Appendix to the Fourth Periodic Report of Slovakia on the implementation of the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

A. Institutes connected with the restriction of personal liberty – question 3

1. The President of the Police Corps (“president”) issued order on 7 March 2019, via which the heads of the Police Presidium and the Regional Police Directorates were given the task of ensuring that the police instructed persons whose personal liberty is restricted (presented, detained, held, arrested, etc.) verbally on the reasons for the restriction of their personal liberty at the moment such personal liberty is restricted and, if not prevented by other circumstances, in writing using the template provided in appendix 1 to the order. Police are to instruct a person whose personal liberty has been restricted after arrival at a police unit at the latest. In special instances, where such instruction cannot be performed immediately after their personal liberty has been restricted or after arriving at the police unit because interpreting is needed into a language such person understands or into a sign language, the police shall inform such person immediately after an interpreter is secured.

2. In appendix 1 to the above-specified order from the president, updated templates are provided for instructing persons whose personal liberty has been restricted under §17, §17b, §18, §19 of the police act, §73, §85 (2), §120, §128 of the Code of Criminal Procedure and §79 of Act on the Residence of Aliens and on amendment of certain acts, as amended (“alien residence act”), which, inter alia, contain written instructions for such person as to their right to report restriction of their personal liberty to a person of their choosing, and to confirmation that such person was contacted and informed of their situation.

3. The president issued regulation No. 22/2013 in 2013 on the activities of basic public order police units (effective until 14 August 2018), in which Article 46 (3) ordered the police to record all instances into the duty log where persons were presented, detained, held or arrested, as well as anyone who was directly transported to a court or any other state authority upon written request from such authorities. These entries were highlighted in red and, inter alia, special notes were always provided if a person was injured or the person claimed an injury or subjective health issue, as well as details such as contacting and the visit of a physician, legal representative, consular staff and relatives. An amendment of this specific regulation in the form of regulation No. 20/2015 issued by the president introduced the information on the notification or non-notification of the person specified by the person whose personal liberty was restricted about such restrictions on their personal liberty. The president issued a new regulation No. 80/2018 effective from 15 August 2018 on the activities of basic public order police units, which changed the written form of the entries specified above related to any restrictions on personal liberty to electronic form compared to the original wording of this requirement.

4. By transposing Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, Act No 174/2015 Coll. amending the Code of Criminal Procedure with effect from 1 October 2015, supplemented the provisions of the Code of Criminal Procedure so as to require translation for such persons detained or arrested of the instructions concerning their rights under §34 (5) of the Code of Criminal Procedure. If no such translation is available, then the instructions shall be interpreted to them and a translation of the written instructions shall be provided to such person without any undue delay.

5. Within this context, it is necessary to refer to select provisions of the Code of Criminal Procedure in effect after adoption of Act on Recognition and Enforcement of Equity Judgements issued in Criminal Proceedings in the EU and on amendment of certain acts. Specifically, §34 (5) of the Code of Criminal Procedure, which contains provisions concerning instruction of the accused, who has been detained or arrested, of their rights (“Instructions shall be adequately explained if necessary to the accused. The accused who has been detained or arrested shall be instructed on their right to immediate medical assistance, their right to review their case file, and the right to know the maximum extent to which their personal liberty may be restricted until they are handed over to a court.”), as well as the new subsection 6, which lays down the form and temporal aspects of such instruction, and which reads: “The law enforcement authority that commenced proceedings against the accused who has been detained or arrested shall provide them with instruction on their rights in written form without any undue delay and such fact shall be recorded in the minutes. The accused has the right to keep such instructions with themselves at all times their personal liberty is restricted.” It is also necessary to reference the first sentence of §34 (4), which contains the accused’s ability to make a request to contact a family member or other person if they have been detained or arrested (“Upon request of the accused, who has been detained or arrested, the law enforcement authority shall notify a chosen family member or other person, whose contact details are provided, of the accused’s detention or arrest without any undue delay.”).

6. In connection with the above-specified amendment, the Presidium of the Police Corps secured translation of the instructions for accused and suspected persons into 23 languages (English, Arabic, Bulgarian, Czech, Chinese, Finnish, French, Greek, Dutch, Croatian, Macedonian, Hungarian, German, Polish, Romani, Romanian, Slovenian, Serbian, Spanish, Swedish, Italian, Ukrainian, Vietnamese) which are the most commonly spoken by accused or suspected persons in Slovakia. On a central level, police officers in all units conducting investigation or expedited investigation may provide these instructions to such persons without undue delay and to mitigate the need to find an interpreter to interpret these instructions on a case-by-case basis.

7. The following templates were completed and added to the file available to police investigators and other authorised police officers: “Instructions on the rights of the accused” and: “Instructions on the rights of suspects”, both of which comply in terms of content and formal aspects with Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, which was transposed into Slovak law.

8. In addition to the above, the necessary amendments were made under the amended Code of Criminal Procedure to include templates for the following: minutes recording detention and deprivation of personal liberty of the accused, the minutes recording detention of the accused, minutes recording interrogation of a detained suspect, minutes recording interrogation of the accused and minutes recording interrogation of an accused minor. All of these documents were made available on the website of the Office of Criminal Police under the Presidium of the Police Corps (http://www.minv.sk/?sluzba-kriminalnej-policie-urad-kriminalnej-policie-prezidia-policajneho-zboru).

9. This issue is also covered in the Code of Criminal Procedure, and specifically in §19, which lays down authorisation to detain a person, and specifically subsection 6 which specifies: “A person detained under Subsection 1 shall be allowed, without any undue delay and upon their request, to notify someone close to them of their detention and to request a lawyer and legal representation. If such person is a member of the armed forces, the police officer shall notify the closest unit of the armed forces, and, if such person is a minor, then the statutory guardian of this person.”

10. In practice, every detainee is instructed on their rights, including the right of immediate access to a lawyer from the very beginning of the deprivation of their personal liberty, and their right to legal assistance beginning at initial interrogation, their right to immediate access to an independent and free-of-charge medical examination and their right to notify a family member or other person of their own choosing of the deprivation of their liberty without undue delay under applicable provisions of the Code of Criminal Procedure. Minors may not be interrogated without the presence of their statutory guardian or other person as stipulated under special regulations. Persons deprived of personal liberty are informed of all these rights in instruction conducted in the presence of an interpreter (if required) in both verbal and written form in a language they understand; they also provide a handwritten signature on the instructions and are allowed to keep the instructions on their person at all times that their personal liberty is deprived. In cases where their health requires, or in cases of sickness or illness, emergency medical care, or medical care in the nearest medical facility, shall be provided. Persons deprived of personal freedom are provided with their rights in written form and confirm receipt with their signature in the minutes recording deprivation of personal liberty. A person deprived of personal liberty may have such written information on their person at all times until they are released or remanded into custody.

11. If the person deprived of personal liberty is accused in the criminal proceedings, they are likewise informed of their criminal prosecution upon delivery of the related decision in written form. For aliens, written information on their rights includes instructions that they may request the fact they have been detained or taken into custody be reported to the consular authorities of the country in which they are a national or the country in which they maintain permanent residence, and that they have the right to communicate with such consular authorities, to request a visit from a consular official and a legal representation provided by a consular authority. Persons detained within criminal proceedings have the right, at their own expense, to communicate using a telephone device, if technically feasible, with their designated person up to two times during restrictions on their personal liberty and for up to 20 minutes at a time and always in the presence of a police officer who may terminate the call if the contents serve the obvious purpose of obstructing the criminal proceedings. If an alien is detained and accused of a crime, obligatorily the decision to bring charges and the decision to take them into custody will be translated, though they may also waive such right.

12. Therefore, under the Code of Criminal Procedure and when necessary to interpret the contents of their responses or if the person (i.e. the accused, their statutory guardian, suspect, victim, involved party or witness) states that they do not understand the language in which the proceedings are conducted or do not speak such language, then the instructions concerning such rights must also be translated for the person who is detained or arrested. If no such translation is available, then these instructions shall be interpreted to them and a translation of the written instructions shall be provided to such person without any undue delay. The accused has the right to keep such instructions with themselves at all times their personal liberty is restricted. With respect to the institute of detention, it is necessary to state that persons considered suspects, meaning those against which no charges have been brought, are also considered under the Code of Criminal Procedure. The police officer who detains this person, who receives such detainee under a special law or who is handed over a person apprehended while committing a crime shall immediately inform such person of the reasons for their detention and question them. A person against which no charges have been brought is subject to the provisions of §34 of the Code of Criminal Procedure concerning the rights and obligations of the accused and the provisions of §121 to §124 of the Code of Criminal Procedure concerning interrogation of the accused.

13. Under the Code of Criminal Procedure, the accused (and likewise a detainee against which no charges have been brought) has the right to respond to all evidence against them from the beginning of the proceedings, and also has the right to refuse to speak with authorities. If the accused is detained , in custody or imprisoned, they may speak with their defence counsel without a third party being present; the above does not apply to phone calls between the accused and their defence counsel when they are in custody and where the conditions and manner of completing such calls are laid down in a special regulation. The accused has the right to question a witness and may exercise such right on their own or via their defence counsel. If the accused lacks sufficient means to pay the costs of their defence, they are entitled to free defence or a defence at a reduced fee. Upon request of an accused party who was detained or arrested , the law enforcement authority is obliged to report such fact without any undue delay. Such notification is not performed if it would obstruct the clarification and investigation of the case.

14. If a detainee or an arrested person is a minor, their statutory guardian, the social law protection for children and social guardianship authority shall be notified of such fact without any undue delay and, if the minor has a defined guardian, then such guardian shall also be notified, whereby no request from the affected party is required in such case. This legislation was introduced in Act on Recognition and Enforcement of Equity Judgements issued in Criminal Proceedings in the EU and on amendment of certain acts, the implementation of which transposed Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed about deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.

15. If a detainee is an alien, the law enforcement authority shall notify the diplomatic mission or consular authorities of the country of which the alien is a national or in which the alien maintains their permanent residence upon request from the alien; the alien also has the right to communicate with their diplomatic mission or consular authorities under the Vienna Convention on Consular Relations of 24 April 1963 (Decree No. 32/1969 Coll.).

B. Information regarding the imposition of alternative punishments – question 4b)

16. The need to focus on the option to impose alternative punishments and an increase in emphasis on crime prevention were defined in the Official Program declared by the Slovak government for the 2012 – 2014 period. The Electronic System for Monitoring Persons project was implemented in 2014 and 2015 making use of 100% financing from European funds (EUR 22.04 million excl. VAT). Operation of the system and service intervention work is financed from the state budget (EUR 15.44 million). The Electronic System for Monitoring Persons was launched in Slovakia on 1 January 2016. Electronic monitoring in Slovakia may be used in the following criminal or civil proceedings :

- a substitute for detention

- conditional suspension of criminal prosecution

- conditional suspended prison sentence with adequate restrictions and obligations

- conditional suspended prison sentence with probationary supervision

- imprisonment (for work performed by convicts outside of the facility or extraordinary leave provided outside of the facility)

- house arrest (obligatory)

- prohibition of residence

- prohibition of participation in public events

- conditional release from imprisonment

- conversion of imprisonment to house arrest

- protective supervision

- immediate measures within civil proceedings – restraining orders.

17. While the system has proved itself to be an efficient instrument (conditions were only violated in 4.4% of cases), it may be said that after two years of operation the system as a whole has not been used to the full scope of its capabilities. During this operational period, a total of 327 orders were issued to conduct preliminary investigations (which is required to order checks using technical equipment), of which 19 were ordered by public prosecutors, the others were issued by the courts. A total of 153 persons were subject to these checks, with monitored used in the case of 25 individuals to protect vulnerable persons.

18. Its use was proven in the pilot use for imprisonment as a tool for verifying compliance with conditions during periods in which convicts were on furlough outside the correctional facility, where it was used in 120 cases with positive results and further use for such purposes is expected.

19. The court may also impose reasonable obligations and restrictions on the accused, such as:

(a) a ban on travelling abroad,

(b) a ban on conducting the activity in which the crime was committed,

(c) a ban on visiting specific places,

(d) the obligation to turn in weapons that are otherwise legally possessed,

(e) a ban on leaving their place of residence or dwelling, except under defined conditions,

(f) the obligation to regularly, or at an agreed time, appear in front of a state authority specified by the court,

(g) a ban on driving motor vehicles and the forfeiture of a driving license,

(h) a ban on contact covering contact with designated persons or approaching to within 5 metres of a specific person,

(i) the obligation to put up funds for the purposes of securing the injured party’s entitlement to redress,

(j) a ban or restraining order covering contact with a designated person in any form, including making contact using electronic communication services or other similar means, or

(k) a ban on approaching the dwelling of a designated person or otherwise designated location that such person typically inhabits or visits.

20. If a reason for detention is given under §71 (1)(a) or (c), the court, and in pretrial proceedings, the judge for the pretrial proceedings may grant the accused their personal liberty or release them from custody if:

(a) an association of citizens or other trustworthy person offers to take responsibility for further conduct on the part of the accused and that the accused will appear when requested by the police, the prosecutor or the court and will always notify a police officer, the prosecutor and the court of any time they leave their place of residence and the court, or in pretrial proceedings, the judge for the pretrial proceedings considers such guarantee to be sufficient given the accused and the nature of the case at hand and accepts it,

(b) the accused provides a written promise to lead a proper life, and in particular to refrain from committing any crime and that they will meet their obligations and comply with all imposed restrictions and the court, or in pretrial proceedings, the judge for the pretrial proceedings considers this sufficient given the accused and the nature of the case at hand and accepts it, or

(c) given the accused and the nature of the case at hand, the purposes of detention may be satisfied through the supervision of a probation and mediation officer over the accused or by the transfer of supervision of the accused to another EU member state under a special regulation.

