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

I.

Introduction

1. The Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment ("Convention") was adopted on 10 December 1984 in New York, and came into force on 26 June 1987. After its succession, Slovakia became a state party on 28 May 1993.

2. The fourth periodic report of Slovakia on the implementation of the Convention ("Report") has been submitted in accordance with Article 19 (1) of the Convention. The Report follows the third periodic report of Slovakia (CAT/C/SVK/3), and builds on the responses to the list of questions of the Committee against Torture ("Committee") (CAT/C/SVK/Q/3/Add.2). The third periodic report of Slovakia was considered on 28 and 29 July 2015. On 10 August 2015, the Committee adopted its Concluding Observations and addressed them to Slovakia ("Concluding Observations") (CAT/C/SVK/CO/3). Slovakia's list of responses was delivered to the Committee on 2 August 2016 within the follow-up procedure.

3. The Report covers the period from 1 September 2015 to the end of April 2019 ("Monitored Period") and is conceived as responses to the Committee's questions (CAT/C/SVK/QPR/4), with additional measures adopted by Slovakia within the implementation of the Convention. During the Monitored Period, Slovakia adopted several legislative and practical measures with the aim to improve the fulfilment of its obligations assumed under the Convention. These measures are specified in accordance with the articles of the Convention, and include measures adopted with the purpose of implementing the Final Recommendations of the Committee.

TABLE OF CONTENTS

	Questions from the Committee
I. Introduction	
II. Information on new measures and developments in the field of the implementation of individual articles of the Convention	
Articles 1 and 4: Definition of torture	2
Article 2: Fundamental legal safeguards	3 - 11
Article 2: Duration of pretrial detention	12 - 14
Article 2: Excessive use of force by law enforcement officials	2
Article 2: Involuntary sterilization	15 - 17
Article 2: Domestic violence	9
Article 2: Trafficking in human beings	15 - 17
Article 2. National human rights institution	15 - 17
Article 3: Extradition	15 - 17
Article 5 - 9: Mutual judicial assistance	15 - 17
Article 10: Training and educational programmes	18
Article 11: Conditions of interrogation, detention and imprisonment	19 - 21
Article 12: Expeditious and unbiased investigations	22
Article 13: Complaints	22
Article 14: Redress and compensation measures	23
Article 15: Preventing torture in the evidence process	24
Article 16	17

II.
Information on new measures and developments in the field of the implementation of individual articles of the Convention

Question 2

4. The current definition of torture included in the factual basis constituting the crime of torture and other inhuman or cruel treatment is consistent with Article 1 of the Convention (although not identical).

5. Under §420 (1) of the Criminal Code, as amended ("Criminal Code"), the action of a person who in the exercise of public authority instigates or gives express or tacit consent to terrorize, torture or otherwise subject someone to inhuman or cruel treatment resulting in physical or mental suffering is classified as a crime. This constitutes the basic factual basis constituting this crime and for which the perpetrator may be punished by imprisonment for two to six years.

6. The term of sentencing is increased in the case of aggravating circumstances constituting the factual basis of such crime (§420 (2) to (4) of the Criminal Code). Under §420 (2) of the Criminal Code, if the perpetrator commits such crime with at least two other persons, through a more egregious type of conduct[1], against a protected person[2], out of a special motive[3], or against a person whose personal liberty was restricted in accordance with the law, the crime is punishable by imprisonment for three to ten years. Under §420 (3) of the Criminal Code, if the perpetrator commits such crime with severe physical harm or death resulting, or for the purpose of dissuading or impeding someone else from exercising their rights and freedoms, or as a member of a dangerous group, the crime is punishable by imprisonment for seven to twelve years. Under §420 (3) of the Criminal Code, if the perpetrator commits such crime with severe physical harm or death resulting for multiple persons or if such crime is committed in a crisis situation, the crime is punishable by imprisonment for twelve to twenty years.

7. While the factual bases provided in §420 (2) and (3) of the Criminal Code do not make an explicit reference to discrimination as in Article 1 of the Convention, it is necessary to consider aggravating circumstances under §420 (2) of the Criminal Code that result in such factual basis as being classified as aggravating circumstances, specifically personal motive,

[1] specifically under §138 of the Criminal Code: a) with a weapon, except for the crimes of premeditated murder under §144, murder under §145, manslaughter under §147 and §148, involuntary manslaughter under §149, bodily injury under §155, §156 and §157, b) over an extended period, c) in a brutal or cruel manner, d) by using violence, or the threat of immediate violence or the threat of other serious bodily harm, e) through burglary, f) through deception, g) by abuse of distress, lack of experience, dependency or subordination, h) by violating specific obligations given the perpetrator's occupation, standing or position or if required by law, i) by an organised group or j) on multiple persons.

[2] under §139 of the Criminal Code: a) a child, b) a pregnant woman, c) a loved one, d) a dependent person, e) an elderly person; (f) an ill person; (g) a person receiving protection under international law; (h) a public official or a person who carries out their duties under the law; i) a witness, expert, interpreter or translator, or j) a medical professional in the exercise of a medical profession aiming at saving life or protecting health.

[3] under §140 of the Criminal Code: a) on order, b) out of revenge, c) for the purposes of covering up or facilitating another crime, d) with the intent of committing any crime of terrorism, e) out of hatred towards a group of people or individuals for real or presumed affiliation with any race, nation, nationality, or ethnic group or their real or presumed origin, skin colour, gender, sexual orientation, political beliefs or religious faith or f) with a sexual motive.

which subsumes a motive based on hatred towards a group of people or individuals for real or presumed affiliation with any race, nation, nationality, or ethnic group or their real or presumed origin, skin colour, gender, sexual orientation, political beliefs or religious faith. In this case, it is not hatred for reasons linked specifically to discrimination.

8. The fact that the basic factual basis of the crime does not contain a direct reference to discrimination does not mean that Slovak law does not take it into account. The prohibition on discrimination on any grounds is established directly in the Slovak Constitution ("Constitution"), while other details are laid down in Act on Equal Treatment in Certain Areas and on Protection against Discrimination and on amendment of certain acts, as amended ("anti-discrimination act"). Slovakia respects all of its commitments from its membership in the European Union ("EU"). EU law has become an inherent part of Slovak law since Slovakia's accession to the EU and contains a legal framework stipulating a general ban on discrimination and protection against discrimination (see, for instance, the EU Charter of Fundamental Rights, which has been included in EU primary law since 2009).

9. Act No. 576/2009, amending the Criminal Code, and on amendment of Act No. 301/2005 Coll., the Code of Criminal Procedure, as amended, specifically amended the provisions of §420 of the Criminal Code laying down the crime of torture and other inhuman or cruel treatment. This law established the element of public authority and action at their instigation or with their express or tacit consent in §420 of the Criminal Code.

10. When applying a systematic legal interpretation within the context of the anti-discrimination act in Slovakia in its updated form, this recommendation is currently implemented in full within Slovak law. In relation to penalties under Article 4 (2) of the Convention, the terms of imprisonment under §420 of the Criminal Code are proportionate to the seriousness and social danger such crime poses.

Question 3

11. Slovak law differentiates between multiple institutes connected with the restriction of personal liberty, specifically the institute of detention under Act on the Police Corps, as amended ("police act"), the institute of arrest under the Code of Criminal Procedure, as amended ("Code of Criminal Procedure"), the institute of holding under the Code of Criminal Procedure and the institute of custody under the Code of Criminal procedure and special regulations. When using the institutes in question, the affected person is guaranteed, under the relevant legislation, a catalogue of established rights, including to receive information and the right to legal representation.

