slovak Republic;

(c)The temporary surrender does not inadequately extend the length of custody in the Slovak Republic, or the temporary surrender does not extend the length of the prison sentence served in the Slovak Republic.

Section 546

(1)The Minister of Justice shall have the authority to grant the temporary surrender abroad. In his decision he shall set out an appropriate deadline for the return of the person to the territory of the Slovak Republic.

(2)After the temporary surrender was granted, the decision to transfer the person abroad shall be made by the district court in whose

district the person is in custody or serving the prison sentence.

Section 547

(1)The time the person spent in custody abroad shall not be counted against the deadlines under Article 76. The decision to this effect shall be taken by the court, and in the pre-trial by the judge upon the motion of the prosecutor.

(2)The time specified in paragraph 1 shall be counted against the length of the sentence served in the Slovak Republic.

(3)An appeal against the decisions under the paragraphs 1 and 2 shall be admissible.

Section 548

Articles 545 to 547 shall be applied *mutatis mutandis* to the transfer of a person abroad to participate in an act of legal assistance carried out in the territory of another State upon a request by the Slovak authorities.

Section 549 Temporary surrender of detained person from abroad for execution of procedural acts

(1)If in the criminal proceedings in the Slovak Republic the personal appearance of a person other than the accused is necessary for evidentiary purposes and such person is in custody or serving a prison sentence abroad, the prosecutor or the judge may request the Ministry of Justice to arrange the temporary surrender of the person to the territory of the Slovak Republic. The motion submitted to the Ministry of Justice shall specify the procedural acts for which the presence of the person is necessary as well as the date or the period of time for which the personal appearance shall be arranged.

(2)If the requested State authorised the temporary surrender to the territory of the Slovak Republic, the presiding judge of a panel, or in the pre-trial upon the motion by the prosecutor judge for pre-trial proceedings, shall decide that during the period of the temporary surrender in the Slovak Republic such person shall be held in custody. In this resolution shall be specified that the custody shall commence on the day of the surrender of the person to the territory of the Slovak Republic.

(3)The provisions of the paragraphs 1 and 2 shall be applied *mutatis mutandis* to the surrender of a person from abroad to participate in an act of legal assistance carried out in the territory of the Slovak Republic upon a request by the foreign authorities.

Section 550 Surrender of things

(1)Upon a request by a foreign authority the seizure of a thing and its subsequent surrender abroad can be effected.

(2)The requested authority may postpone the surrender of the seized thing if the Slovak authorities need it in their criminal proceedings.

(3)When surrendering the seized thing the requested authority shall request its return from the foreign authority. It may, however, expressly waive this right or may agree that the thing shall be returned directly to its rightful owner.

(4)These provisions shall be applicable *mutatis mutandis* to the surrender of a thing seized with the person whose extradition is sought. Such thing shall be surrendered to the foreign authorities, whenever possible, together with the extradited person.

Section 551 Seizure of property

(1)Under the conditions specified in an international treaty the court may, on the basis of a request by the foreign authority, and upon a motion by the prosecutor, order the provisional seizure of the thing, account, stocks or another property located in the territory of the Slovak Republic and belonging to the person who is being criminally prosecuted against abroad.

(2)The District Court in whose district the property to be seized is located shall have jurisdiction to decide on the motion under paragraph 1.

(3)The District Court shall revoke the provisional seizure on the basis of a motion of the foreign authority which asked for the provisional seizure. The District Court may also revoke the provisional seizure if the foreign state in proper time does not ask for execution of foreign property decision concerning the seized property.

Section 552 Information from criminal records

Any request by a foreign authority for information from the criminal records shall be submitted to the Prosecutor General's Office.

Section 478 International treaties

Provisions of this Chapter shall be applied unless an international treaty provides otherwise.

Section 135

(1)If the person examined as a witness is under 15 years of age and the examination concerns matters whose recollection could, given the witness's age, have a negative influence on his mental and moral development, the examination shall be conducted with utmost consideration, and care shall be taken not to have to repeat, if possible, the examination in the subsequent proceedings; an education specialist or a person with expertise in juvenile education who, taking account of the object of examination and the level of mental

development of the interviewed person, shall contribute to the proper conduct of examination, may be taken up. If the presence of the legal guardian of the witness could contribute to a proper course of the examination, he shall be summoned to be present during the examination.

(2) In the subsequent proceedings, such person is to be examined only when it is strictly necessary and in pre-trial proceedings only with the consent of a prosecutor. In the proceedings before the court, the court may decide to take the evidence by reading the record of examination even if the conditions set out in Section 263 are not fulfilled. The person invited to attend the examination shall, as necessary, be interviewed as regards the accuracy and completeness of the record, the manner in which the examination was conducted, and the way in which the examined person gave his testimony.

(3) Where a person under 15 years of age is examined as a witness in connection with a criminal offence against a close person or a person in one's care, or where it is evident from the circumstances of the case that a repeated testimony by a person under 15 years of age could be influenced, or where there is a reason to believe that the examination could affect mental and moral development of a person under 15 years of age, examination shall be made with the help of technical equipment for the transmission of sound and images, making sure that the examination of a person under 15 years of age be required in the subsequent proceedings only exceptionally. Repeated examination of a person of 15 years of age during formal investigation can be made only with the consent of his legal guardian or, in cases referred to in Section 48 paragraph 2, with the consent of his ward.

(4) If a person under 15 years of age has been examined pursuant to paragraph 3, evidence thus obtained shall be presented in the proceedings before the court in accordance with Section 270 paragraph 2; such witness may be examined in the proceedings before the court only in exceptional cases.