C. Excessive use of force by law enforcement officials - question 5 b)

21. The ECtHR considers a constitutional complaint under Article 127 of the constitution (taking effect from 1 January 2002) to be an effective means of redress. The constitutional court rules under this article on complaints filed by natural persons or legal entities if they object to a violation of their fundamental rights or freedoms or human rights and fundamental freedoms resulting from an international treaty ratified by Slovakia and promulgated in the manner prescribed by the law unless another court decides to protect these rights and freedoms. If the constitutional court upholds a complaint, it shall, by its decision, declare that a lawful decision, measure or other intervention has violated rights or freedoms, thereby cancelling such a decision, measure or other intervention. The constitutional court may also remand the matter for further proceedings, prohibit the continuation of violations of fundamental rights and freedoms or of human rights and fundamental freedoms resulting from an international treaty ratified by Slovakia and promulgated in the manner prescribed by law or, if possible, order so that conditions are restored for whomever had their rights or freedoms violated before the violation occurred. The constitutional court may acknowledge in its judgement recognising the complaint that the party whose rights were violated is entitled to financial redress. The constitutional court has repeatedly taken up complaints related to violation of the prohibition on torture or degrading treatment and the procedural guarantees contained in Article 3 ECHR and secured adequate redress for the complainant if their rights were violated.

22. With respect to objections of ill-treatment on the part of law enforcement authorities, please note the ECtHR judgement in the case of Adam v. Slovakia, in which the complainant inter alia objected that he had been subject to treatment during the course of his detention at a police station that was in violation of Article 3 ECHR, and that the competent authorities had not conducted an effective investigation at their own initiative, independently or in a sufficiently expeditious manner. An investigation in this case was also conducted by the Section of Control and Inspection Services under the Ministry of Interior after the complaint was lodged and it was reviewed by three levels of public prosecutor’s offices. In its judgement, the ECtHR considered the explanation as to the events forming the basis of the complaint provided by the government to be credible. Given this, it did not consider it proven that the complainant was exposed to physical violence during his preliminary interrogation as he claimed. It decided that it could not reach the conclusion that the complainant had been exposed to ill-treatment and ruled that the material part of Article 3 ECHR had not been violated. The ECtHR did not consider it necessary to independently consider the objection under Article 13 ECHR. With respect to the complainant's complaint regarding discrimination under Article 14 ECHR, the ECtHR reached the conclusion that the complainant’s accusations were generic and vague in nature and did not contain any specific traits that could be attributed to the police officers involved in the complainant’s case or that could otherwise be associated with the individual circumstances of his case. The ECtHR therefore reached the conclusion that the complainant had not at first glance substantiated the circumstances under which it would be possible to determine if his treatment during detention and subsequent investigation were discriminatory. The ECtHR rejected this complaint as manifestly unfounded. The ECtHR only acknowledged a violation of Article 3 ECHR in the procedural part for the reasons that the domestic authorities had not made every effort necessary to eliminate irregularities in the investigation and that they had not taken up certain claims at all. The ECtHR did not respond to the question of independence in the investigation at a general level at all. The government also notes the fact that supervision over the execution of the judgement in the case of Mižigárová v. Slovakia was concluded by the Committee of Ministers of the Council of Europe in Council of Europe Resolution CM/ResDH(2016)17 and in the case of Adam v. Slovakia by Council of Europe Resolution CM/ResDH(2018)212 which concluded that the individual and general measures adopted at the domestic level were sufficient and closed the monitoring of execution of these cases.

23. Please also note that based on the developing jurisprudence of domestic courts, the ECtHR considered a defamation lawsuit to be an effective form of redress with respect to the objected violation of the right to life, to privacy and in instances of ill-treatment, including by the police (see Furdík v. Slovakia, no. 42994/05, 2 December 2008, V.C. v. Slovakia, no. 18968/07, 8 November 2011, subs. 125-129, N.B. v. Slovakia, no. 29518/10, 12 June 2012, subs. 84-88, or Baláž et al. v. Slovakia, no. 9210/02, 28 November 2006). In the Baláž case, the complainants objected that Article 8 had been violated as a result of their ill-treatment by the police. They also complained of deficiencies in the subsequent investigation and threats received over the phone. The ECtHR determined that the claims made by Mr Baláž Jnr and Ms Konečníková regarding ill-treatment by the police were investigated by the police, the control and inspection service of the Ministry of Interior and public prosecutor’s offices at all levels, which determined them to be groundless. If the complainants did not agree with this conclusion, they had multiple ways to exercise their rights under the ECHR, such as by petitioning the general courts to seek redress for damages pursuant to the police law. The ECtHR also noted that they were entitled to seek protection of their personal rights under §11 of the Civil Code.

D. Protection of victims of torture – question 5 f

24. The crime victims law introduced the institute of the right to professional assistance, which includes general professional assistance for victims (provisioning of information and important explanations, legal assistance in exercising victim’s rights, legal assistance in exercising the rights of a victim who is the injured party or witness in a criminal case, psychological assistance and counselling concerning risks and avoiding repeat victimisation) and specialised professional assistance to particularly vulnerable victims (providing general professional assistance, providing psychological crisis intervention and assessing threats and dangers to life and health).

25. Adoption of the crime victims act led to the complete transposing of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA into Slovak law. The crime victims law also led to the complete transposing of Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims into Slovak law.

26. The protection of persons making accusation of torture and ill-treatment and witnesses to such acts is also secured under the Code of Criminal Procedure, which contains provisions laying down the rights of victims and the application of claims seeking redress. Injured parties are granted a set of rights, which include their right as a victim, if they are at risk due to residing with the accused or a released convict, to request information on the release or escape of the accused from custody, on the release or escape of a convict from imprisonment, on interruption of a term of imprisonment, on release or escape of a convict from a protective treatment program at a health care institution, and the like. Victims also have the right to be escorted by a trusted party, the institute of protection of the injured party's claim to redress, the right of a participating party or injured party to representation via a proxy and other rights.

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27. Victims of violent crime also have the right to redress under the crime victims act under the conditions and in the scope laid down therein. Under the crime victims act, such entitlement to redress arises once a judgement or criminal sentence is handed down in the criminal proceedings in which the perpetrator admits their guilt of committing the crime that resulted in the victim of the violent crime suffering physical injury. A condition for any entitlement to redress arising under the crime victims act is exercising such right to redress resulting from physical injury on the part of the victim of the violent crime in the criminal proceedings. Given the victim’s status in the criminal proceedings as the injured party, the Code of Criminal Procedure recognises their right to seek redress under §46 (1) of the Code of Criminal Procedure. With respect to seeking redress, the Code of Criminal Procedure stipulates that an injured party entitled to redress for harm resulting from a crime is also authorised to propose that the court impose the obligation to provide such redress within the convicting judgement; in such case, the injured party must make such proposal by the end of the investigation or the abbreviated investigation at the latest. The proposal must make clear the grounds for and amount of redress being pursued. The above legislative stipulations enable the affected person to seek redress if the crime resulted in moral harm, in addition to physical injury, as associated with torture and ill-treatment.

28. Repeated victimisation as stipulated under §2 (1) (g) may be considered as protection from reprisals within the context of the crime victims act, which is defined as harm suffered by a victim as a result of the on-going conduct of a perpetrator to threaten, intimidate, coerce or abuse the power they hold over the victim, to take revenge or otherwise act out to influence the victim's physical or psychological integrity. Within this context, a victim has the right to protection from secondary or repeated victimisation under the crime victims act.

29. Under §8 (2) of the crime victims act, law enforcement authorities, the courts and entities providing assistance to crime victims shall proceed in such a way that ensures their activities do not result in secondary victimisation of the victim (e.g. harm to the victim as a result of the actions or inaction on the part of a public authority, entity providing assistance to victims, a health care provider, an expert, an interpreter, defence counsel or the media) and shall adopt effective safeguards to prevent such repeated victimisation. Concurrently, and in the interests of protecting against repeated victimisation or a potential threat, the competent authority is authorised to issue specific measures under a special regulation, such as the Code of Criminal Procedure, for instance, according to which the accused may be subject to reasonable obligations and restrictions under §82, which include, for instance, a restraining order preventing any form of contact with a specific person. Adoption of the crime victims act is a step that made a significant contribution to securing the rights and legally protected interests of crime victims, while also providing protections against potential reprisals by the perpetrator.

30. If there are justified concerns that a witness or a person close to them would be put under threat by the publication of their residence, a witness may be permitted to provide their workplace or another address for the purposes of receiving summonses. If there are justified concerns that the disclosure of their identity, dwelling or place of residence would put their life, health or bodily integrity at risk or otherwise but a person close to them at risk, a witness may be permitted not to provide such personal information. However, they must then explain in the proceedings how they came to know the information provided in their testimony. Materials that permit the identification of such witness are held by the public prosecutor’s office and by the presiding judge during judicial proceedings. They are only entered into the case file once the threat has passed. Such witnesses may also be questioned, when necessary, regarding circumstances concerning their credibility and questions concerning their relationship to the accused or the injured party. Before taking testimony from a witness whose identity is to remain secret, the law enforcement authority and the court shall take the necessary precautions to protect the witness, such as changing the witness’s appearance or voice or taking such testimony using technical means, including audio and video equipment. A false identity may be used in extraordinary circumstances for a witness when exposing crimes that include torture and other inhuman or cruel treatment.

31. The factual basis of the crime of obstruction of justice in the Criminal Code stipulates that anyone who uses violence, the threat of violence or the threat of any other serious bodily harm in judicial proceedings or in criminal proceedings against the judge, any party to the criminal proceeding, any participant in the judicial proceeding, witness, expert, interpreter, translator or to the law enforcement authority is punishable by imprisonment for one to six years.

32. In its applied practice, the constitutional court has also taken up the supervision of compliance with such provisions and to which a victim of torture may address a constitutional complaint under Article 127 of the constitution and object to a violation of Article 3 ECHR. The constitutional court provides redress within the bounds of authority depending on the violations that are identified.

33. Legislation concerning redress for the victims of violent crimes – the crime victims act provides provisions concerning redress for crime victims as of January 2018. The conditions of redress for the victims of violent crimes under the crime victims act specifies a victim of a violent crime as a natural person who was: 1. caused physical harm as a result of a deliberate and violent crime; if such person dies as a result of the crime, the victim of the violent crime may be considered their surviving spouse and surviving child, and if there are none, their surviving parent, and if there are none, then to whom the deceased had a maintenance obligation (with the exception of those persons who caused the deceased person’s death), 2. caused moral harm by the crime of human trafficking, rape, sexual violence or sexual abuse. A victim of a violent crime is not entitled to redress if: 1. their physical harm is otherwise paid for in full, 2. the victim of a violent crime under §2 (1) (d) first section, first sentence after the semi colon is also the perpetrator of the violent crime in which they are considered the victim of a violent crime, 3. they do not consent to criminal prosecution under §211 of the Code of Criminal Procedure, or 4. they are unable to exercise their entitlement as an injured party under §47 (1) of the Code of Criminal Procedure. Victims of violent crimes are entitled to redress under the crime victims act if: 1. the judgement or criminal sentence within criminal proceedings has entered into force and declared the perpetrator guilty of committing the crime by which the victim of the violent crime suffered physical harm, 2. the judgement within criminal proceedings has entered into force and freed the accused from the accusation because they are not criminally responsible for the crime due to being under-age or mentally unfit and physical harm to the victim of the violent crime was not otherwise paid in full, 3. criminal prosecution is suspended for the reasons under §228 (2)(a) to (e) of the Code of Criminal Procedure or stopped for the reasons under §215 (2)(a) of the Code of Criminal Procedure, or the matter is deferred under §215 (2)(a) of the Code of Criminal Procedure and the results of the investigation or expedited investigation do not evoke justified doubts among law enforcement authorities that a crime occurred that resulted in physical harm to the victim of a violent crime. A victim of the crime of sexual abuse has no entitlement to redress under the crime victims act if the accused is released from the criminal complaint or criminal prosecution is suspended for the reason that the accused or the defendant is not criminally responsible due to being under-age. A condition for any entitlement to redress arising under the crime victims act is exercising such right to redress resulting from physical injury on the part of the victim of the violent crime in the criminal proceedings. This does not apply if physical harm is caused by the crime of trafficking in human beings, rape, sexual violence or sexual abuse. Extent of redress provided to victims of violent crimes under the crime victims act – the total amount of redress provided under the crime victims act in an individual case may not exceed fifty times the minimum wage. The provisions of Act No. 437/2004 Coll. on Compensation for Pain and Suffering and on amendment of Act No. 273/1994 Coll. on Health Insurance, Financing of Health Insurance, Establishment of General Health Insurance and the Establishment of Departmental, Sectoral, Business Sector and Civic Health Insurers, as amended, apply to the calculation of redress; however, redress for suffering may not be increased. An expert opinion completed for the purposes of the criminal proceeding (with a point-by-point assessment under the law specified above) is decisive for determining the amount of such redress in the most common instances; if no such opinion is completed, a medical assessment completed under the terms of the above law may be used. For a crime resulting in death, the victim of the violent crime is entitled to redress in the amount of fifty times the minimum wage. If there are multiple victims of a crime (with death resulting), the amount of redress is divided between them in equal parts. Every victim of a violent crime must seek redress independently, with each survivor submitting a separate request. For the crimes of trafficking in human beings, rape, sexual assault and sexual abuse, a victim of such violent crime is entitled to payment of redress for moral harm in the amount of ten times the minimum wage. Proceedings to provide redress under the crime victims act – The Ministry of Justice decides on entitlement to redress and the specific amount paid out upon written request from the victim of a violent crime. If the court in the process of the criminal proceedings refers the victim of a violent crime as to their entitlement to redress as a result of physical harm to a civil lawsuit or other proceedings involving a different authority, such request must be filed with the Ministry of Justice within one year from the date on which such judgement ruling on the entitlement of the victim of the violent crime to a civil lawsuit or proceeding involving a different authority takes effect. The Ministry of Justice does not record any current requests for compensation related to the crime of “Torture and other inhuman or cruel treatment” as of 30 April 2019.