12. A police officer is only authorised to detain someone in the instances defined by law (§19 (1) of the police act). Such instances include taking immediate action to resolve an imminent threat, to determine the identity of a person or to clarify the circumstances related to the commission of a crime. The detainee must be immediately handed over to the relevant police unit, which then issues a decision regarding their detention and specifying the reasons for their detention, which are immediately provided to the detainee. The detainee may appeal against such decision, but without any delaying effect. The detained person is allowed, without any undue delay, and upon their request to contact a family member or other person chosen by the detainee to report such fact and may request a lawyer to provide legal representation. The statutory guardian is contacted if the detainee is a minor. The detainee must be handed over to

law enforcement authorities or released within 24 hours at the latest (or 48 hours if they are suspected of committing terrorism).

13. Within the context of §85 (5) of the Code of Criminal Procedure, the legal stipulations in §34 of the Code of Criminal Procedure apply to detainees, whereby detainees (including minors) are provided in practice with all basic legal guarantees from the moment of the deprivation of their personal liberty in accordance with international standards.

14. Upon the transposing of 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 upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty into criminal law in Slovakia (via an amendment of the Code of Criminal Procedure effective 1 January 2017), the right to notify and communicate with one person of their choosing was modified in relation to persons whose personal liberty was restricted (detention, arrest and custody). Thereby a person has the guaranteed right to notify another person and communicate with them within the institute of detention as long as it does not interfere with the criminal proceedings.

15. From the diction of the referenced provision, it follows that a detainee must be allowed upon their request to report their detention to someone close to them and to request a lawyer and legal assistance without any undue delay, which means that the detainee may exercise their right to contact a family member (or other person) immediately upon their detention and after impediments that would prevent such notification are resolved.

16. The law enforcement authority and court are obliged, and without any undue delay, to instruct the accused in writing on their rights, including the meaning of their plea, and to provide them with every opportunity to exercise such rights. Such fact is recorded in the minutes. The instructions provided to the accused shall be appropriately explained if necessary. The accused who has been detained or arrested shall be instructed of 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. The accused has the right to keep such instructions with themselves at all times their personal liberty is restricted. Here it is important to consider the question of a translation into a language that the affected person understands as specified above.

17. The detainee is immediately informed of the reasons for their detention, instructed on their rights and their statement is taken. If it is suspected that detention will not continue to be justified, or the reasons for detainment lapse for other reasons, a police officer shall release the detainee immediately in a written order. If the detainee is not released and allowed to go free, they must be charged with a crime and re-instructed with regards to their rights and their statement has to be taken. Instructions regarding their rights are provided verbally and in writing.
More detailed information is provided in the Appendix, Point A.

Question 4 a) and b)

18. No legislative measures have been adopted into Slovak law reducing the duration of pretrial detention, meaning detention in preparatory procedures and procedures in front of the court. Under §76 (1) of the Code of Criminal Procedure, the duration of detention should be

determined based on criteria derived from its necessity. Under the cited provisions, pretrial detention for the standard or extended duration within pretrial proceedings may only endure for the period of time necessary.

19. Slovak legislation currently stipulates the maximum duration of detention. The Code of Criminal Procedure lays down a maximum period of total pretrial detention not to exceed 12 months in total when criminal prosecution takes place because of a misdemeanour. With respect to standard crimes, this period is 36 months, and in the case of particularly serious crimes, this period is 48 months. Within this context, the duration of a detention for preparatory proceedings is limited to 7 months for a misdemeanour, 12 months for a standard crime or 25 months for particularly egregious crimes. Under §76a of the Code of Criminal Procedure, detention may last for a maximum of 60 months when criminal prosecution takes place for a particularly serious crime and when a sentence of 25 years or life in prison may be imposed, or for the crime of terrorism if such case has not been resolved within the duration of the total duration of detention within criminal proceedings due to the difficulty of the case or for other serious reasons. Such duration of detention is justified in extraordinary cases where the investigation is hindered and with respect to the severity of the crime, while also responding to continued problems involving the duration of criminal proceedings.

20. If someone believes their rights have been violated in terms of the deprivation of their personal liberty as a result of the duration of pretrial detention, they may file a complaint with Slovakia's Constitutional Court ("constitutional court"). The constitutional court applies the consistent jurisprudence of the European Court of Human Rights ("ECtHR") with respect to Article 5 of the European Convention on Human Rights ("ECHR") in its decision-making activities. In many cases, the constitutional court has ruled that the infringement of Article 5 (3) ECHR has occurred as a result of an excessive term of detention, even if it has not reached the maximum term of detention permitted under the Code of Criminal Procedure and based on a breach of the guarantees provided under Article 5 (3) ECHR. Successful petitioners were indemnified and released from detention, or another form of redress was provided depending on the circumstances of their individual case. In some instances, the constitutional court has ruled that infringement has occurred as a result of the fact that the given court did not decide on an alternative request to substitute the petitioner's detention with a promise, financial guarantee or supervision by a probation and mediation officer. The ECtHR has taken up several complaints in which it has ruled that the constitutional court, in its opinion, did not provide adequate redress for infringement of Article 5 ECHR or that infringement of Article 5 ECHR actually occurred, as opposed to the constitutional court. In connection with the execution of such ECtHR rulings, individual and general measures were taken at the domestic level, including educational activities that the Committee of Ministers of the Council of Europe considered sufficient and, in monitoring the execution of such cases, concluded Council of Europe resolutions CM/ResDH(2014)43 and CM/ResDH(2016)232 on 14 September 2016.

21. Slovak law recognises institutes that are used as substitutes for detention. These institutes include substituting detention with a guarantee, a promise or supervision, a financial guarantee and the imposition of appropriate obligations and restrictions. Technical means are used to ensure compliance with decisions via the Electronic System for Monitoring Persons operations centre within the Department of Probation, Mediation and Crime Prevention under the Section of Criminal Law Section at the Ministry of Justice of the Slovak Republic ("Ministry of Justice"). Electronic monitoring of accused and convicted persons in Slovakia is an innovative service that permits more flexible imposition of alternative punishments including house arrest, monitoring for compliance with restraining orders in terms of specific

individuals and locations, compliance with specified working hours and checks for the use of alcohol, inebriating substances and the like, while it also functions as an alternative to detention, through home detention. Electronic monitoring was introduced via Act on the Use of Technical Means to Ensure Compliance with Certain Decisions and on amendment of certain acts, as amended.

22. Act No. 321/2018 Coll., which amends Act on Probation and Mediation Officers and on amendment of certain acts, as amended, brought about optimisation of legislative changes and delivered more flexible approaches in criminal proceedings and the application of the principles of restorative justice. If a reason for detention is given under §71 (1) of the Code of Criminal Procedure, the court, and in pretrial proceedings, the judge for the pretrial proceedings, may grant the accused their personal liberty or release them from custody and replace detention with:

- a guarantee offered by an association of citizens,
- a guarantee offered by a trustworthy person,
- a written pledge made by the accused,
- supervision by a probation and mediation officer,
- a financial guarantee.