Section 201 Common conduct of investigation and summary investigation

(1) As a rule, police officers shall conduct investigation or summary investigation under their sole authority. The procedures performed to commence criminal investigation or after the commencement of criminal investigation by a police officer other than the locally competent police officer shall not have to be repeated, provided they were taken in compliance with this Act.

(2) Police officers shall conduct investigation or summary investigation in a manner enabling them to procure, as expediently as possible, the evidence necessary to clarify the act, to the extent necessary to examine the case and to identify the perpetrator of the criminal offence.

(3) Except where they have to obtain the decision or the consent of a judge for pre-trial proceedings or a prosecutor, police officers shall carry out investigation procedures under their sole authority, in compliance with the law and in time.

(4) Police officers shall procure the evidence irrespective of whether it favours or not the accused, proceeding in accordance with paragraph 3. No unlawful means may be used to force the accused to testify or to make a confession. The refusal to testify may not be used as the evidence against the accused.

Section 210 Request to review the actions of police officers

The accused, the victim and any participating person are entitled to request, at any moment of investigation or summary investigation, a review of the actions of police officers, in particular in order to eliminate delays or other shortcomings in the investigation or summary investigation. Police officers shall have to submit such requests to prosecutors without delay. Prosecutors shall be obliged to examine the requests and notify the applicants of the result.

Chapter Three. Prosecutorial supervision and procedures

Division One

Prosecutorial supervisionSection 230

(1) Prosecutors shall perform supervision over compliance with the law prior to the commencement of prosecution and during pre-trial proceedings.

(2) During the performance of supervision, prosecutors shall have the authority:

(a) To issue mandatory instructions to proceed according to Section 197, to conduct investigation or summary investigation of criminal offences, and to set out time limits for their execution; these instructions shall be inserted in the file;

(b) To request police officers to submit the files, documents, materials and reports concerning the status of pending prosecution cases to determine whether they initiated criminal prosecution in time and to perform appropriate procedures;

(c) To participate in the performance of procedures by police officers, to conduct individual procedures or the entire investigation or summary investigation personally and to issue decisions in any case, in compliance with this Act; such decisions of prosecutors may be challenged by a complaint just as the decisions of police officers;

(d) To refer the matter back to police officers for additional investigation or summary investigation, and to set out the time limit therefore; they shall notify the accused and the victim thereof;

(e) To cancel unlawful or unjustified decisions and measures by police officers, which they may replace with their own decisions; in case of resolution on the stay of criminal prosecution, the suspension of criminal prosecution or the referral of a case, they may do so

within 30 days of the service of the relevant decisions; if the prosecutor replaces the decision of a police officer with his own on other grounds than a complaint filed by the entitled person, such decisions of a prosecutor may be challenged by a complaint just as the decisions of police officers;

(f) To withdraw a case from a police officer and assign it to another police officer, even one who is not locally competent, or to take measures to have the case assigned to another police officer or officers;

(g) To order an investigation into the matters referred to in Section 202.

(3) Prosecutors shall reverse the resolutions of police officers pursuant to paragraph 2 (e) through resolutions. Such resolutions shall be served on the accused and on the victim.

Section 46

(1) The injured person means the person whose body has been harmed, to whom a property, moral or other damage has been caused or whose other rights or freedoms protected by law have been breached or threatened by a criminal act. In cases provided for by this Act, the injured person is entitled to state whether her/he agrees with a criminal prosecution, has right to claim his/her damages, make proposals to perform evidence or its amendment, submit evidence, examine files and study them, take part in public hearing and open session on appeal or agreement on plea of guilty or penalty acceptance, to be heard on performed evidence, has the right of final speech and right to recourse to remedies within the scope specified in this Act.

Public nature of the main hearing Section 249

(1) The court shall hold, as a rule, a public main hearing so that the public shall be given the greatest possible opportunity to follow court hearing of the case and, thus, have the educational impact of a criminal proceeding on the broad public.

(3) The public may be excluded from the main hearing only if the public hearing were to jeopardize a secret protected by a special act, public order, morals or safety or any other important interest of accused, injured or significant others or witnesses. The public shall be excluded during an examination of an agent and in case of protection of classified information. The public may also be excluded only for a part of the main hearing.

(4) The court shall decide to exclude the public ex officio or on the proposal of the prosecutor, indicted or aggrieved person in any stage of the legal proceedings by order publicly declared after having heard the parties. After the order against which there is no legal remedy having been declared persons present as the public at the trial have to leave the court room.

(5) The prosecutor, indicted person and his/her advocate, aggrieved person, and an official responsible for the smooth running of the trial may not be excluded.

(6) The judgement must always be pronounced publicly.

Section 250

(1) The court may deny access to the main hearing to minors and those who give grounds for concern of disturbing the main hearing dignity. The court may also take necessary measures to prevent crowding of the court room.

(2) If the public was excluded according to section 249 paragraph 3, the court may permit individual persons access to the main hearing for important reasons. Based upon a request of the defendant access to two his/her trustees must be permitted, that does not apply in case of examination of agent. If there are more defendants then each of them has the right to choose trustees. If the overall number of trustees shall be more than six and the defendants shall not reach an agreement among themselves the choice shall be made by the court. If the public was excluded on the grounds of jeopardy to a secret protected by a specific law or security or any other important interest of witnesses only such persons may be chosen for trustees against who the court has no objections. Before this decision court requests statement of the prosecutor.

(3) If the public was excluded for protection of classified information or jeopardy to a secret protected by a specific law the presiding judge of panel shall advise the persons present of penal consequences resulting from disclosure of facts they learn in the hearing to unauthorized persons; the court may also order a ban on note-taking in writing.