E. Police raid in Moldava nad Bodvou – question 6

6 a)

34. Within this criminal case, the police investigator from the Control and Inspection Service in Banska Bystrica issued the decision to commence criminal prosecution under §199 (1) of the Code of Criminal Procedure on 20 January 2014 for the commission of five acts, namely the crime of the abuse of power by a public official under §326 (1)(a), (2)(a)(c) of the Criminal Code with reference to the provisions of §138 (h) and §140 (b) of the Criminal Code, for the crime of torture and other inhuman or cruel treatment under §420 (1)(2)(e) of the Criminal Code and other crimes alleged to have been committed by unknown perpetrators, police officers. Criminal prosecution was later expanded to include an additional, sixth act, and the decision to commence criminal proceedings dated 8 September 2014.

35. An extraordinarily extensive investigation was conducted into this case, with activities actively supervised by a prosecutor from the regional public prosecutor’s office. For the purposes of preserving objectivity based on the decisions made by the Public Prosecutor’s Office, the investigation into the case was performed by an investigator other than the investigator with local and material jurisdiction and prosecutor supervision was conducted by a prosecutor other than the prosecutor with local and material jurisdiction. The discovery process during the investigation was exhaustive for the purposes of identifying the factual circumstances of the investigated acts or events in the most objective manner possible. Interviews were conducted with 291 persons, either as victims or witnesses, from among those living in the Budulovska settlement in Moldava nad Bodvou, in Drienovec (where the police raid continued after the departure from Budulovska), directly in the city of Moldava, police officers, examining general practitioners and specialist physicians, with 7 confrontations, 39 identity parades, 1 re-enactment, a total of 82 expert assessments were completed from the full range of expert fields (health care and pharmacy, clinical psychology of adults, psychiatry, road traffic, and forensic biology) and finally extensive documentary evidence materials were secured and entered into the investigative file, which itself had more than 6,000 pages as of the date of issue of the meritorious decision of the investigator. Within the investigation, the investigator and the supervising prosecutor put the utmost importance on compliance with the procedural provisions of the Code of Criminal Procedure, minimising intervention into the rights of the complainants to avoid secondary victimisation, as well as the way the investigation was conducted within the context of their independence.

36. No charges were filed in the case under §206 (1) of the Code of Criminal Procedure as the extensive discovery process determined and clarified that none of the police officers had committed a crime during the police raid in the settlement in Moldava nad Bodvou and in the Drienovec settlement on 19 June 2013.

6 b)

37. Based on the constitutional complaint from the eight male complainants and one female complainant, the senate of the constitutional court decided on 1 August 2017 to reject the constitutional complaint. The court referenced the fact that law enforcement authorities conducted an effective official investigation in the case, during which all requirements defined for the effective official investigation of the case were met and which resulted in a credible explanation of all related circumstances. It stated that the investigation was conducted under the supervision of a prosecutor and the General Prosecutor’s Office and met all the criteria for lawful and independent investigation and the criteria of ECtHR-mandated standards. The court referenced multiple instances of deliberate, tendentious and even misleading testimony provided by multiple witnesses, and injured parties, including those “most injured” persons centred around the ETP civic association, as well as the improper conduct on the part of the representative of the injured parties in an attempt to discredit an expert and call into question the professional quality and conclusions of their work and the like, and referenced the fact that a number of the injured persons did not tell the truth in the criminal proceedings as to their treatment by the police as well as the effects of such alleged treatment and the manner in which the police acted, as was determined through other evidence.

38. In relation to the objection under Article 3, the constitutional court stated that the authorities involved in pretrial proceedings had convincingly substantiated the finding that the police had not treated the complainants as they had claimed in their testimony. The effects of such alleged treatment on the part of police officers (physical violence, excessive use of coercive means, property damage, etc.) would inevitably have to manifest themselves in the objective world in the form of the consequences of such treatment on the victims of such an attack (whether animate or inanimate), but which were proven not to have occurred. Evidence of such fact includes the expert opinions, which the complaints called into question given the amount of time between police raid and their completion, as well as witness testimony, reports from physicians and other paper documents, visual evidence (photos), an audio-visual recording (video) and other materials, including those that do not degrade negatively over time. If the use of coercive means did occur, it occurred in situations where expected under the law and within the limits of the law, with the appropriate records completed for their use and the standard report made regarding the use of coercive means. The control and inspection service inspector conducting the investigation demonstrated that there were no doubts that the use of coercive means by the police during this raid had not been excessive and outside the framework laid down by law, a conclusion with which the regional public prosecutor’s office concurred.

39. With respect to the investigation conducted by the law enforcement authorities, the constitutional court examined its effectiveness, speed and independence in detail in accordance with ECtHR jurisprudence and stated that there is absolutely no doubt in this case as to whether or not an effective official investigation had been concluded into the incriminated police raid and the subsequent conduct of the police officers from the Moldava district police unit in relation to the complainants. The conclusions adopted by the investigator and the regional public prosecutor’s office are based on the results of a rigorously conducted investigation and the extensive justifications for such decisions were logical, homogeneous, without internal dispute and with the presentation of a rational assessment of the secured means of proof and the evidence secured from them.

40. With respect to the objected violation of privacy through the alleged violent entry into dwellings, the constitutional court stated that no unauthorised entrance in the dwellings of the individual complainants had been proven (notwithstanding from the fact the alleged infringement of this right did not apply to all complainants) and who had referenced the legislation and related conditions required for a police officer to enter a dwelling and for such entrance to be considered authorised, but the investigation showed that either there had been no such entry into a dwelling or that such entry occurred in such a way that did not show any elements of unlawfulness (police officers entered into dwellings with the consent of those living in such dwellings or upon their invitation). These conclusions were clear from the evidence clearly referenced by the regional public prosecutor's office and the control and inspection with respect to the contested decision. Ultimately, the senate of the constitutional court rejected the objection under Article 14 ECHR with reference to the consistent jurisprudence of the ECtHR.

41. In the case of V.C. v. Slovakia (no. 18968/07, 8 November 2011) the ECtHR stated that Articles 1 and 3 ECHR oblige the signatory countries to conduct efficient official investigations, which must be thorough and expedited. Any deficiency in any investigation may produce an outcome itself that does not itself mean it was ineffective: the obligation to investigate is a means and not an obligatory outcome. Such obligation may be met, for instance, when the given system of law offers the injured individual means of civil law redress, which independently, or in connection with criminal law redress, permit the responsible parties to be held liable and to achieve reasonable civil law redress. The complainants were relieved of their obligation to pay court fees. The proceedings are on-going.

F. Informed consent in the case of sterilization – question 8 c)

42. Sterilization and the conditions for its performance are effectively and systemically laid down in legislation in §40 (1) to (6) of the health care act, which specifies the following:

“1) Sterilization for the purposes of this act is defined as the prevention of fertility without the removal or damage to a person’s reproductive glands.

2) Sterilization is contingent upon a written request and written informed consent after prior instruction from a person fully competent to take legal actions or the statutory representative of an individual unable to give informed consent, or based on a court decision upon request from such statutory representative.

3) Instruction preceding informed consent must be provided in the manner laid down in §6 (2) and must include information about:

• alternative forms of contraception and family planning,

• potential changes in the circumstances that led to the request for sterilization,

• medical consequences of sterilization as a method intended to irreversibly prevent fertility,

• potential failures associated with sterilization.

4) The request for sterilization is submitted to the provider who will perform sterilization. A request for female sterilization is assessed and sterilization is performed by a physician specialised in gynaecology and obstetrics, while a request for male sterilization is assessed and sterilization is performed by a physician specialised in urology.

5) Sterilization cannot be performed in less than 30 days after informed consent is provided.

6) The Ministry of Health shall define via generally binding legislation

• the details of instruction to precede informed consent prior to performing a sterilization procedure on anyone,

• and a template for informed consent per letter a) in the official state language and the languages of national minorities”.

43. In connection with §40 of the health care act, Ministry of Health Decree No. 56/2014 Coll. was adopted and lays down the details of instruction that precedes informed consent prior to a sterilization procedure along with templates for informed consent prior to sterilization procedures in the official state language and the languages of national minorities. The instructions preceding informed consent under §40 (3) of the health care act shall be performed immediately after a request to perform a sterilization procedure is submitted. Instruction is provided by the examining health professional in the health care facility where the person is requesting such sterilization procedure and in the manner laid down in §6 (2) of the health care act.

G. Healthy communities project

44. The Slovak government approved actions plans / updated action plans for the 2017 to 2019 period within the Strategy of the Slovak Republic for Roma Integration for the areas of education, employment, health, housing, financial integration, non-discrimination and approaches to majority society, with support provided in the amount of EUR 266,338,945.00. The Slovak Government Plenipotentiary for Roma Communities Mr Ábel Ravasz in coordinating this strategy focused its instruments on improving the health of residents in the urban settlements of marginalised Roma communities in areas including public health, access to drinking water, improved hygiene conditions in settlements, improved access to health care services, including reproductive health, educational activities and on health care providers and recipients. Projects under these auspices and conducted in a form of take-away packages focused on 150 municipalities with marginalised Roma community settlements at the lowest levels of development, and especially the national projects “Community centres – Phase I” and “Field social work and field work municipalities with marginalised Roma communities” financed with a total of EUR 45,199,857.00, created a system of social work measures improving the level of health protection for Roma, including reproductive health. Services were provided to 46,556 Romani individuals in both projects in all areas of this social work. Special attention was devoted to the Healthy communities project and the implementation and development of health mediation in marginalised Roma communities under the auspices of the Healthy communities project within the implementation of the action plan for health is planned in 2019 with a total allocation of EUR 3,765,284.00. The Healthy communities project collaborates with 811 physicians on health education for members of marginalised Roma communities and 2018 saw a total of 39,617 instances of collaboration with physicians and 108,770 instances of direct assistance within the project. The Health education assistants in hospitals for members of marginalised Roma communities pilot project, as one of the activities of the Healthy communities national project, has been implemented in 6 hospitals since 2018 and places particular focus on gynaecological care. A new European strategy and new national strategies among the member states will be adopted for the period after 2020, pursuant to a resolution of the European Parliament from 2019.

H. Domestic violence – question 9a)

45. Beginning in January 2017, police officers have applied a method of qualified threat risk assessment within police actions involving cases of domestic violence using the Threat risk assessment questionnaire service tool and then taking adequate measures in response on a case-by-case basis. Police units reported that such service tool had proven to be generally beneficial for police officers making first contact in such cases, especially for gaining a general overview of the situation on-scene and then evaluating the situation in terms of the need to take action to protect those at risk. Positive experience in using this questionnaire was also reported by the police officers of first contact who established contact and maintained communications with the actual persons at risk, especially if there were certain barriers to communication on the part of those at risk (such as fear, shame, the inability of the at-risk person to express themselves, and the like). The questionnaire was evaluated as particularly beneficial for police offices making first contact and with less real policing experience. Police officers also have the contact data and other information available via the 0800 212 212 non-stop toll-free line for women within measures to prevent and eliminate violence against women established within a project of the Ministry of Labour, Social Affairs and Family.

46. The crime prevention unit of the police regularly conducts preventative activities focused on preventing and eliminating violence, socio-pathological behaviour, and including the issue of violence against women. Presentations were conducted for children and youth in schools and in re-education centres and children’s homes. For the adult generation, information on violent crimes is provided at meetings, such as those held at crisis centres, facilities operated by associations of seniors, pensioner homes, pensioner clubs and the like. The purpose of such presentations and discussions is an attempt to increase the level of awareness and an effort to lower the risk that someone will become the victim or perpetrator of a violent crime. The police also provide information on options that are available when someone becomes a victim of violence and needs help. The police are continuing to implement the nationwide Children's Police Academy crime prevention project at primary schools, and which covers violence as a topic. The Safe Autumn of Life project is dedicated to senior citizens.

47. Preventative advice and recommendations for not falling victim to violence and information on potential solutions to crisis situations that occur are provided in the Crime Prevention part within the Police section of the Ministry of Interior’s website.