23. 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 the accused provides a financial guarantee and the court or the judge for the pretrial proceedings accepts such guarantee. If the accused is prosecuted for a particularly serious crime, and the reason for detention is given under §71 (3) (a) to (c) or (e), or the accused was taken into custody under Subsection 4 or under §80 (3), such financial guarantee may only be accepted if justified by the extraordinary circumstances of the case itself. If the accused is prosecuted for the crime of terrorism, a financial guarantee may only be accepted if justified by the extraordinary circumstances of the case itself. The accused is always subject to the obligation to notify a police officer, the prosecutor or the court of any change to their place of residence. With the consent of the accused, a financial guarantee may be pledged by another person, but before it may be accepted, such person must be notified of the basis of the criminal accusations and the facts that provide grounds for detention. The accused and the person pledging the financial guarantee must be notified in advance of the reasons for which the state may seek satisfaction under such financial guarantee.

24. Despite the fact that the Code of Criminal Procedure only considers such substitutes for detention in the case of preventative and flight-risk detention, court practices reflect on the jurisprudence of the ECtHR and the constitutional court, and merit-based substitutes for detention are considered, including in the case of collusive custody.

25. The court must consider the option to substitute detention for supervision by a probation officer in all cases, and therefore regardless of if proposed by the accused or not.
More detailed information is provided in the Appendix, Point B.

Question 4 c)

26. Under Act on Liability for Damages Caused in the Exercise of Public Authority, as amended, claims seeking redress may be filed as a result of unlawful arrest, detention or other deprivation of personal liberty or maladministration. Under §7 of the cited act, the right to redress caused by a decision to arrest, detain or otherwise deprive personal liberty is granted to

the person on whom it was executed if the decision was nullified as being unlawful or if maladministration occurred in the process. The prerequisite for filing such claim with the court is a prior discussion of the claim with the competent authority. If this authority complies with the request made by the person seeking redress, then no claim must be lodged with the court. It is necessary within this context to refer to the ability to file a constitutional complaint under Article 127 (1) of the constitution. If the constitutional court finds that the complainant's fundamental rights or freedoms were violated by a decision, measure or other intervention on the part of a public authority, the constitutional court shall nullify such decision, measure or other interference if permitted by the nature of such other interference. Under Article 127 (2) of the constitution and §53 (3) of the constitutional court act, if the constitutional court shall comply with a complaint, it may a) order the entity who violates the fundamental right or freedom through their inaction to take action under a special regulation; b) remand the case for further proceedings; c) prohibit the continued violation of such fundamental right or freedom; d) order the entity who violates the fundamental right or freedom to restore the situation back to what it was before the violation of the basic right or freedom. The constitutional court may also award financial redress to a complainant whose basic right or freedom was violated. The constitutional court has considered numerous such complaints (see for instance its judgement in case no. I. ÚS 382/2018, its finding in case no. II. ÚS 135/2018, judgement in case no. IV. ÚS 478/2018, judgement in case no. II. ÚS 461/2015, and judgement in case no. II. ÚS 883/2016), but in these individual cases it did not agree that the complainant's basic rights were violated in connection with their arrest or detention.

Question 5 a)

27. The Bureau of the Inspection Service has jurisdiction over investigations into crimes committed by members of armed corps (police officers and members of the Prison and Judicial Guards Corps). A police investigator or police officer assigned to the control and inspection service departments under the Bureau of the Inspection Service is bound to proceed in accordance with the Code of Criminal Procedure within criminal proceedings.

28. Expedited, unbiased, thorough and effective investigation is one of the basic principles of criminal proceedings. Crimes registered by the control and inspection service departments under the Bureau of the Inspection Service are investigated in an unbiased and thorough manner and every case file is subject to a thorough review within a supervisor's control activities.

29. Police officers are prosecuted immediately after finding that there is sufficient reason to conclude that a particular officer or officers committed an offence. In assessing the merits of the case in general, including assessment as to mitigating and aggravating circumstances, the process is conducted exclusively under valid legislation to ensure there is no violation of Article 12 (1) of the constitution which stipulates that "*People are free and equal in dignity and in rights. Fundamental rights and freedoms are intrinsic, inalienable, imprescriptible, and irreversible*". This process is in place to serve as a guarantee to all natural persons whose rights and legitimate interests are involved in proceedings under the auspices of the Bureau of the Inspection Service. Within its activities, the inspection service follows the constitution, constitutional laws, other laws, other generally binding legislation and international treaties to which Slovakia is a signatory.

30. In matters of supervision of compliance with the law within the framework of criminal proceedings, it is the responsibility of the Slovak Public Prosecutor's Office, whose mission in the sense of the constitution and pursuant to Act on the Public Prosecutor's Office, as amended

("public prosecutor's office act") is to protect the rights and interests of natural persons, legal entities and the state as guaranteed by law. Please note that after the adoption of Act No. 6/2019 Coll., which amended Act on the Police Corps, as amended, and which amends certain acts, Article V also amended the public prosecutor's office act by defining that supervision of compliance with the law within pretrial proceedings in investigations conducted by the Bureau of the Inspection Service shall be conducted by prosecutors at regional public prosecutor's offices, and, under §55b of the public prosecutor's office act, by prosecutors of the Special Prosecutor's Office in instances falling under the jurisdiction of the Special Criminal Court as laid down in §14 of the Code of Criminal Procedure. The Public Prosecutor's Office is obliged to take measures in the public interest to prevent violation of law, to detect and remedy violations of law, to restore the violated rights and to determine accountability for their violation. In exercising its authority, the Public Prosecutor's Office is obliged to use legal means to ensure consistent, effective and rapid protection of the rights and legitimate interests of natural persons, legal entities and the state without any influence. Under the Code of Criminal Procedure, the accused, injured and participating parties have the right at any time during an investigation or an abbreviated investigation to request that a prosecutor review the procedure employed by the police to remedy any delays or other deficiencies in the investigation or the abbreviated investigation. The police officer must present such request without any undue delay to the prosecutor, who is obliged to review the request and notify the requester of the outcome of this process.

31. A police officer assigned to the Bureau of the Inspection Service is procedurally independent under the Code of Criminal Procedure in investigations and expeditious investigations and is only bound to the constitution, constitutional acts, other acts and other generally binding legislation and international treaties to which Slovakia is a signatory and within the scope laid down in the Code of Criminal Procedure and the instructions and orders given by the prosecutor and the court.

32. The commission of a crime out of hatred towards a group of people or individuals for real or presumed affiliation with any race, nation, nationality, or ethnic group or their real or presumed origin, skin colour, gender, sexual orientation, political beliefs or religious faith is considered the commissioning of a crime out of a special motive, which thereby fulfils the special qualification characteristic for aggravating circumstances and therefore stricter legal qualification.

Question 5 b)

33. The Ministry of Interior annually processes information on the crimes committed by police officers and submits it to the Slovak government for consideration. The report analyses crimes committed by police officers and compares them to the crimes committed in the prior year. The inspection service is also materially responsible for investigating claims made by the accused, detainees and other persons in custody who claim injuries resulting from ill-treatment on the part of the police. The information on crimes committed by police officers in 2018 was submitted to the Slovak government. Such crime reports are published on the website of the Ministry of Interior[4].

[4] https://www.minv.sk/?sekcia-kontroly-a-inspekcnej-sluzby-mv-sr

34. From the draft report on crimes committed by police officers in 2018 and the previous reports from 2017, 2016, 2015 and 2014, a total of 3 police officers were accused of committing the crime of bodily injury (related to the use of excessive force by such officers while on-duty) in 2018 out of a total of 22,017 police officers (0.014%), while accusations involved 2 police officers out of a total of 22,020 police officers (0.009%) in 2017, 2 police officers out of a total of 22,247 police officers (0.009%) in 2016, no police officers in 2015 and 1 police officer out of a total of 22,476 police officers (0.004%) in 2014.