48. To commemorate the International Day to Eliminate Violence Against Women, November 25, police officers assigned to the crime prevention unit conducted a prevention campaign from 19 to 23 November 2018 at the countrywide level and focused specifically on the issue of violence. The goal of the campaign was to increase general and legal awareness in this specific area, to educate the public, to change attitudes, to build skills to avoid violence and to prevent recurrence.

49. “Prevention specialist” police officers speak about the various forms of violence and what to do when anyone, male or female, becomes a victim of violence at schools, in children's homes, in dormitories, in centres for seniors, in crisis centres for mothers and children, in emergency housing facilities (shelters), in social services facilities (for the homeless), in fitness centres, in maternity centres, in community centres, in specialised facilities for abused women, in pedagogical and psychological counselling and prevention centres, at conferences, in libraries and in re-education centres. People are approached and engaged on the street, in shopping centres and in health care facilities.

50. A total of 106 presentations and discussions attended by 3,427 pupils and students were completed in the next-to-last week of November at primary schools, secondary schools, including grammar schools, in children’s homes and in dormitories.

51. Multiple meetings were organised for the general public. A total of 17 events were held within this activity, with direct contact made with 609 individuals (in centres for seniors, in crisis centres for mothers and children, in emergency housing facilities (shelters), in social services facilities (for the homeless), in fitness centres, in maternity centres, in community centres, in specialised facilities for abused women, in pedagogical and psychological counselling and prevention centres, at conferences, in libraries and in re-education centres). Prevention specialists collaborated with crime prevention coordinators in conducting these activities at primary schools, with libraries, with civic associations, with non-profit organisations, with labour, social affairs and family offices, with religious institutions, with free-time centres, with pedagogical and psychological counselling and prevention centres and with counselling centres for women.

Reinforcement of the rights of victims of domestic violence in the Code of Criminal Procedure

The following parts of the Code of Criminal Procedure cover the rights of victims

§46 (8)

An injured party who is at risk due to residing with the accused or a released convict, has the right to request information on

the release or escape of the accused from custody,

the release or escape of a convict from imprisonment,

the interruption of a term of imprisonment,

the release or escape of a convict from a protective treatment program at a health care institution,

the change in the form of protective treatment from in-patient to out-patient treatment, or

the release or escape of a convict from detention.

§46 (9)

Without a request from the injured party, a law enforcement authority or court may provide the injured party with information under Subsection 8 if it determines that the injured party is at risk due to residing with the accused or a released convict. The injured party may change their decision to be informed of the circumstances specified in Subsection 8; such change in decision on the part of the injured party shall be taken under advisement.

§82 (1)

If a judge for pretrial proceedings rules or the court decides under §80 or §81 that the accused shall remain free or be released them from custody, the authority deciding on such custody may also impose one or more appropriate obligations or restrictions to otherwise accomplish those objectives that would otherwise be achieved through custody, specifically...

c) a ban on visiting specific places,

d) the obligation to hand over weapons that are otherwise legally possessed, ...

h) a ban on contact covering contact with designated persons or approaching to within 5 metres of a specific person, ...

j) a ban or restraining order covering contact with a designated person in any form, including making contact using electronic communication services or other similar means, or

k) a ban on approaching the dwelling of a designated person or otherwise designated location that such person typically inhabits or visits.

§82 (6):

If a court imposes appropriate restrictions under Subsection 1 (h) on the accused and whose contact with the injured party who is under the age of 18 is stipulated in a decision made in a civil law procedure, the court’s decision issued in the civil law procedure may not be executed over the duration of the appropriate restrictions specified under Subsection 1 (h). The judge for pretrial proceedings or the court shall inform the court that issued the decision stipulating contact in a civil law procedure as to the imposition of such appropriate restrictions specified under Subsection 1 (h).

§139:

A witness who is at risk due to residing with the accused or a released convict, has the right to request information on

the release or escape of the accused from custody,

the release or escape of a convict from imprisonment,

interruption of a term of imprisonment,

release or escape of a convict from a protective treatment program at a health care institution,

a change in the form of protective treatment from in-patient to out-patient treatment, or

the release or escape of a convict from detention.

Without a request from the witness, a law enforcement authority or court may provide the witness with information under Subsection 1 if it determines that the witness is at risk due to residing with the accused or a released convict.

The witness may waive their right under Subsection 1 via a specific written declaration or verbal declaration made into the record.

I. NAP implementation – Coordination and Methodology Centre for Gender-Based

Domestic Violence – 9b)

52. The Coordination and Methodology Centre for Gender-Based Domestic Violence (“Centre”) was established under the Institution for Labour and Family Research (“Institute”) in 2015 for the purposes of ensuring the effective and efficient implementation of the NAP. Its task is to coordinate comprehensive national policies for the prevention and elimination of gender-based and domestic violence. The Ministry of Labour, Social Affairs and Family functions as the professional sponsor.

53. The project establishing the Centre began in 2015 and ended in 2017 and was financed from a grant from the Norway Grants with co-financing from the Slovak budget and implementation within the SK09 programme: Domestic and gender-based violence program. Project activities were conducted in collaboration with partner institutions: the Institute, the Council of Europe and the Norwegian Centre for Violence and Traumatic Stress Studies. Currently, the Centre’s activities are effectively continuing thanks to financing from government funding and within the “Prevention and elimination of gender discrimination” national project supported within Operational Programme Human Resources, ESIF.

54. By establishing the Centre, Slovakia fulfilled Article 10 of the Council of Europe Convention on preventing and combating violence against women and domestic violence: “Parties shall designate or establish one or more official bodies responsible for the co‐ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention.”

55. The Centre engaged more than 60 experts from 2015 to 2018, primarily from the non-governmental sector and the academic community, including professional advisers available to women experiencing violence via a national, non-stop, toll-free number for women. In collaboration with relevant departments, self-government regions, NGOs and other stakeholders at the state and national level, the Centre prepared methodology and training activities and materials, proposed legislative changes and maintained multi-institutional cooperation. Extensive quantitative and qualitative research activities were also conducted.

56. The Centre’s activities from its establishment include:

Coordination to help professions and institutions – The objective of the Centre was to create conditions within institutions and organisations to effectively support and protect women experiencing violence to prevent secondary victimisation on the part of male and female professionals providing them with assistance or coming into contact with them. Therefore, the Centre specified the prerequisites for systemic training focused on quality standards.

57. Comprehensive training for affected professions include e-learning courses on violence against women and 6 training manuals supplemented with guides for specific professions. The Centre completed 50 training events covering violence against women, at which 485 persons in assistance professions were trained, including field social workers and workers active in marginalised Roma communities. In the area of domestic violence, the Centre organised 28 training activities completed by 540 male and female professionals.

58. The purpose of continuing education for organisations providing specialised support services for women experiencing violence and their children was to exchange best practices and to unify procedures. A total of 115 workers were trained during 13 training events. Within the area of domestic violence, the Centre organised 4 training activities for organisations focused on victims of domestic violence with 35 male and female workers participating. The Centre also completed two rounds of monitoring covering service providers which demonstrated that the support for NGO projects from the Norway Grants significantly increased the alignment between provided support and protection services for women experiencing violence and their children and the victims of domestic violence with the minimum standards of the Council of Europe.

59. In collaboration with the Academy and the Presidium, the Centre conducted Mapping of the procedures and attitudes of police investigators in cases of violence against women. The results were used to prepare methodology for male and female investigators and for the police officers of first contact. The Estimating the risk of violence against women methodology instruction was created and is used by the police in the process of assessing the risk of violence against women and their children. In collaboration with the Presidium, a draft of the new Methodology of action in the case of violence against women and domestic violence was prepared and related presentations were attended by 247 male and female police officers.

60. Psychology (counselling and expertise)

Within the area of expertise, the Centre collaborates with labour, social affairs and family offices (“offices”). A professional guide for psychologists working as counselling and psychology service representatives at these offices was created for this specific area. Within the field of expertise, two analyses of the current situation were completed, including proposals for how to reduce the risk of repeated and secondary victimisation in legal disputes with emphasis on professionalism, impartiality and the quality of expert evidence in accordance with current knowledge of violence against women and its consequences for children. Recommendations from the analysis are addressed to the Ministry of Justice and the broader expert community and parties ordering such expert opinions, especially investigators, public prosecutor’s offices and judges.

61. Support professions and LGBTI

The Centre, in collaboration with relevant NGOs, completed a study on the occurrence of domestic violence among the LGBTI community and created methodology underlining ways to approach the victims of domestic violence and a related material and guide for support professions.

62. Programs for working with the perpetrators of violence against women

The Centre’s material titled Standards and procedures for the introduction of socio-intervention programs for perpetrators of violence against women proposes a system for deploying and accrediting these socio-intervention programs for the purpose of reducing the risk of repeated (tertiary) victimisation of women. This material served as the basis for preparing the methodology provided to the Prison and Judicial Guards Corps.

63. Male and female trainers for support professions

Professionals from NGOs were engaged in training activities and collaborated as external instructors in many training activities. In the interest of reinforcing the Centre’s instructional capacities, trainer training for psycho-social and legal professions was conducted at the start of the project.

64. Multi-institutional collaboration

This specific type of collaboration is one of the Centre’s key activities. Meetings from the representatives of the affected institutions were conducted in all 8 regions. The Centre’s reference documents for coordinating multi-institutional collaboration are the Methodology for multi-institutional collaboration partnerships in the area of violence for women and the Multi-institutional collaboration manual. Within the area of crisis intervention and first contact with women, these are the Methodologies and standards of procedures applied by stakeholders within multi-institutional collaboration at first contact with women experiencing violence and their children.

65. Within the area of training, the Centre organised workshops for multi-institutional collaboration coordinators from across Slovakia and 7 workshops for Regional multi-institutional collaboration partnerships (73 participants), where the Centre presented its activities in the areas of violence against women and domestic violence, and completed a plan of activities and analysis of training needs moving forward. The Centre completed training plans and seminars with the related manuals and guides for regional teams, such as Preventing and reducing violence against women with specific emphasis on multi-institutional collaboration.

66. Collaboration with the Council of Europe

Training activities for the police, public prosecutor’s offices and courts included a fact-finding mission based on which a Training manual for police, public prosecutor’s office and court trainers was completed. The manual is used to train potential new trainers from members of the police, the educational staff at the Academy and lawyers providing legal counsel to the victims of violence against women. In collaboration with experts from the Council of Europe, the Centre organised a trainer’s training based on the mentioned manual.

67. Collaboration with partner institution from Norway – research studies and the police

The Centre closely collaborates with the Norwegian Centre for Violence and Traumatic Stress Studies to prepare and implement qualitative research into the Mother – child relationship within the context of violence perpetrated against women by their partners and in two representative research studies: Sexual violence against women and The representative survey of domestic violence in Slovakia. Within the exchange of knowledge and experience between Norwegian and Slovak police, a Norwegian police investigator and specialist in cases of violence against children and domestic violence was the key presenter.

68. Education and primary prevention

For the needs of public education, the Centre prepared the Analysis of available educational programs from kindergartens to universities, in which changes were proposed in education concerning gender quality and violence against women for pupils and students in specialised fields at the university level. Within collaboration with Matej Bel University in Banska Bystrica, amendments were proposed for the methodology sheets and recommendations were made for educational staff in primary and secondary schools. In collaboration with the Methodological and Pedagogical Centre, workshops were prepared in all of Slovakia’s regions along with a professional handbook titled the Situation of child witnesses of domestic violence, challenges and opportunities for interventions.

69. Presentations were conducted within primary prevention at secondary schools across Slovakia on the need to prevent and eliminate gender-based and domestic violence for teachers and for pupils. 5,022 people participated in 145 training sessions.

70. Informational-educational and outreach activities

On 11 April 2017, the Ministry of Labour, Social Affairs and Family kicked off the nationwide media campaign “Because I say no” focused on preventing sexual violence in intimate relationships between young people by increasing awareness and the level of information about this serious problem within the Centre project.

71. The primary objectives of the campaign were to increase awareness and the level of information about sexual violence, to reduce public tolerance for sexual violence and to open a public discussion. The primary target group was young people aged 15 to 25, and secondarily professionals working with young people and/or who come into professional contact with the victims of rape and other forms of sexual violence. The primary source of information was the website zastavmenasilie.gov.sk, which underwent a fundamental overhaul in terms of content and visual appearance. The campaign was launched in the media, online, on social networks, in cinemas and at secondary schools and universities to the end of 2017.

72. In the first phase, the campaign launched two key visual themes and two related creative spots that were featured on television, in cinemas (reach: 295,687 viewers) and online with respect to the preferences of the target group. The objective of the two creative spots was to support self-awareness and sensitivity among young people by providing a clear message of entitlement to truly equal partnership in intimate relationships as well as entitlement to reject stereotypical gender expectations and roles in relationships and to improve their ability to recognise and reject any form of pressure or violence, especially sexual violence in intimate relationships.

73. The first spot, which was targeted on girls and young women as the most common potential victims of sexual violence in intimate relationships, put emphasis on clear statements of disagreement, whether clearly articulated or implied, with any sexual practice under any circumstances and at any stage of the relationship.

74. The goal of the second spot was to warn boys and young men that pressuring someone into involuntary sexual practices represents undesirable and unacceptable behaviour and humiliates their partner, perhaps classifies even as a crime. This spot disrupts harmful gender stereotypes related to the association of masculinity with uncontrollable sexuality and violent behaviour through the creative use of the bystander effect.

75. Personalities known to the target group then expressed their support for the campaign through videos on social networks or using other creative ways to reach them. The campaign also communicated the fundamental message and statistics related to violence against women in a creative and accessible way, primarily over social networks.

76. During the campaign, accompanying events were held in the form of audio-visual educational presentations for students in secondary schools and later universities across Slovakia, which were attended by more than 4,500 students in 2017.

77. The task of “Completing methodology procedures and standards for working with the perpetrators of violence against women” was imposed for conditions related to imprisonment. This task was accomplished in 2016 and 2017 when the Centre and the Institute completed two documents:

1. Vavro, R., Farkašová, K. (2016). Standards and procedures for the introduction of socio-intervention programs for perpetrators of violence against women. Bratislava: Inštitút pre výskum práce a rodiny.

2. Vavro, R., Hutta, J., Farkašová, K. (2017). Methodology for working with perpetrators of violence against women in penitentiary care. Bratislava: Inštitút pre výskum práce a rodiny.

78. Programs for the perpetrators of domestic violence were put into pilot testing in the correctional facilities in Hrnčiarovce nad Parnou and Bratislava. The program was implemented in 2016 by Aliancia žien Slovenska (Slovak Women’s Alliance) as a pilot project supported by a grant from the Open Society Foundation via the Norway Grants. Once an accredited mechanism for re-socialisation and prison educational and training programs is created, socio-intervention programs for perpetrators of domestic violence will be incorporated with the deliberate activities focused on re-socialising selected groups of convicts (perpetrators of gender-based violence).

79. A total of 23 counselling centres currently exist across Slovakia providing specialised assistance to the victims of domestic violence, most of which focus on female victims. There are also 93 rooms or 328 spaces in secure women’s homes that provide comprehensive professional assistance to women experiencing violence and their children in a residential format until these problems are resolved for the women. An additional 276 spaces are available in emergency shelters for women across Slovakia, meaning the total capacity of accommodations for women experiencing violence and their children is 598 spaces. The percentage of women able to locate assistance increased from 20% in 2011 to 54% in 2016 (Eurobarometer).

80. A counselling centre for victims of violence against women is a specialised facility providing or securing specialised counselling services, including crisis interventions, for victims and persons close to them in an outpatient format. These services are typically provided by entities accredited to provide special social counselling under the social services act and which are also accredited by the Ministry of Justice under the crime victims act and specialise in female victims and/or victims of domestic violence. Services are provided in person, over the phone and online, in an outpatient format or in the field. Counselling centres primarily provide or secure support services: identifying violence, evaluating the risk of a threat, completing crisis or security plans, crisis intervention, social counselling, psychological care, special and pedagogical care for children and legal counselling.

81. A secure women’s home is the name assigned to specialised facilities providing emergency housing for women and specially equipped to ensure a safe and secure stay at the facility. Legislatively, these secure women’s homes are classified as emergency shelters for victims of gender-based violence under the social services act, and operate as accredited entities under the crime victims act and specialise in the female victims of domestic violence. Other emergency shelters provide similar services to secure women’s homes, but these services are not narrowly specialised on women. Secure women’s homes support women and their children, help them cope with their traumatic experience, escape abusive relationships, regain their self-respect and lay the foundations for an independent life of their choosing. They also fulfil the function of a counselling centre. These facilities often have a secret address or conceal a victim's stay in the facility.

82. Their primary role is to ensure the safety and security of women and their children during their stay, which is why the risk of every victim should be assessed and an individual security plan developed on this basis. Effective cooperation with the police is another necessity for security matters. Secure women’s homes play a leading role in developing a network of interdepartmental collaboration and increasing awareness in relevant communities. Secure women’s homes are found in a range of cities across Slovakia, including Bratislava, Nitra, Martin, Prešov and Trebišov, but existing capacity continues to be insufficient.

83. A total of 23 counselling centres currently exist across Slovakia providing specialised assistance to the victims of domestic violence, most of which focus on female victims. There are also 93 rooms or 328 spaces in secure women’s homes that provide comprehensive professional assistance to women experiencing violence and their children in residential form until these problems are resolved for the women.

84. Development of services and their financial support

The Ministry of Labour, Social Affairs and Family in collaboration with the Government Office of the Slovak Republic dedicated specific funds to support facilities assisting women and other victims of domestic violence from the European Social Fund and from the Norway Grants. These funds, totalling approximately EUR 12 million, were used to support counselling centres, secure women’s homes (or emergency shelters as they are called in social services) as well as measures at the state level, specifically the national non-stop toll-free hotline for women experiencing violence and the creation of the Centre.

85. The most valuable result of the SK09 program under the Norway Grants may be considered the significant improvement made in the quantitative and qualitative level of support services across Slovakia. The number of counselling services doubled thanks to the program and the number of accessible family spaces tripled.

Overview of specific services for women experiencing violence based on organisational monitoring for the Norway Grants – question 9 e)

86. The following information is completed based on monitoring of organisations supported under the Norway Grants or by those that functioned as professional sponsors within these projects. Monitoring was conducted in 2016 (with updates occurring in two instances in 2017). The list only includes those organisations that achieved the required 75% monitoring score under the Minimum RE Standards pursuant to the monitoring methodology. A total of 22 facilities providing services were included, 19 of which were NGOs and 2 were operated by local governments. 11 of these were secure women’s homes. Other organisations providing similar services but which did not receive support from the Norway Grants were not included in the monitoring. A total of 6 projects were contracted to support secure women's homes with a total of EUR 3,385,918, with EUR 676,861 to support 9 new counselling centres and another EUR 1,385,200 to supporting an existing 16 centres and secure women’s homes.

87. A total of EUR 1,034,391 was provided from the Slovak government’s reserves after the end of the projects and by the end of April 2017 as additional funding, and a total of EUR 106 thousand was also provided from the government’s reserves as financial assistance to another 8 facilities.

88. The following table specifies the total number of spaces in the facilities providing services for women, victims of domestic violence under the social services act.

Table 1 – Capacities in secure women’s homes and emergency shelters by region

Region Secure women’s homes Emergency shelters for women Total

Number of rooms Number of spaces Number of spaces Number of spaces

Bratislava region 22 54 25 79

Banská Bystrica region 6 15 91 106

Košice region 12 40 0 40

Prešov region 9 35 0 35

Nitra region 15 44 15 59

Žilina region 13\* 87 40 127

Trenčín region 21 53 20 73

Trnava region 0 0 85 85

Total 93 322 276 598

Source: monitoring of services supported from the Norway Grants, Coordination and Methodology Centre, 2016 and the Centre’s questionnaire completed together with national hotline for women, one secure women’s home did not provide the data

89. The Ministry of Labour, Social Affairs and Family in collaboration with the Government Office of the Slovak Republic dedicated specific funds to support facilities assisting women and other victims of domestic violence from the European Social Fund and from the Norway Grants. These funds, totalling approximately EUR 12 million, were used to support counselling centres, secure women’s homes (or emergency shelters as they are called in social services) as well as measures at the state level, specifically the national non-stop toll-free hotline for women experiencing violence and the creation of the Coordination and Methodology Centre for Gender-Based Domestic Violence.

90. The national hotline for women (“Hotline”) is a confidential and safe space for women at risk or experiencing violence. Female advisers on the hotline provide crisis assistance and all pertinent information. They are ready to talk about all types of violence that women encounter in their lives. Together with the caller, they try to minimise the risks to which they are exposed in an abusive relationship. The information provided by callers is absolutely confidential.

91. The Hotline is financed from a variety of sources and was created within a project supported from the European Social Fund within Operational Programme Employment and Social Inclusion (2015) and was financed from the Norway Grants in 2016 and 2017 within the Centre project and its operation was secured from May 2017 to April 2018 using Slovak government reserves. Since 2018, the Hotline has been integrated into the Prevention and Elimination of Gender Discrimination national project, the beneficiary of which is the Institute and with support from Operational Programme Human Resources.

92. The most valuable result of the SK09 program under the Norway Grants may be considered the significant improvement made in the quantitative and qualitative level of support services across Slovakia. The number of counselling services doubled thanks to the program and the number of accessible family spaces tripled.

93. Statistics and an assessment of the calls to the Hotline show that the level of calls made by women experiencing violence has stabilised at a level of approximately a thousand calls a year, while the number of calls from third parties has increased slightly. The Hotline is used as a medium to provide basic information to women themselves and those in their immediate surroundings looking for help in a given situation. The percentage of women able to locate assistance increased from 20% in 2011 to 54% in 2016 (Eurobarometer).

Table 2 - Summary of the most important indicators related to the Hotline’s operations since its establishment

Indicator / year 2015 2016 2017

Number of incoming calls1 6,700 5,390 3,301\*

Number of received calls2 4,977 3,654 2,821

Number of female callers experiencing violence 495 475 392

Number of calls with women experiencing violence 2,829 981 1,181

Number of calls from “third parties”3 134 184 193

Source: Hotline reporting system, the Hotline’s internal databases

\*Note: the data concerning incoming calls for 2017 is net of calls ended prematurely as a result of hang-ups and calls that were routed within the system that were included in the statistics from past years.

Legend:

1 Total number of incoming calls is the number of all calls received by the Hotline over the given period including calls that were dropped in the holding queue and therefore could not be technically received at the given time.

2 The number of received calls is the number of all calls over the given period that were connected to an adviser,

3 Third parties are acquaintances and relatives of women experiencing violence who contact the Hotline to receive more information on ways to help women experiencing violence in their immediate surroundings.

94. Children are also victims of domestic violence. Issues related to violence against children are covered strategically by the National Coordination Centre for Resolving Violence Against Children under the Ministry of Labour, Social Affairs and Family.

95. Within the context of the support and development of the coordination framework to protect children from violence, the Support for the Protection of Children Against Violence national project was approved in October 2017. The project is focused on improving the effectiveness of the system for protecting children from violence by setting up systemic coordination of the entities involved in resolving tasks related to protecting children (the social law protection for children and social guardianship authority, the police, the Public Prosecutor’s Office, schools and educational facilities, health care providers, other entities accredited under Act on the Social Law Protection of Children and Social Guardianship, as amended (“child protection act”), municipalities and courts) with the objective of increasing the efficacy of these entities in resolving the issue of violence against children (in the areas of prevention, identification and intervention).

96. A new model for coordinating the protection of children from violence at the local level was created based on this project, and a total of 55 local coordinators to protect children from violence positions were created within the territorial jurisdictions of labour, social affairs and family offices. The role of these coordinators is to foster and develop communication between entities involved in protecting children from violence, organising and facilitating working meetings between these entities to enhance their cooperation (ordinary and extraordinary coordination meetings), delivering preventative education and outreach activities with support from relevant entities, analysing the situation in terms of the occurrence of violence against children in territorial districts and with emphasis on the functional identification and intervention, as well as cooperating and providing cooperation to these entities and actively communicating with the National Coordination Centre for resolving the issue of violence against children for the purposes of building a national coordination framework to protect children from violence, supporting the implementation of measures within the performance of the National Strategy to Protect Children from Violence at the national level and fulfilling related tasks.

97. On 9 October 2015, the nationwide “Trafficking in human beings” event was held and focused on the Council of Europe Convention on Combating Trafficking in Human Beings, Directive 2011/36/EU of the European Parliament and of the Council, National Program for Combating Trafficking in Human Beings for the 2015 - 2018 period, the activities of the National Unit for Combating Illegal Migration, including exposing, explaining and investigating criminal activity, criminal law aspects of trafficking in human beings, especially with regards to the characteristics of such crimes, the supervising activity of prosecutors in pretrial proceedings and judicial proceedings.

98. Judges, prosecutors and senior judicial officers are regularly and repeatedly trained on victims’ rights as part of the training activities organized by the Judicial Academy, as defined by ECtHR jurisprudence, with special emphasis on victims of domestic violence. In this regard, they are familiarised with other important information about victims from other scientific disciplines. The protection of victims (on their own or with domestic violence) was the subject of the following educational activities:

Current ECtHR jurisprudence - criminal law aspects

24 - 25 January 2019, Omšenie

JUDr. Marica Pirošíková (an external member of the educational staff at the Justice Academy of the Slovak Republic (“Justice Academy”) and Slovakia’s representative to the ECtHR) explained the state’s positive commitments in the area of domestic violence within the following presentations:

Current ECtHR jurisprudence and the Constitutional Court of the Slovak Republic to Article 2 ECHR – the state’s positive commitments related to the right to life

Current ECtHR jurisprudence and the Constitutional Court of the Slovak Republic to Articles 3 and 8 ECHR – the state’s positive commitments related to the prohibition on ill-treatment and disproportionate interference with the right to privacy and family life

Right to defence v. the interests of parties injured by crimes in terms of Article 6 ECHR

Perpetrators and victims of crimes

11 - 12 October 2018, Omšenie

JUDr. Marica Pirošíková (an external member of the educational staff at the Justice Academy and Slovakia’s representative to the ECtHR) explained the state’s positive commitments in the area of domestic violence within the presentation Specific rights of injured parties and perpetrators from the perspective of ECtHR jurisprudence and resolving points of conflict

Further presentations were given during the same event involving other disciplines of importance in terms of protecting children from domestic violence, specifically:

doc. ThDr. Mgr. Slávka Karkošková, PhD. (an external member of the educational staff at the Justice Academy; associate professor of social work, Vysoká škola zdravotníctva a sociálnej práce sv. Alžbety, n.o.)