35. With reference to the above statistical overview, it may be said that the instances involving excessive use of force by police officers were individual breakdowns that cannot be completely eliminated by using systematic measures adopted at the level of the Ministry of Interior.
More detailed information is provided in the Appendix, Point C.

Question 5 c)

36. The Slovak government committed to promote an institutional reinforcement of the independence of control activities involving armed corps. Given the above, units will be established at regional public prosecutor's offices for complaints made against members of such corps.

37. An amendment of the Code of Criminal Procedure established the Bureau of the Inspection Service on 1 February 2019, which is responsible for investigating crimes committed by police officers and which has a significantly enhanced level of autonomy and independence from management structures in the police corps and the police corps president as compared to the past, as well as crimes committed by members of the Prison and Judicial Guards Corps and, effective from 1 January 2020, crimes committed by customs officers.

38. The Bureau is a separate component of the police corps with jurisdiction over the entirety of Slovakia for the purposes of exposing, investigating and conducting abbreviated investigations of crimes committed by members of the armed security corps. The Bureau also fulfils other tasks in the scope laid down by the minister of the interior involving internal controls, financial controls, personal data protection, dispute resolution, petition-related matters and the tasks assigned to it as a responsible party under special regulations and under the auspices of the Ministry of Interior. Its director is responsible for managing the Bureau's day-to-day activities and they have personal responsibility for the performance of such role to the Slovak government. Per existing legislation, the Ministry of Interior defines the internal organisation of the Bureau of the Inspection Service based on a proposal from the director of the Bureau of the Inspection Service. Bureau of the Inspection Service investigators are members of the police corps.

39. Concurrently to the creation of the Bureau of the Inspection Service, an amendment of the police act stipulates the procedural independence of law enforcement authorities in investigations and in abbreviated investigation "*who are only bound to the constitution, constitutional acts, other acts, other generally binding legislation and international treaties and in the scope laid down in the Code of Criminal Procedure and the instructions and orders issued by the prosecutor and the court"*. This has led to reinforcement of the independence of investigations and abbreviated investigations from police corps management.

40. The amendment of the public prosecutor's office act improved supervision of compliance with the law within criminal cases in which the perpetrators are police officers, members of the Prison and Judicial Guards Corps and, effective from 1 January 2020, customs officers, given that they shall be conducted by prosecutors at the regional public prosecutor's offices and the General Prosecutor's Office will function as the authority of second instance.

Question 5 d)

41. The prosecutor filed an appeal against the Košice II District Court judgement of 17 May 2017, which freed police officers accused of physical abuse and degrading treatment of Romani juveniles in March 2009.

42. The appeal was successful and the first instance judgement was cancelled by a Košice Regional Court ruling of 4 May 2018 and the case was remanded back to the first instance court to re-open the case in the scope necessary and to issue a judgement. Based on a call from Košice II District Court, the prosecutor then once again proposed in writing to add evidence at the main proceedings, specifically to add an expert in the field of submitting expert opinions as a witness in the case and to add an audio-visual recording on a CD-R (DVD) media concerning the events of 21 March 2009 at the Košice – Juh district police unit and its playback on a suitable technical device into evidence. No judgement on this case has been handed down yet by Košice II District Court.

Question 5 e)

43. All reported cases of suspected ill-treatment and torture in police detention facilities are handled within criminal proceedings, meaning under the supervision of a competent prosecutor.

44. Prosecutors are automatically informed of all such cases of ill-treatment and torture in police detention facilities (police detention cells), regardless of the possible absence of visible injuries. When a suspect is detained and deprived of their personal liberty, they have the right to object on the grounds of ill-treatment or torture on the part of a police officer, and specifically directly into the minutes recording their detention and the deprivation of their personal liberty as a suspect, whereby the case file and these minutes must be provided to the prosecutor; the minutes are also submitted to the judge within pretrial proceedings if the prosecutor files a petition with the court to issue an order to take the accused into custody.

45. Under the public prosecutor's office act, the prosecutor's supervision of compliance with the law extends to those facilities were persons deprived of personal liberty or persons whose personal liberty is restricted are held. When conducting this supervision, the prosecutor is authorised to visit such facilities at any time, and has free access to all their premises, to review all documents related to the deprivation or restriction of personal liberty, to speak with persons held at the facilities without the presence of third parties, to verify that the decisions and measures taken by the local management authorities are in compliance with the law and other generally binding legislation, to request employees of the authorities managing such facilities to provide the necessary explanations, and to provide the files and decisions concerning the deprivation or restriction of personal liberty of persons held at the specific facilities that these authorities are managing.

46. In addition to the above, an additional preventative mechanism was added when the accused is taken into custody or when a convicted person begins serving their sentence with

evidence of physical harm or injuries identified by a physician during their introductory medical exam. This is treated as an extraordinary event and the prosecutor responsible for supervision of custody and imprisonment is notified immediately and in all instances, along with the competent district public prosecutor's office and regional public prosecutor's office and the competent law enforcement authority. A similar procedure is employed if the accused or convict accuses the police of ill-treatment when they enter into prison or are taken into custody, and in such case the complaint is forwarded to the competent correctional facility and the executive office of the Bureau of the Inspection Service.

47. The application of the above-specified procedural protection of the rights of accused and convicts was expanded effective from 1 January 2014 on Imprisonment and on amendment of certain acts, as amended ("imprisonment act") expanded the obligations of such corps (the institution in which the convict is imprisoned) to include the obligation to instruct convicts of their rights and obligations, the duration of their imprisonment and potential options for their release immediately upon their arrival to serve a term of imprisonment. Accordingly, the corps prepared informational brochures which are provided to convicts immediately upon their arrival to serve a term of imprisonment. The informational brochures contain information on ways for convicts to exercise their rights. Effective from 1 January 2014, a similar expansion occurred in the availability of codes of conduct at individual institutions (which are made available at a location typically accessible to convicts or are provided to them upon request) and which outline the specific method for making requests, filing complaints and making suggestions to the prosecutor responsible for supervision of the maintenance of legality under the constitution or requests, complaints and suggestions under the law, decrees or constitutional order addressed to the director of the given institution. In both cases, whistle-blowers may report suspected inhuman treatment of convicts using locked boxes available to them at a location typically accessible to convicts and which are secured to prevent unauthorised persons from opening them and labelled as "*Supervising prosecutor*", or "*Director of the institution*". In addition to making suggestions to the supervising prosecutor and the director of the institution, the system for protecting the rights of convicts is built on an absolute exclusion of any form of censorship of communication with defence counsel, the courts and state authorities or with international authorities and organisations which are competent to review such suggestions or complaints concerning the protection of human rights under an international treaty to which Slovakia is a signatory.

Question 5 f)

48. Slovakia has adopted numerous measures to protect persons who have made allegations of torture and ill-treatment and witnesses to such acts from reprisals and to ensure that victims of such acts are afforded redress. Act on Crime Victims, effected as of 1 January 2018, introduced a host of measures in Slovak law to protect injured parties or the witnesses to torture and ill-treatment and anyone reporting such crimes. This law adopted the institution of the right to information, which includes the right to be informed of procedures relating to the filing of a statement of the fact that a crime has been committed and the rights and obligations of the victim who is in the position of the injured party in criminal proceedings in relation to those procedures, entities providing assistance to victims, contact details of these entities and the form of professional support that may be provided under the law, options for providing the necessary health care, access to legal aid, conditions for providing protection in case of a threat to life or health or significant damage to property, measures to protect their interests that may be requested if they reside in a different member state, procedures to seek redress for infringement of its rights in criminal proceedings by a law enforcement authority, contact details for

communication in relation to a case in which they are the victim, procedures for claiming damages in criminal proceedings, mediation procedures in criminal proceedings, options and conditions for compensation of the costs of criminal proceedings against the victim who is the injured party and the right to further information provided in the law.
More detailed information is provided in the Appendix, Point D.