Importance of understanding different aspects of trauma in the context of criminal justice (trauma in relation to victims, in relation to perpetrators and in relation to criminal justice professionals)

MUDr. Danica Caisová (expert in the fields of psychiatry and sexology)

Perpetrators and victims of crimes: Looking for common traits in relations between the perpetrators and victims of crimes in professional circles. Who becomes a crime victim and why, and if there are certain people who become victims more easily, more unambiguously and more frequently. Women typically are much more frequent victims of sexually-motivated crimes. Male victims have a tremendous barrier to speak about the violence they have suffered and are very hesitant to admit abuse. Victimology - the science of crime victims tries to answer at least some of the questions.

Close persons and violent crime, Domestic violence

29 May 2017, Pezinok

doc. PhDr. Gabriela Mikulášková, PhD. (an assistant professor of psychology, Faculty of Philosophy, University of Prešov)

Potential and limits of psycho-diagnostics in the context of domestic violence assessment

JUDr. Marta Kolcúnová, PhD. (prosecutor, General Prosecutor’s Office),

JUDr. Magdaléna Riedlová (prosecutor, General Prosecutor’s Office)

Current decision-making practices related to violence among close persons

PhDr. Janka Šípošová, CSc. (honorary chair of the Pomoc obetiam násilia civic association)

Domestic violence and assisting the victims of domestic violence

ECtHR jurisprudence and its influence on the decision-making practices of Slovak courts

8 - 9 December 2016, Omšenie

JUDr. Marica Pirošíková (an external member of the educational staff at the Justice Academy and Slovakia’s representative to the ECtHR) explained the state’s positive commitments in the area of domestic violence within the presentation The most vulnerable injured parties in ECtHR jurisprudence and their protection through civil law and criminal law instruments

Domestic violence

07/11/2016, Pezinok

PhDr. Janka Šípošová, CSc. (honorary chair of the Pomoc obetiam násilia civic association)

The definition of domestic violence; Criminal and other contexts of domestic violence; Assisting the victims of domestic violence

JUDr. Marta Kolcunová, PhD. (prosecutor, General Prosecutor’s Office)

Application problems related to the crime of domestic violence

doc. ThDr. Mgr. Slávka Karkošková, PhD. (assistant professor of social work, Vysoká škola zdravotníctva a sociálnej práce sv. Alžbety, n.o. Bratislava; director of the ASCEND - problematika sexuálneho zneužívania detí civic association)

Credibility of the victims of domestic violence within the context of their counter-intuitive behaviour

the reactions of victims that do not match expectations

the presentation of the psychological, spiritual, physical and social factors that play a role in why abused women and mothers remain in long-term relationships with their aggressor

the identification of the breaking points that motivate victims to pull themselves out of abusive situations,

the psychological consequences and behaviour among children who witness violence against their mothers

Within the educational activity named

Latest case law of the European Court of Human Rights and its consequences for the decision-making of domestic courts - CRIMINAL part (1st part)

13 January 2015, Pezinok

30 January 2015, Banská Bystrica

10 February 2015, Košice

Latest case law of the European Court of Human Rights and its consequences for the decision-making of domestic courts - CRIMINAL part (2nd part)

11 December 2015, Banská Bystrica

27 October 2015, Pezinok

25 September 2015, Košice

JUDr. Marica Pirošíková (an external member of the educational staff at the Justice Academy and Slovakia’s representative to the ECtHR) explained the state’s positive commitments in the area of domestic violence within the presentation

the rights of persons injured by crimes and the presentation

the right to just judicial proceedings

Domestic violence and victims’ rights in criminal proceedings

2 - 3 November 2015, Kromeříž

prof. JUDr. Pavel Šámal, Ph.D. (president, Supreme Court of the Czech Republic)

Domestic violence and victims’ rights in criminal proceedings

doc. JUDr. et Bc. Tomáš Gřivna, Ph.D. (lawyer, Faculty of Law, Charles University in Prague)

EU law: a brief overview of the historical development of EU legislative instruments to protect crime victims and parties injured by crimes.

Pitfalls of implementing EU instruments in Czech law.

JUDr. František Púry (judge, Supreme Court of the Czech Republic)

Decision-making practices of Czech courts with respect to pecuniary and non-pecuniary damages

JUDr. Robert Waltr (judge, Supreme Court of the Czech Republic)

Decision-making practices of Czech courts with respect to pecuniary and non-pecuniary damages

JUDr. Tomáš Durdík (judge, Municipal Court in Prague, vice president of the White Circle of Safety) Rights of injured parties and crime victims in criminal proceedings. Right to protection and safety, right to active participation in criminal proceedings, right to representation and legal assistance. Financial redress for crime victims. Right to protection and safety, right to active participation in criminal proceedings, right to representation and legal assistance.

JUDr. Marica Pirošíková (an external member of the educational staff at the Justice Academy and Slovakia’s representative to the ECtHR) Rights of injured parties and victims in criminal proceedings. ECtHR jurisprudence

doc. PhDr. Ludmila Čírtková, CSc. (head of the department of social sciences, Police Academy in Prague, expert)

Forms and causes of relationship-based violence from an expert’s perspective

Crime victims, violence against women, children and other crime objects

13 October 2015, Pezinok

PhDr. Janka Šípošová, CSc. (honorary chair of the Pomoc obetiam násilia civic association)

Current status of the implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime

doc. ThDr. Mgr. Slávka Karkošková, PhD. (assistant professor of social work, Vysoká škola zdravotníctva a sociálnej práce sv. Alžbety, n.o. Bratislava)

The issue of interrogating suspected victims of sexual abuse in the context of evidence-based practice (structure of a forensic interview with a child, common interrogation mistakes, practices in use v. scientific knowledge)

Court-appointed expert assessment of suspected victims of sexual abuse (risk of false positive or false negative conclusions, assessing the credibility of a child as a controversial topic, validity and reliability of testing batteries, anomalies in applied practices)

JUDr. Róbert Dobrovodský, PhD., LL.M. (legislative section, Ministry of Justice; Department of Civil and Commercial Law, Faculty of Law at Trnava University)

Right of a child to live in an environment without violence in the context of the amended Family Code taking effect 1 January 2016

Protection of the most vulnerable victims in criminal proceedings

29 - 30 June 2015, Omšenie

Dr. Andrea Kenéz (judge, Municipal Court in Budapest)

The term most vulnerable victims, reasons for their special protection, basic overview of instruments for their protection – EU and Council of Europe perspectives

Most vulnerable victims in domestic cases. What can we learn from Hungarian colleagues?

JUDr. Marica Pirošíková (an external member of the educational staff at the Justice Academy and Slovakia’s representative to the ECtHR) The most vulnerable victims in criminal proceedings – representation of minors, interrogation of minors and respect for their human rights and specific needs

The most vulnerable victims in terms of ECtHR jurisprudence I.

doc. ThDr. Mgr. Slávka Karkošková, PhD. (assistant professor of social work, Vysoká škola zdravotníctva a sociálnej práce sv. Alžbety, n.o.)

What makes minors victims of sexual abuse particularly vulnerable? (Counter-intuitive reactions of victims and their influence on the credibility of victims)

Interrogating minors victims of sexual abuse. Frameworks and limits for assessing the credibility of testimony. Prevention of secondary victimisation.

European Union concept for protecting injured parties in criminal proceedings

23 - 24 February 2018, Omšenie

Mr. Kuba Sękowski (lawyer, Ministry of Justice, Department of Criminal Law, Section of EU Criminal Law)

Changes in the acquis in criminal law after the Treaty of Lisbon and pretrial proceedings in criminal proceedings. Application of EU criminal law in domestic legal systems.

Directive 2012/29/EU. What happened with Framework Decision 2001/220/JHA?

Dr. Andrea Kenéz (judge, Municipal Court in Budapest)

EU framework and protection of those injured by crimes. What should justice staff know?

A workshop with the goal of discussing the submission of pre-judicial questions in relation to rights, support and protection of injured parties.

Seeking redress for pecuniary and non-pecuniary damages caused by a crime in adhesion proceedings (impact and effectiveness, respect for the human rights of injured parties in adhesion proceedings, prevention of secondary victimisation; Directive 80/2004 on compensation for crime victims; Non-pecuniary damages in financial amounts – effectiveness of adhesion proceedings)

1 - 2 December 2014, Omšenie

JUDr. Pavol Toman (external member of the educational staff at the Judicial Academy, advisor to the Minister of Justice)

Seeking redress for pecuniary and non-pecuniary damages resulting from crimes within criminal proceedings – Slovak experience

JUDr. Martin Bargel (external member of the educational staff at the Judicial Academy; judge, Regional Court in Žilina)

Seeking redress for damages caused by a crime, impact and effectiveness, respect for the human rights of injured parties in criminal or adhesive proceedings, prevention of secondary victimisation

Directive 2004/80/EC relating to compensation to crime victims

JUDr. Martin Bargel, JUDr. Pavol Toman, JUDr. František Púry, JUDr. Petr Vojtek

Seeking financial redress for non-pecuniary damages to life and limb resulting from a crime – Comparison of Slovak and Czech law and judicial practice – panel discussion

JUDr. František Púry (external member of the educational staff at the Judicial Academy; judge, Supreme Court of the Czech Republic), JUDr. Peter Vojtek (judge, Supreme Court of the Czech Republic)

Changes in decision-making regarding compensation for damages and non-pecuniary damages in adhesion proceedings in the Czech Republic.

Crime victims, violence against women, children and other crime objects

13 - 14 November 2014, Omšenie

PhDr. Janka Šípošová, CSc. (honorary chair of the Pomoc obetiam násilia civic association)

Process of implementing Directive 2012/29/EU of the European Parliament and of the Council on victims of crime in Slovakia

doc. ThDr. Mgr. Slávka Karkošková, PhD. (assistant professor of social work, Vysoká škola zdravotníctva a sociálnej práce sv. Alžbety, n.o. Bratislava)

Children as victims of sexual abuse

JUDr. Marica Pirošíková (an external member of the educational staff at the Justice Academy and Slovakia’s representative to the ECtHR),

Rights of persons affected by crime in terms of current ECtHR jurisprudence

Protection of crime victims. European and national approaches

4 - 5 November 2014, Krakow

Rafał Kierzynka (judge temporarily assigned to the Ministry of Justice)

Directive 2012/29/EU laying down the minimum standards in the area of rights, support and protection for crime victims and Directive 2011/99/EU on the European protection order

Directive 2012/29/EU and 2011/99/EU and transposition– Polish experience

Agata Srokowska (prosecutor temporarily assigned to the Ministry of Justice, deputy director of the department of international relations and human rights)

Regulation 606/2013 on mutual recognition of protection measures in civil matters

Rafał Kierzynka (judge temporarily assigned to the Ministry of Justice), Sławomir Buczma (judge temporarily assigned to the office of the Secretary-General of the Council of the European Union)

Workshop in 2 groups – transposition and application of Directives 2012/29/EU and 2011/99/EU – challenges, benefits and pitfalls

Andrzej Augustyniak (prosecutor temporarily assigned to the Ministry of Justice)

Protection of minors victims – Polish perspective

Katarzyna Wolska-Wrona (Chief expert of the office of the government plenipotentiary for equal treatment)

Protection for the victims of domestic violence – European and Polish perspectives

Agnieszka Dąbrowiecka (prosecutor temporarily assigned to the Ministry of Justice, deputy director of the department of international relations and human rights)

Organisational and financial aspects, protection of victims and their support in Poland

Application of the human rights of victims in criminal proceedings – ECtHR jurisprudence (summons, interrogation of victims, effective investigation of crimes, prosecutor supervision); connections between the catalogue of human rights in the Convention and the Charter of Fundamental Rights of the EU

4 - 5 September 2014, Omšenie

Dr. Peter Horvath (judge temporarily dispatched to the European Court for Human Rights)

Rights of crime victims under Article 2 of the Convention on the Protection of Human Rights and Fundamental Freedoms

Crime victims and guarantees under Article 6 of the Convention on the Protection of Human Rights and Fundamental Freedoms

Connections between the catalogue of human rights in the Convention and the Charter of Fundamental Rights of the EU

JUDr. Marica Pirošíková (an external member of the educational staff at the Justice Academy and Slovakia’s representative to the ECtHR)

Rights of crime victims under Article 2 of the Convention on the Protection of Human Rights and Fundamental Freedoms

The state’s positive obligation to conduct effective official investigations under Articles 2, 3 and 8 of the Convention on the Protection of Human Rights and Fundamental Freedoms

Right of crime victims to redress for pecuniary and non-pecuniary damages.

J. Trafficking in human beings – question 10 a)

99. If a crime has resulted in unauthorised infringement into personal rights, the injured party may seek redress for non-pecuniary damages under §11 et seq. of Act No. 40/1964 Coll., the Civil Code, as amended. If such person dies as a result, such fact is considered by domestic courts as unauthorised infringement into the private or family life of their close persons and therefore they may seek redress for non-pecuniary damages to their personal rights as a result. The court is free to decide on the actual financial amount of such redress for non-pecuniary damages, but must consider the statutory criteria based on the severity of the resulting harm and the circumstances under which such unauthorised infringement into personal rights occurred. The definition of a specific amount of redress must consider all circumstances of the case and must comply with the requirement of justice. With respect to crime victims, we note that under §4 (2)(j) of Act No. 71/1992 Coll. on Court Fees and the Fee for an Excerpt from the Criminal Register, as amended, court fees for the petitioner in proceedings seeking compensation for pecuniary or non-pecuniary redress resulting from a crime are waived. In concluding we note that under §287 (1) of the Code of Criminal Procedure, if a court convicts the accused for a crime that caused damage to someone else as specified in §46 (1), the judgement shall impose their duty to compensate the injured party if such claim was raised in a full and timely manner. The court shall impose an obligation on the accused to provide redress for unpaid damages or unpaid parts thereof if such amount is specified in the description of the case provided in the pronouncement section of the judgement in which the accused was declared guilty, or if redress is for moral damage caused by a deliberate and violent crime under a special law, if such redress has not yet been paid. Within this regard, please note the comments to the provisions of §287 (1) of the Code of Criminal procedure, which, inter alia, state: “With respect to the definition of the term damage (§46 (1)), the obligation to decide on such damage in the convicting judgement, if properly applied, covers material, moral and other damages, and any infringement or threat to other statutory rights and freedoms of the injured party, whereby the term “damage” in relation to the harmful consequence caused by a deliberate and violent crime under a special law, such as in the case of death, rape or sexual assault, shall be interpreted in accordance with the interpretation of the term “non-pecuniary damages” in the Code of Civil Procedure” This procedure was applied for the first time in the judgement handed down by Regional Court in Žilina in case no. 1To/10/2011 of 22 February 2011, in which it imposed the obligation on the accused with a reference to §287 (1) of the Code of Criminal Procedure to provide redress for non-pecuniary damages in the amount of EUR 10,000 to each victim.

K. Specialised training for public officials involving trafficking in human beings - question 10 c)

100. In June 2016 and in cooperation with the Ministry of Interior, the nationwide training event “Trafficking in human beings” was conducted with content focused on defining trafficking in human beings, international and national legislation for combating trafficking in human beings, institutional assurance against trafficking in human beings, monitoring mechanisms, the activity of the National Unit for Combating Illegal Migration, including its standing, tasks, exposing, explaining and investigating criminal activity, as well as treatment of victims of trafficking in human beings during criminal proceedings, identifying needs and avoiding prejudices. Police investigators, prosecutors and judges were the target group.

101. The “Trafficking in human beings” seminar was conducted in May 2018 at the detached Justice Academy site with instructor judges and prosecutors from the USA. The contents of this training event were focused on:

• Legal qualification of cases involving trafficking in human beings, compensating victims, definition of the crime of trafficking in human beings, identification of trafficking cases, differentiation between cases of trafficking in human beings and related crimes (sexual violence/abuse, pimping, coercion, and the like) and overview of situations and experience from the USA involving the prosecution of trafficking in human beings, exchange of information and experience regarding the Slovak and American legal frameworks;

• The seriousness of cases involving trafficking in human beings, working with victims in criminal proceedings, victims of trafficking as parties in criminal proceedings, prevention of secondary/repeated victimisation of victims, models of behaviour among victims, understanding trauma and its impact on victims of the crime of trafficking in human beings, providing assistance and support to victims, victim stabilisation strategies, practical examples and experience from working with victims in the USA and a discussion of American laws applicable to protection and victims’ rights;

• Investigations into trafficking in human beings, joint investigative teams, legislative opportunities, limitations on cooperation between police and prosecution authorities, exchange of experience in terms of creating joint investigative teams to explain and prosecute the crime of trafficking in human beings, benefits and risks of close cooperation between law enforcement authorities, experience with task forces in the USA, cooperation between special interest associations to explain and prosecute crimes, informational, preventative and training activities for members of investigative teams.

L. Statistical data for the period from 2016 to 2019 (data as at 30 April 2019) as to applications for asylum / providing subsidiary protection – question 13

102. 2016

- 146 applications for asylum filed,

- 167 granted asylum – of which, 5 cases (persecution), 159 cases (humanitarian reasons - of which, 149 were Iraqi nationals granted asylum for humanitarian reasons for their resettlement in Slovakia) and 3 cases (family reunification),

- 12 provided subsidiary protection – of which 10 cases (serious injustice) and 2 cases (family reunification).

103. 2017

- 166 applications for asylum filed,

- 25 granted asylum – of which, 1 case (persecution), 23 cases (humanitarian reasons) and 1 case (family reunification), please note that asylum was also granted in 4 cases for family reunification for an undetermined period of time (such asylum is granted for 3 years the first time and then indefinitely upon the next application if all criteria are met),

- 25 provided subsidiary protection – of which 22 cases (serious injustice) and 3 cases (family reunification).

104. 2018

- 178 applications for asylum filed

- 5 granted asylum – of which, 2 cases (persecution) and 3 cases (humanitarian reasons),

- 37 provided subsidiary protection – of which 36 cases (serious injustice) and 1 case (family reunification).

105. 2019 (data as at 30 April 2019)

- 75 applications for asylum filed

- 1 granted asylum (persecution), please note that asylum was also granted in 1 case for family reunification for an undetermined period of time (such asylum is granted for 3 years the first time and then indefinitely upon the next application if all criteria are met),

- 9 provided subsidiary protection – 9 cases (serious injustice).

106. For the purposes of reviewing a decision issued by an administrative authority within asylum proceedings, it is possible to file an administrative appeal to be ruled upon by the competent regional court and a cassation complaint may be filed against such valid decision issued by the regional court, which is then ruled upon by the Supreme Court of the Slovak Republic. The MIGRA information system used by the Migration Authority under the Ministry of Interior does not provide statistical outputs that specify the exact number of such filed administrative appeals or cassation complaints or the outcomes of such related proceedings.

107. In cases where an administrative appeal does not have an automatic delaying effect, the court may grant such effect upon request of the petitioner.

108. Under Act No. 162/2015 Coll. on the Code of Civil Procedure, as amended, the filing of an administrative appeal does have a delaying effect in asylum cases, unless a specific regulation stipulates otherwise. Such special regulation is the asylum act, which in §21 stipulates exceptions when the filing of an administrative appeal against a decision not to grant asylum, to revoke asylum, to not extend subsidiary protection or to cancel subsidiary protection does not have such automatic delaying effect. These are cases where an alien may be considered a security threat to Slovakia or has been convicted of a particularly serious crime and poses a threat to the society.

109. Under the asylum act the filing of an administrative appeal against a decision to reject an application for asylum as inadmissible or the rejection of an application as clearly unwarranted does not have a delaying effect in general. There are two exceptions when such delaying effect occurs automatically upon the filing of an administrative appeal, specifically if the application for asylum is rejected as inadmissible for the reason that the applicant is from a safe third country and if the application for asylum was rejected as clearly unwarranted for the reason that the applicant does not meet the conditions to receive asylum or subsidiary protection and entered Slovakia in an unauthorised manner and did not seek international protection without a serious reason immediately after entering the country. In cases where an administrative appeal does not have an automatic delaying effect, the court may grant such effect upon request of the petitioner. Such a request to recognise the delaying effect of the appeal must be filed with the administrative appeal itself. Submission of a cassation complaint in asylum cases does not have an automatic delaying effect, but the court may grant such effect upon request of the petitioner.

Statistical data for the 2016 to 2018 period (to the 10th month of 2018) regarding repatriation of unsuccessful applicants regardless of the reason for applying for asylum:

110. No unsuccessful applicants for asylum were repatriated to a country if there were serious reasons to believe that they would be at risk of torture.

2016 nationality country of repatriation gender age type of repatriation

JANUARY IRQ IRQ M 52 ADN

FEBRUARY IND IND M 22 INVOLUNTARY

FEBRUARY IND IND M 23 INVOLUNTARY

FEBRUARY IND IND M 22 INVOLUNTARY

FEBRUARY RUS RUS M 27 ADN

FEBRUARY CHN CHN M 47 INVOLUNTARY

FEBRUARY CUB CUB F 35 ADN

MARCH MKD MKD M 52 INVOLUNTARY

APRIL IRQ IRQ M 53 ADN

APRIL DZA DZA M 22 ADN

APRIL IRN IRN M 34 ADN

APRIL IRN IRN F 31 ADN

APRIL MKD MKD M 46 INVOLUNTARY

MAY UKR UKR M 26 ADN

MAY UKR UKR F 33 ADN

MAY CUB CUB M 32 ADN

JUNE IND IND M 34 ADN

JUNE DZA DZA M 26 ADN

JUNE DZA DZA M 24 ADN

JUNE DZA DZA M 25 ADN

JUNE DZA DZA M 31 ADN

JULY UKR UKR M 44 INVOLUNTARY

AUGUST DZA DZA M 34 ADN

AUGUST COD COD M 25 INVOLUNTARY

NOVEMBER TUN TUN M 34 INVOLUNTARY

2017 nationality country of repatriation gender age type of repatriation

JULY GHA GHA M ADN

JULY PAK PAK M 19 INVOLUNTARY

JULY PAK PAK M 22 INVOLUNTARY

JULY PAK PAK M 23 INVOLUNTARY

JULY PAK PAK M 20 INVOLUNTARY

JULY PAK PAK M 25 INVOLUNTARY

JULY PAK PAK M 27 INVOLUNTARY

JULY PAK PAK M 23 INVOLUNTARY

JULY UKR UKR M 39 INVOLUNTARY

AUGUST UKR UKR M 29 INVOLUNTARY

AUGUST XXX UKR M 54 INVOLUNTARY

AUGUST DZA DZA M 51 INVOLUNTARY

AUGUST VNM VNM M 27 ADN

AUGUST VNM VNM M 27 ADN

SEPTEMBER VNM VNM M 36 INVOLUNTARY

SEPTEMBER VNM VNM M 47 INVOLUNTARY

DECEMBER MAR MAR M 28 INVOLUNTARY

DECEMBER MAR MAR M 26 INVOLUNTARY

DECEMBER CHN CHN M 43 ADN

DECEMBER TUR TUR M 40 ADN

2018 nationality country of repatriation gender age type of repatriation

JANUARY UKR UKR M 46 INVOLUNTARY

JANUARY VNM VNM M 23 ADN

MARCH GEO GEO M 45 ADN

MARCH BIH BIH M 54 ADN

MARCH VNM VNM M 31 ADN

MARCH VNM VNM M 27 ADN

MARCH VNM VNM M 26 ADN

MARCH AZE AZE M 42 ADN

MARCH AZE AZE F 37 ADN

MARCH AZE AZE M 13 ADN

MAY IRQ IRQ M 31 ADN

JUNE AZE AZE M 42 ADN

JUNE AZE AZE F 34 ADN

JUNE AZE AZE F 16 ADN

JUNE AZE AZE M 14 ADN

JUNE GEO GEO F 31 ADN

JUNE UKR UKR F 54 VOLUNTARY DEPARTURE

AUGUST TUR TUR M 38 ADN

AUGUST VNM VNM M 32 ADN

AUGUST PAK PAK M 31 ADN

AUGUST PAK PAK M 27 ADN

SEPTEMBER GEO GEO M 42 INVOLUNTARY

SEPTEMBER IRN IRN M 34 ADN

SEPTEMBER VNM VNM M 23 ADN

SEPTEMBER VNM VNM M 31 ADN

SEPTEMBER VNM VNM M 21 ADN

OCTOBER AZE AZE M 33 ADN

The statistics include meta-data (information on what specific data is included in the statistics).

Given that the Family Code is a private law standard and should not contain prohibitions and similar standards from a legislative and philosophical perspective, another tactic was selected to produce the same resulting effect. Via an amendment of Act No. 36/2005 Coll. on Family (“Family Code”) taking effect from 1 January 2016, legislators defined the criteria of the best interests of a child in accordance with Point 50 of General Comment No. 14. Of particular relevance are the criteria laid down in Article 5:

(b) the safety of the child as well as the safety and the stability of the environment in which the child exists,

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

(e) the threat to a child’s development caused by interference into their dignity and the threat to a child's development caused by interference into their mental, physical and emotional integrity by a person who is a close person to the child.

111. Effective from/as of 1 January 2016, the provisions of §30 (3) of the Family Code must be interpreted as the basic interpretation rule in accordance with Article 5 of the Family Code, and according to which parents have the right to use appropriate educational means when raising children that do not pose a threat of physical injury or otherwise degrade the mental, physical and emotional development of the child. The term “appropriate means of compliance” must therefore be subject to a very restrictive interpretation as of 1 January 2016. Valid laws do not tolerate corporal punishment at home. Corporal punishment represents a severe threat to the values protected under the new Article 5.

112. The regulation therefore definitively excludes the term "violence” from legal and appropriate educational means as interpreted by the Committee in its General Comment No. 13. Parents may not use any form of physical or mental violence, harm, abuse, neglect, negligence or torture against a child. Slovak law leaves parents with a very narrow extent to which they may intervene into the integrity and dignity of a child, while preserving the option for them to utilise certain educational means. The state (specifically the courts) retains control over parents in terms of raising children via the criterion of appropriateness. This criterion is very narrow and allows parents to take into consideration specifics and the needs of individual families and children and to select those educational means that ensure their child acquires basic moral awareness and moral values. Slovak legislators decided, with respect to the UN Committee on the Rights of the Child, which allowed in Point 14 of General Comment No. 8 (2006) that “ parenting and caring for children, especially babies and young children, demand frequent physical actions and interventions to protect them. This is quite distinct from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation.”