Question 5 g)

49. The Presidium of the Police Corps has implemented the police specialists' project since 2003. The police specialists' project and the activities of senior community outreach officers have undergone many changes, especially with respect to the expansion of the project from the regional to the nationwide level and from the pilot phase to routine activities laid down in official internal police regulations. Changes are reflected in the number of senior community outreach officers as well as in the number of district police units assigned such officers.

50. A total of 18 senior community outreach officers were assigned to 18 district police units in 2005. In the following years, the number of official positions gradually expanded, with a total of 267 official positions assigned in 2015, rising to 283 in 2016 and 290 in 2017. There are a total of 308 official positions at present assigned to 115 district police units.

51. Senior community outreach officers fulfil basic tasks under Article 28 of the Presidium's regulation concerning the activities of basic public order police units. Primarily, they independently manage and organise activities focused on guiding interactions between the police and socially marginalised groups. They also gather know-how concerning the crimes and offences primarily committed by members of socially marginalised groups and collaborate with representatives at the local government and municipal level, regional authorities and district offices responsible for locations with elevated concentrations of such socially marginalised communities and where activities focused on legal outreach and crime prevention are conducted and directed towards a specific target group, collaborate with field social workers, community centres, NGOs, associations, legal entities and natural persons dealing with socially marginalised groups, as well as with representatives and leaders from socially marginalised groups. All this relevant know-how and experience is then transposed into lectures and into instructional and publication activities.

52. The Presidium focuses increased attention on this issue, primarily by conducting inspections and holding regular meetings involving senior community outreach officers to focus on resolving current problems and specific situations that have occurred or are emerging in socially marginalised groups.

53. The secondary police vocational school in Košice in collaboration with the public order police department under the Presidium regularly conducts the basic elective class "*Specific duties of senior community outreach officers*" for officers assigned to the role of senior community outreach officer.

Question 5 h)

54. Ministry of Interior regulations in accordance with numerous recommendations made by the Public Defender of Rights have defined a set of elements to ensure the completion of audio-visual recordings of police actions and on-duty activities. A new Ministry of Interior regulation was issued concerning police detention cells in July 2015 which improved the

guarantees concerning the rights of detainees. The regime employed in restricted areas has not yet been laid down by law. An open question remains as to if legislation will be adopted that would cover the monitoring of police areas where persons being transported may be located. Given that the implementation of the recommendations made by the Public Defender of Rights first required that corresponding legislative changes be adopted, for instance concerning personal data processing, and the requisite cumulation of budget funds, a public tender was announced in 2018 within the EU Public Procurement Bulletin for CCTV monitoring systems, including individual cameras, with an estimated value of EUR 99,502,683.33.

Question 6 a) and b)

55. A police raid was conducted in the Roma settlement in Moldava nad Bodvou, on Budulovská street, and in the settlement of Drieňovec on 19 July 2013. After the police raid was concluded, multiple Roma filed criminal complaints alleging abuse of power by a public official under §326 of the Criminal Code and other charges that the police officers conducting the raid were alleged to have committed against these Roma individuals. Criminal prosecutions in a total of six cases and involving multiple crimes were commenced at the order of the General Prosecutor's Office on 20 January 2014. It was determined and demonstrated in the pretrial proceedings that Roma were indeed injured in multiple cases, but such injuries were in a manner consistent to the intensity and the consequences of their own actions as they were attempting to interfere and prevent the police raid from being completed. It was also determined that nothing occurred in multiple cases. No specific perpetrator was identified in any of the allegations that were raised, and it was determined and clarified on the basis of an exhaustive discovery process that no crime had been committed during the police raid.

56. Upon completion of the investigation, the police investigator decided to terminate a portion of the cases for the reasons that the actions that had initiated the criminal proceedings had not occurred and to terminate a portion of the cases on the grounds that the actions involved in the case were not crimes and there was no reason for referral. The police investigator issued another decision on 22 March 2016 to terminate the criminal proceedings in the remaining two cases as they were also determined to be unfounded and had not occurred and for the reason that the actions involved in one other case were not classified as crime and therefore there was no reason for referral.

57. The lawfulness of the procedure and decisions made by the law enforcement authority were reviewed by the constitutional court based on a constitutional complaint filed by eight male complainants and one female complainant. The complainants objected to the constitutional court based on infringement of the prohibition on degrading treatment under Article 3 ECHR, infringement of the right to privacy by entry into the dwelling under Article 8 ECHR, infringement of the right to an effective remedy under Article 13 ECHR and infringement of the prohibition of discrimination under Article 14 ECHR. The constitutional court completed an in-depth examination of all these complaints and then ruled to reject the complaints in a closed session on 1 August 2017 via an official judgement (case no. III. ÚS 464/2017-52).

58. Some of the complainants filed a civil action under the Civil Code for infringement and in which they are seeking redress for non-pecuniary damages related to the police raid.

59. The complainants also turned to the ECtHR, which reported the complaint to the Slovak government on 17 September 2018. The Slovak government filed a statement in the case and other third-party interventions have occurred. The case is still being heard by the ECtHR.

Question 6 c)

60. Given the fact that during the investigation of the events, there were many irregularities, false statements, false evidence and indications that the statements were unified and coordinated for a specific purpose, investigators are obliged to initiate ex officio criminal charges for false accusations to identify whether such statements and evidence have not been provided with the intention of bringing criminal proceedings to certain persons. The intention is, however, required to be proved by the law enforcement authorities in the case of a false offense and there is no conviction if the intention is not proven. Applicants cannot therefore be convicted of inconsistencies in statements made unintentionally, or because they did not recall the course of events as accurately as actually occured. Therefore, the prosecution of those persons does not constitute retaliation and intimidation of those individuals who report cases of ill-treatment by the police, as they are prosecuted on the basis of evidence taken in another criminal case, which clearly show that their substantive allegations of police crime were not based on truth. Prosecution in their case cannot be perceived as an effective retaliation of the police also on the ground that the pre-trial supervision of compliance with legality is carried out by an independent prosecutor and any possible conviction is decided by an independent court. The accused have the right to exhaust all available and effective remedies in criminal proceedings, as well as a complaint to the Constitutional Court under Article 127 of the Constitution. However, the proceedings are still pending at national level.
More detailed information is provided in the Appendix, Point E.

Question 7

61. A police action in the Roma settlement of Zborov was conducted on 16 April 2017 as a result of a massive disruption of civil coexistence between two groups of Roma under the influence of alcohol and armed with sticks and other items who originally began fighting one another. After the police arrived on-site, the Roma engaged in fighting refused to comply with police commands to refrain from their illicit activity and the police were then forced to intercede in an effort to halt the illicit activity. Criminal complaints were filed in the case, and based on which the police investigator opened up a criminal prosecution for the crime of abuse of power by a public official under §326 of the Criminal Code on 25 May 2017. It was determined in the pretrial proceedings that the police action was legal as it was the result of a massive brawl between two Roma groups under the influence of alcohol and armed with sticks and other items that they then threatened to use against the police. The case involved an extensive discovery process, in which a visual recording from the final portion of the police response was entered into evidence and the determination was made that the intensity of the police response and the actual manner in which such response was performed was adequate with regards to the gravity of the situation and no brutality was determined on the part of the police. None of the injuries to the Roma individuals were objectively caused by the intervening police officers. Therefore, the police investigator issued the decision on 15 February 2018 to terminate the criminal prosecution as the action was not a crime and there was no reason for referral.