113. Given the above, it may be said that the provisions of Article 5 of the Family Code along with the provisions of §30 (3) of the Family Code and the standards established in criminal and administrative law function as a general preventative measure on the ability of adults and parents to differentiate between a protective physical intervention and the use of punitive force.

114. While Subsection 25 concerns corporal punishment in families, it is also necessary to note the amendment of Act on the Social Law Protection of Children and on Social Guardianship and on amendment of certain acts, according to which it is prohibited to use any forms of corporal punishment on a child or other rough or degrading forms of treatment and the forms of punishment for children that cause or could cause physical injury or emotional harm. In implementing measures, the prohibition of contact with parents and other close persons, social exclusion, demanding excessive physical exertion, intervention into external appearance and the wearing of degrading clothing, unjustified intervention into meals and other educational means and working methods that may cause the degradation or may inappropriately interfere with their human dignity are all prohibited as educational means. The use of educational means against a child simply because they are the member of the same group as another child against whom such educational means will be applied is prohibited. Children must not be responsible for deciding upon or specifying the educational means used with respect to another child.

M. Training and educational activities for law enforcement authorities – question 18

115. The “Crime victims, violence against women, children and other crime objects” training event was conducted in March 2013 at the detached Justice Academy site with the involvement of a foreign instructor. The content of this event was focused on the issue of crimes towards close and entrusted persons (§208 of the Criminal Code), and the rights, support and protection of crime victims. The foreign instructor presented the new crime victims act and changes in the code of criminal procedure in the Czech Republic and a comparison with Slovak law.

116. A seminar focused on the process of implementing Directive 2012/29/EU of the European Parliament and of the Council on crime victims in Slovakia and on children and victims of sexual abuse was organised in November 2014. The second day of the training event was focused on the rights of persons affected by crime in terms of current ECtHR jurisprudence.

117. Another nationwide event under the name “Crime victims, violence against women, children and other crime objects” was held in October 2015. The event was focused on the current status of the implementation of Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, the issue of interrogating suspected victims of sexual abuse within the context of evidence-based practice (the structure of a forensic interview with a child, common errors during interrogations, applied practices versus scientific knowledge, court-appointed expert assessment of suspected victims of sexual abuse (risk of false positive or false negative conclusions, assessing the credibility of a child as a controversial topic). The seminar was focused on an amendment of the Family Code, which entered into force on 1 January 2016 and within the context of the right of a child to live in an environment without violence.

118. Various aspects of domestic violence were the subject of the nationwide “Domestic violence” event held in November 2016. Its contents were focused on a definition of domestic violence, assisting the victims of domestic violence, application problems related to the crime of domestic violence, the issue of the credibility of victims of domestic violence in connection with their counter-intuitive behaviour and the psychological consequences and behaviour of children who witness violence against their mothers.

119. The Justice Academy in Pezinok conducted the “Close persons and violent crime (Domestic violence)” training event in May 2017, which had a nationwide character. The instructors focused on the potential and limits of psycho-diagnostics in the context of domestic violence assessment, current decision-making practices in relation to violence between close persons and assistance for the victims of domestic violence.

120. The Justice Academy organised another event in March 2018 within continuing education for judges and prosecutors named “Sexually abused children and entrusted persons”, the contents of which focused on questions related to criminal complaints, the interrogation of children and entrusted persons in pretrial proceedings. Expert evidence and other means of evidence, contradictory conduct of interrogations of children and entrusted persons in court proceedings, indications of sexual abuse (CSA) and means for combating sexual abuse. The instructors focused on relevant decision-making activities of the constitutional court and the ECtHR.

121. Within continuing education activities, the Justice Academy organised the second consecutive “Sexual abuse of children and abused children and entrusted persons” event in December 2018. The program was focused on interrogating the child victims of sexual abuse, selected criminal and procedural aspects, and the credibility of the testimony from suspected victims of sexual abuse and the psychology / tactics / techniques for their interrogation. The instructors provided the participants in the seminar with an overview of the latest scientific knowledge on the given issue and highlighted the most common errors professionals identified in foreign research.

122. In 2009, the President of the police corps issued, and police officers continue to use, the methodology guide “Methodology and tactical guide for police actions performed by members of the Police Corps in police practice”, the purpose of which is to recommend tactics to police officers and procedures to be employed when performing their duties and when conducting police actions. Police officers are required to follow these basic principles when conducting police actions:

a) legality – meaning every police action must be conducted within the bounds and in the manner specified by law. For instance, holding a person for the purposes of verifying their identity is only permitted under the conditions specified in the police act,

b) officiality– meaning the police officer’s duty to intervene if a crime or misdemeanour is committed or there are justified suspicions of their commission,

c) opportunity – meaning that the police officer must decide to intervene in the given case or to refrain from making such intervention,

d) appropriateness – meaning that a police action must be appropriate to the nature and scope of the violation of public order to avoid causing unjustified harm,

e) subsidiarity – meaning a police officer is obliged to act when the given obliged authority fails to do so. In such case, the police officer shall act on request or of their own volition. The outcome is then reported to the competent authority,

f) speed, decisiveness and vigour – meaning choosing a procedure for the police action to ensure it is completed as quickly as possible and to ensure that the violation of public order does not take on larger dimensions,

g) alertness and vigilance – meaning police officers must ensure that are not exposing themselves to the danger of attack during any police action,

h) persuasion and conduct – meaning the ability to have a positive influence on involved parties before, during and after the end of the police action itself,

i) awareness – meaning a police officer must have a sufficient quantity of relevant information available during all phases when conducting a police action on which to base the decision to perform or not perform a police action (principle of opportunity).

123. The vice president of the police corps was assigned the task in 2018 of updating this methodology guide for the on-duty needs of police officers for within the public order police department under the Presidium.

N. Prohibition on corporal punishment for children – question 25

124. Under §7 of the child protection act:

everyone has the obligation to notify the Social Law Protection for Children and Social Guardianship Authority of any infringements of the rights of a child,

- if the social law protection for children and social guardianship authority is notified of the use of abusive or degrading forms of treatment and forms of child punishment, or

- if their use by a parent or person personally caring for a child is determined in performing such measures, they shall be compelled to apply certain measures under the Child Protection Law depending on their nature and seriousness;

When applying measures under the child protection act, it is prohibited to use any forms of corporal punishment on a child or other rough or degrading forms of treatment and forms of punishing a child that cause or may cause physical or psychological harm. In implementing measures under the child protection act, the prohibition of contact with parents and other close persons, social exclusion, demanding excessive physical exertion, intervention into external appearance and the wearing of degrading clothing, unjustified intervention into meals and other educational means and working methods that may cause the degradation or may inappropriately interfere with their human dignity are all prohibited as educational means. The use of educational means against a child simply because they are the member of the same group as another child against whom such educational means will be applied is prohibited. Children must not be responsible for deciding upon or specifying the educational means used with respect to another child.

125. The current stipulations regulating matters between parents, children and other relatives in the Family Code do not establish an explicit prohibition on corporal punishment in the family environment. The provisions of §30 (3) of the Family Code stipulate that parents have the right to use appropriate educational means when raising a child that do not pose a threat to health, dignity, or mental, physical or emotional development of the child. Given the fact that corporal punishment in a general sense is capable of posing such threat to health, dignity, or mental, physical or emotional development of the child, it is not tolerated under the currently valid law.

126. It therefore follows that parental rights and obligations in raising a child are stipulated in the Family Code to ensure no harm is done to the health, dignity, or mental, physical or emotional development of the child, while preserving the individual parents’ ability to consider specifics and needs in selecting which educational means may be appropriate within the process of raising a child. The Family Code does not stipulate specific educational means within these provisions; rather, it leaves them up to the parents to decide to ensure their child acquires basic moral awareness and moral values. The selection of appropriate educational means to be applied by the parents is not limitless under the Family Code. Legal restrictions are grounded in the level of appropriateness of these educational measures. If this level of appropriateness is exceeded, penalties based on the specific educational means specified in the Family Code come into play.

127. Act on Misdemeanours, as amended, defines specific misdemeanours concerning interference into the integrity of a close person (including a child) and persons entrusted to the perpetrator for the purposes of their care or education. Punishable conduct in this context includes threats of physical injury, minor physical injuries, approbation and other rough conduct. Recurrence of the commission of such misdemeanour over a 12-month period is qualified as the crime of the abuse of a close or entrusted person under the Criminal Code. The basic factual basis of such crime was also modified to eliminate irregularities in interpretation that had been encountered in practice. One of the reasons for the amendment of these provisions was to provide adequate instruments to punish the use of inappropriate educational means posing a threat to the health, dignity or the mental, physical and emotional development of a child. The system for protecting the rights of children must be considered comprehensively with respect to all areas of law (civil, administrative and criminal). This is given by the fact that interference into the (physical and psychological) integrity of a child in cases by the use of inappropriate educational means is considered prohibited and punishable under misdemeanour (or criminal) law. We believe that the amendments in the areas of administrative and criminal law with respect to the valid version of the Family Code create a sufficient legal guarantee for the rights of children in these areas.

128. Emphasis within the fulfilment of the strategic objectives of the National Strategy to Protect Children from Violence is placed on supporting the fulfilment of parental rights and obligations, parenting and promoting a positive family environment. Given the outcomes of research in the field of corporal punishment , it is extraordinarily desirable to use expert and society-wide dialogue and to consider all major societal, religious and cultural contexts to look for ways and tools to promote the family and time spent together, to develop parenting skills and to avoid conflicts in families. These all contribute to a natural reduction in the use of corporal punishment when raising children and have the goal of eliminating cases of serious physical violence in the family environment.

O. Combating terrorism – question 26

129. Slovakia adopted Act No. 161/2018 Coll. which amended the Criminal Code in 2018 and via which Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ EU, L 88, 31 March 2017) was transposed into Slovak law. The above-cited act also implemented the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism of 22 October 2015 (CETS 217) and incorporated the recommendations of the Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism and the intergovernmental Financial Action Task Force. The above-cited act comprehensively regulated the issue of combating terrorism, including the financing of terrorism, and considered all of Slovakia’s international legal commitments in these areas, such as the Convention on Offences and Certain Other Acts Committed on Board of an Aircraft, the Convention for the Suppression of Unlawful Seizure of an Aircraft (Hague Hijacking Convention), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and others.

130. The given law once again modified the factual basis of the crime of terrorism in the Criminal Code, the name of which was changed to the Crime of a Terrorist Attack under §419 of the Criminal Code, while considerations were given to issues faced in applied practices sourced from consultations with law enforcement authorities, judicial practice, Slovakia’s international commitments and the opinions expressed by the professional community. The factual basis of a terrorist attack is primarily constituted by the contents of such offence: the factual basis constituting participation in terrorism, the factual basis constituting financing of terrorism and the factual basis constituting travel for terrorism-related purposes. The factual basis of a terrorist attack also introduced the concept of defining a goal of such attack, which is to “damage the constitutional order or the defence capabilities of the country, to interfere with or destroy the basic political, economic or social structure of the country or an international organisation, to severely intimidate inhabitants or coerce the government or other public authority or international organisation into any kind of action, neglect or tolerance” as the basic differentiating characteristic between the commissioning of a terrorist attack and other crimes.

131. The Presidium continues to implement measures to combat terrorism by increasing the professionalism and qualifications of police officers. As needed, training activities are conducted for its members and, upon request, other entities are engaged in cooperation for the purposes of raising awareness in the areas of extremism and terrorism, and keeping pace with the latest developments in terms of security risks and terrorism trends, and means directed towards their effective elimination. Conditions are also created when possible to conduct specialised and topical presentations.

132. A training event named “Organised crime and transnational organised crime” was held in May 2017 and focused on combating organised crime, the applicability of international law and standards of the UN Convention against Transnational Organized Crime. A foreign instructor also presented at this event on the topic of “Organised crime in Italy”.

133. The Judicial Academy in Pezinok conducted a training event named “Freedom of expression under Article 10 ECHR within the bounds of the latest ECtHR jurisprudence focused on cases against Slovakia” in June 2017. The primary topic of the seminar was ECtHR jurisprudence in relation to Slovakia, an assessment of hate speech, the latest trends in ECtHR jurisprudence in relation to the freedom of expression on the Internet and the approach taken by the constitutional court.

134. A nationwide event for judges, prosecutors, senior judicial officers, judicial trainees, assistant supreme court judges and legal trainees from the public prosecutor’s office was held at the Judicial Academy in February 2018 named “Activities of criminal groups and immigration”. The primary topics of this training event, in which domestic presenters and a district court judge from Pordenone, Italy participated, were cultural diversity, migration and organised crime, the activities of criminal groups in Italy with respect to the issue of immigration, trafficking in drugs and weapons and implications for Slovakia.

135. A training event was held in October 2018 at the detached Judicial Academy site in Omšenie named “Perpetrators and victims of crimes” focused on the rights of the injured parties and perpetrators in terms of ECtHR jurisprudence and resolving points of conflict. The presenters focused their attention on the relationship between the perpetrators and victims of crimes. The presenters sought to answer the questions of who becomes a crime victim and why, and if there are certain people who become victims more easily, more unambiguously and more frequently. Women typically are much more frequent victims of sexually-motivated crimes. Male victims have a tremendous barrier to speak about the violence they have suffered and are very hesitant to admit abuse.