62. The authorised representative of the injured parties filed a written complaint against the police investigator's decision, which a prosecutor at the Regional Public Prosecutor's Office in

Prešov rejected as unfounded under §193 (1) (c) of the Code of Criminal Procedure, in its judgement of 24 April 2018. The police investigator's decision became valid on 24 April 2018.

63. Law enforcement authorities fully respect and apply the enhanced rights of injured parties ensured in the act of victims crime.

Question 8 a)

64. The Commissioner in his recommendations to Slovakia concerning the sterilization of women in Slovakia (CommDH (2003)12) stated that sterilization did not appear to be organised by the state. It was also noted that not only ethnicity, but also a patient's social status and wealth had an impact on how a woman was treated in the health care system and that not only Roma women were subject to sterilization without proper consent. In the follow-up report of 29 March 2006 (CommDH(2006)5), the Commissioner noted that the allegations of forced and coerced sterilizations of Roma women in Slovakia were considered as a possible grave violation of human rights and therefore taken very seriously by the Slovak government. A considerable effort was devoted to their thorough examination. In addition to a criminal investigation, a professional medical inspection of health care establishments was organised and an expert opinion of the Faculty of Medicine of the Comenius University in Bratislava was requested. It was not confirmed that the Slovak government would have supported an organized discriminatory sterilizations' policy. Legislative and practical measures were taken by the Slovak government in order to eliminate the administrative shortcomings identified in the course of inquiries and to prevent similar situations from occurring in the future. The Commissioner did not request additional investigation on the part of Slovakia in the conclusions in the report.

65. The ECtHR reached a similar conclusion when it did not confirm the grave accusation of an organised policy of sterilization of Roma women in Slovakia when noting in its review of the objections raised by the complainants under Article 14 ECHR prohibiting discrimination that available information did not sufficiently demonstrate that physicians had acted in bad faith when performing sterilizations, the behaviour of the medical professionals was intentionally racially motivated or sterilization was in fact part of a more generalised and organised policy. The ECtHR only concluded that infringement of Article 3 ECHR had occurred in the case of I. G., M. K. and R. H. v. the Slovak Republic, and specifically as the result of the unique factual circumstances of the case, ruling that the manner in which the domestic authorities acted was not compatible with the requirement of promptness and speed.

66. Given the above, it may be said that the ECtHR did not confirm the grave accusations of an organised sterilization policy for Romani women in Slovakia because of their ethnic origin as raised by the complainants' legal representatives. At the same time, the ECtHR did not find infringement of the procedural section of Article 3 ECHR guaranteeing the right to effective investigation in the cases of N.B. v. the Slovak Republic and V.C. v Slovakia. In none of the cases reviewed by the ECtHR reached the conclusion of any infringement of rights under Article 13 ECHR to an effective form of redress.

67. The ECtHR did find a violation of the rights of the complainants to protection from inhuman and degrading treatment and the right to the protection of private and family life and awarded them financial redress. Within its conclusions, the ECtHR identified deficiencies in the legislation valid at the time concerning informed consent for sterilization procedures. The deficiencies in the legislation of the time concerning informed consent for sterilization

procedures that previously referred to domestic experts and international authorities led to the adoption of a new law, and specifically Act on Health Care and Related Services, and on amendment of certain acts ("health care act") in 2004. The health care act aligned the rights of patients with international standards effective from 1 January 2005, which prevents similar situations from recurring in the future.

68. With respect to the enforcement of the ECtHR's judgements, additional general measures were adopted at the domestic level, including the publication of verdicts in the Judicial Review periodical, and the forwarding of judgements to the head of the constitutional court and the heads of all district and regional courts for the purposes of ensuring judges in these courts are kept abreast of developments. Slovakia's representative to the ECtHR also informed judges and prosecutors of the contents of such judgements through training activities as well. Given that the change in legislation was enacted prior to these judgements being handed down, the Committee of Ministers of the Council of Europe considered these measures sufficient and concluded the monitoring of the execution of these cases on 2 April 2014 by Council of Europe Resolution CM / ResDH (2014) 43.

69. Slovak courts consider the relevant ECtHR judgements in their own decision-making, and persons in analogous situations to the complainants to the ECtHR have been able to achieve justice at domestic courts. Domestic courts make direct reference to these ECtHR judgements in their own judgements. An example is the judgement handed down by Košice II District Court in case No. 43C/54/2011-814, which in the justification section referred *inter alia* to the ECtHR judgement in the case of V.C. v. the Slovak Republic. This case involved forced sterilization conducted in 1999 in which the court awarded the injured Romani woman non-pecuniary damages in full.

70. One of the legislative measures to avoid such cases in the future was an amendment of the Criminal Code in 2005 to include the crime of forced sterilization (§159 (2)), with a term of sentencing of two to eight years of imprisonment. Within the criminal proceedings against an accused party, the injured party is entitled to seek redress for harm caused by such crime. They are also entitled to propose that the court order the defendant to provide redress in the convicting sentence.

Question 8 b)

71. Given the conclusions reached by the ECtHR as specified above in the judgements for the cases involving the sterilization of Romani women, the fact that the Committee of Ministers of the Council of Europe considered these measures taken by the state to be sufficient and concluded the monitoring of the execution of these cases with a final resolution and the fact that similar cases have not recurred following the adoption of the legislative and non-legislative changes, the establishment of an independent body to investigate sterilizations does not appear necessary at present.

72. In cases in which there was no deliberate infringement on the right to life or physical integrity, the positive obligation contained in Article 2 ECHR to create an effective court system does not necessarily require a criminal offence in all cases. Within a specific context, negligence on the part of physicians may constitute such obligation, 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 physicians to be held liable and to achieve suitable civil law redress. In the cases of the sterilization of women in Slovakia,

complainants had the option to pursue criminal charges, but not all exercised this option and redress was only sought under civil law (specifically in the case of V. C. v. the Slovak Republic). With respect to civil law redress, the ECtHR considered a lawsuit brought under civil law to be an effective means of redress and did not agree with the objections raised by the complainants with respect to the absence of an effective means of redress; conversely, it reached the conclusion that there had not been infringement of Article 13 ECHR in connection with Articles 3, 8 and 12 ECHR.

73. Once the referenced ECtHR judgements were handed down, domestic courts took the ECtHR's conclusions into consideration within their decision-making activities and persons in analogous situations achieved adequate redress at the domestic level. An example is the judgement handed down by Košice II District Court in case No. 43C/54/2011, which in the justification section referred *inter alia* to the ECtHR judgement in the case of *V.C. v. the Slovak Republic.* This case involved forced sterilization conducted in 1999 in which the court awarded the injured Romani woman non-pecuniary damages in full.

Question 8 c)

74. The institute of informed consent is established in §6 of the health care act, which at a general level states that the examining health professional has the obligation to provide information on the purpose, nature, consequences and risks associated with providing health care services and to provide such instruction in a clear and considerate manner, without pressure and with the ability to make an independent decision and a sufficient amount of time to decide on informed consent and as long as the person receiving instruction has adequate intellectual and wilful maturity and their health permits.
More detailed information is provided in the Appendix, Point F.

Question 8 d)

75. The Ministry of Health of the Slovak Republic ("Ministry of Health") established a group of experts in Slovakia charged with ascertaining the facts regarding forced sterilizations in Slovakia. The report on the outcome of the investigative team's work regarding forced sterilizations in Slovakia was submitted to the Slovak parliament's committee for human rights and national minorities. No instances of the crime of forced sterilization committed by a health professional who performed such sterilization without free, complete and informed consent have been registered in Slovakia in the meantime.

Question 8 e)

76. The education of health professionals in reproductive health and sexual education, including sterilization and other contraceptive methods, as well as focusing on the legal aspects of providing health care, taking into account the need to obtain informed consent and guidance, is included in the relevant doctoral study programs for the medical professions of physician, nurse, midwife, practical nurse, during undergraduate, postgraduate and continuing education. Every health professional is obliged under the law to comply with the Code of Ethics established under Act on Health Care Providers, Health Professionals, Trade Union Organisations in Health Care and on amendment of certain acts, as amended.

77. The Slovak government approved the updated Action Plans of the Slovak Republic's Strategy for Roma Integration by 2020 for the 2019 – 2020 period on 17 January 2019 for five

priority areas: education, employment, health, housing and financial inclusion. This material prepared by the Office of the Slovak Government Plenipotentiary for Roma Communities functions as an addendum to the existing framework strategy approved in 2012 and represents the basic reference document for Roma integration. The accepted action plans elaborate on the strategic reference bases for these topics and respond to the official program declared by the Slovak government. This is the second update to the document which expires in 2020. It is expected to be replaced by another framework document. The material itself contains 26 objectives divided across five thematic areas. It contains 52 specific measures and 59 detailed activities. The action plans are counting on a total investment of EUR 215 million in the next two years into the areas of education, employment, housing, health and financial literacy. It should be noted that this primarily involves continuation of existing programs and not completely new commitments.

78. The Slovak Government Plenipotentiary for Roma Communities Mr Ábel Ravasz did emphasise some of the most important priorities in the new action plans. One of the top priorities in the area of health is access to drinking water (including in the form of an investment project) and the work of health assistants. Health assistants working in Roma communities will ensure the dissemination of basic health education in Roma communities, facilitate communication between the residents in Romani settlements and physicians, nurses, midwives and public health officials, support community access to health care, provide information on prevention, the provisioning of health care and health insurance and on the rights of patients and insured persons and promoting increased personal responsibility among community members for their own health.

Question 8 f)

79. Within improvements in the access to health care among marginalised Romani women provided by gynaecological and obstetric departments, the health department in collaboration with the Slovak Government Plenipotentiary for Roma Communities introduced the position of health education assistants in hospitals (and therefore within gynaecological and obstetric departments) via the Healthy communities pilot project. More information on the Healthy communities project is provided in Appendix G. Health education assistants are employed from the ranks of the Romani population and are trained continuously in the field of health care assistance and in reproductive health. They represent a key element to eliminating social barriers in providing health care to the Roma minority. Health education assistants identify and connect the special needs of Romani women with the needs of health professionals while taking an inter cultural approach. This approach permits monitoring to detect any signs of segregation of Romani women in terms of provided health care. The approach also supports monitoring to ensure equal and non-discriminatory access to health care.

80. The conditions and performance of sterilization in Slovakia are laid down in detail in the legislation. 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. An effective mechanism exists in Slovakia via the independent judiciary if there is infringement of basic human rights and freedoms.

Question 9 a)

81. Despite the fact the Criminal Code does not specifically define the crime of domestic violence, domestic violence is covered under the crime of abuse of a close or entrusted person under §208 of the Criminal Code, which includes causing physical and psychological suffering. In the case of the crime of rape under §199 of the Criminal Code and the crime of sexual violence under §200 of the Criminal Code, if a protected person, meaning a close person, is the subject of such attack, the perpetrator is automatically considered to have directly qualified for aggravating status and the crime may be punished at the higher penalty rate. Under the provisions of §200 (2)(b) of the Criminal Code, a perpetrator who uses violence or the threat of violence to force a person to have oral or anal intercourse or engage in other sexual practices or who exploits their complete vulnerability to commit such act is subject to imprisonment for a term of seven to fifteen years. A similar concept is introduced for the crime of rape as laid down in the provisions of §199 of the Criminal Code. Under the provisions of §199 (2)(b) of the Criminal Code, a perpetrator who forces a woman, who is a close person, to have intercourse or who exploits her complete vulnerability to commit such act is subject to imprisonment for a term of seven to fifteen years.

82. A definition of the term "*crime of domestic violence*" was introduced with the adoption of the crime victims act, and specifically in the provisions of §2 (1)(e) under which the crime of domestic violence is defined as a crime committed by violence or the threat of violence against a direct relative, adoptive parent, adoptive child, sibling, spouse, former spouse, partner, former partner, parent of a shared child or other person with whom the perpetrator lives or lived with in a common household.

83. Another significant change is the amendment of the police act, which extended the period of expulsion for a violent person from a shared dwelling from 48 hours to 10 days, and established a restraining order prohibiting the violator from approaching anywhere within 10 metres of the vulnerable person. If the vulnerable person files a petition with the court to order an immediate relief order during such time that a violent person is expelled from a shared dwelling, this period of expulsion is extended until such time that the court's judgement regarding this petition becomes enforceable. New standards were incorporated into the Code of Criminal Procedure creating guarantees for the procedural rights of injured parties in criminal proceedings with respect to improving their standing and protection, including for instance limiting the use of confrontation in the case of abuse of a close or entrusted person.

84. Sexual violence is defined as a specific crime under §200 of the Criminal Code. The crime of rape is defined as a specific crime under §199 of the Criminal Code and this subsection also applies to the crime of marital rape. Marital rape is considered a crime under Slovak law and is subject to penalties specified under §199 of the Criminal Code.

85. The Criminal Code established the factual basis of the crime of stalking in 2011 under §360a: "*Anyone who follows someone else in such a way that it may give rise to serious concerns for their personal health or safety, or the health and safety of a close person, or significantly impair their quality of life*."
More detailed information is provided in the Appendix, Point H.

Question 9 b)

86. In an effort to begin resolving this issue in a comprehensive and systematic manner, the Slovak government adopted the National Action Plan to Prevent and Eliminate Violence Against Women for the 2014 – 2019 period ("NAP"), the objective of which is to create, implement and coordinate a comprehensive nationwide policy for the prevention and elimination of violence against women. The NAP prepares a systemic anchor for a solution through institutional support for victims of violence committed against women and domestic violence.

87. The areas of implementation of the action plan include strengthening the legal and strategic framework, providing assistance and available support services, methodologies and standards, professional training activities, primary prevention efforts, monitoring and research and violence against women at the workplace. The action plan also stakes out 63 specific tasks along with responsible authorities, sources of financing, key performance indicators and deadlines for completion.

88. Preliminary assessment of NAP fulfilment was conducted in 2016 and the conclusion was reached that undisputed progress had been made in the issue of preventing and eliminating violence against women through on-going accomplishment of the tasks in the NAP and efforts were paying off in the other two years in terms of coordinating assurances to assist women experiencing violence and systematic primary prevention, i.e. avoiding violence.
More detailed information on NAP implementation is provided in the Appendix, Point I.

Question 9 c)

89. The Code of Criminal Procedure allows for procedures in which victims of domestic violence have the right to file a criminal complaint or a complaint against a ruling made by a police officer or prosecutor issued under §197 (1) and (2) in which the decision was made to file a criminal complaint. Under the Code of Criminal Procedure, victims have a means of redress available to them in the form of a complaint and may direct such complaint against any ruling made by a police officer, except for a decision to initiate criminal prosecution. Criminal prosecution for the crime of abuse of a close or entrusted person is not conditional upon the consent of the injured party. This eliminates the risk that an injured party whose consent is required for the purposes of criminal prosecution could be influenced in some way by the perpetrator for the purposes of ensuring such consent is revoked, which could result in the inability to go forward with the criminal prosecution.

90. A prosecutor conducts supervision over compliance with the law prior to criminal prosecution and in pretrial proceedings under the Code of Criminal Procedure. Within such supervision, the prosecutor is authorised:

a) to issue binding procedural orders under §197 for investigations and expedited investigations of crimes and to define periods for their resolution; such orders then become a part of the case file,
b) to request case files, documents, materials and reports on the status of the proceedings in cases in which criminal prosecution have commenced from a police officer to determine if the police officer commenced criminal prosecution in a timely manner and they are properly progressing,

c) to participate in all the activities conducted by the police officer, such as personally conducting individual activities or the entire investigation or expedited investigation and to issue decisions on any matters; any such action shall be taken in accordance with this law; a complaint may be filed against the prosecutor's decision, the same as against the police officer's decision,
d) to return the case back to the police officer for further investigation or expedited investigation with instructions and to define a term for its completion; the accused and the injured party shall be notified of such return of the case,
e) to cancel an unlawful or unsubstantiated decision on the part of a police officer which they may replace with their own decisions; any decision to stop criminal prosecution, suspend criminal prosecution or transfer the case may be completed within 30 days of their delivery; if the police officer's decision is replaced with the prosecutor's own decision for any reason other than a complaint from the authorised party, such decision may be subjected to a complain, the same as against the police officer's decision,
f) to remove the case from the police officer and to assign it to someone else, including a police officer without local jurisdiction or to take measures to ensure the case is assigned to a different police officer or officers,
g) to order an investigation into the matter as specified in §202.

91. The injured party may also contact the prosecutor with a request to review the police officer's procedure and to complain against the decision of a law enforcement authority as delivered to them as an authorised party under the Code of Criminal Procedure. We consider the above legislative stipulations to be sufficient in terms of ensuring complaints in criminal proceedings made by victims are ruled upon by an independent authority.

92. The injured party may also file a constitutional complaint under Article 127 of the constitution to the constitutional court and object to infringement of substantive or procedural aspects under Article 2, 3 or 8 ECHR. The constitutional court secures remedy within the scope of its authority depending on the identified infringement (by ordering action in the case without delay, cancelling a decision to stop criminal prosecution, awarding adequate financial redress for the identified infringement, etc.)

Question 9 d)

93. All received reports concerning domestic violence or violence committed against children are immediately, impartially and expeditiously investigated, whereby the police take all steps necessary to determine the factual basis of the case and to bring criminal charges against such perpetrators and to punish them fairly. Prosecutors are responsible for supervising the preservation of legality in pretrial proceedings. The police and public prosecutor's office focus heightened attention on these crimes. The constitutionality of their approach is assessed by the constitutional court based on a constitutional complaint under Article 127 of the constitution, to whom the injured party may turn. Prosecutors and judges are regularly trained on ECtHR jurisprudence and the state's related positive commitments within the field of domestic violence.

Question 9 e)

94. Law enforcement authorities are obliged to immediately, and upon first contact, provide victims with information on the process of filing a criminal complaint, the rights and obligations of victims who are also injured parties within criminal proceedings in connection therewith, entities providing assistance to victims, the contact details to such entities and the forms of

professional assistance that may be provided to them. They also inform victims of their options for urgent medical care, access to legal aid, conditions under which protection is provided if they are faced with danger to life and limb or the threat of serious property damage, the right to interpretation and translation, measures to protect their interests which may be requested if they reside in another member state and procedures for seeking redress if their rights have been violated by law enforcement authorities within criminal proceedings. A victim is instructed with respect to the contact details for communication regarding a case in which they are the victim, procedures related to seeking redress for damages in the criminal proceedings, mediation processes in criminal proceedings, options and conditions for concluding conciliation agreements, and options and conditions for paying the victim's costs within the criminal proceedings in which they are the injured party. 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.

95. Accredited entities providing assistance to crime victims conduct their activities with financial support from the Ministry of Justice. The crime victims act introduced the principle of presumption with respect to the victim, meaning that a person claiming to be a victim is assumed to be a victim unless proven otherwise, or if there is no clear misuse of the standing of the victim, and regardless of if the perpetrator of the crime was found, prosecuted or convicted. A victim who is the injured party in criminal proceedings may be represented by an authorised representative under the Code of Criminal Procedure. An injured party seeking redress for damages and who lacks the funds to cover the related costs may be assigned an available lawyer in pretrial proceedings once the prosecutor has brought the charges to the judge for pretrial proceedings and in proceedings in front of the court, including without proposal from the presiding judge, if it is determined to be necessary to protect the injured party's interests. The injured party must demonstrate the fact that they lack sufficient funds. It is also apt to refer to a legislative change in the police act. While it was possible to expel someone from a shared dwelling who could be expected to pose a threat to the life and limb or liberty or other serious threat to the human dignity of a vulnerable person for a maximum of 48 hours prior to 1 January 2016, current legislation permits them to be expelled for up to 10 days.

96. The rights of domestic violence victims in terms of effective means of protection during on-going investigations have been significantly reinforced through legislative measures.

97. If professional assistance is required (psychological counselling, legal counselling or other services), victims of domestic violence may contact entities providing assistance to crime victims or make use of any number of NGOs providing assistance to the victims of violence. A police officer provides the list of such entities and organisations, including contact details, during their initial contact with the victim or vulnerable person in both written and verbal form. Media coverage of the planned activities was secured through national and regional media outlets and in the form of articles on websites and the police Facebook page, where a total of 5 videos were posted on this specific topic. Regional newspapers published topic-relevant articles across Slovakia.

98. The Presidium prepared a promotional material covering violence against women in the form of an information brochure containing information focused on violence against women. The brochure was distributed to the general public.

Question 10 a)

99. Tasks under the National Program to Combat Trafficking in Human Beings for the 2015 to 2018 period were fulfilled during the monitored period. The fifth consecutive strategic document for combating trafficking in human beings named the National Program to Combat Trafficking in Human Beings for the 2019 to 2023 period was approved in 2018 and the Ministry of Interior regulation to secure a program to support and protect the victims of trafficking in human beings of 19 December 2013 was amended. Services for victims of trafficking in human beings are provided since 2019 under the Ministry of Interior regulation of 10 December 2018 on securing the program to support and protect the victims of trafficking in human beings.
More detailed information is provided in the Appendix, Point J.

Question 10 b)

100. The Ministry of Interior concluded an agreement with Slovak Telekom in 2008 to establish the National Assistance Line for Victims of Trafficking in Human Beings, 0800 800 818, which is primarily intended to provide preventative information before travelling abroad, and for making initial contact with potential victims of human trafficking and to facilitate relevant assistance. The role of the national toll-free line is to provide professional counselling and information concerning human trafficking. Funds were allocated to its on-going operation in 2018, which was secured via a public procurement tender to select a service provider to victims of trafficking in human beings.

101. Funds were also dedicated to combat trafficking in human beings from the Ministry of Interior's budget in 2018 to secure care for the victims of trafficking in human beings within the "*Program to support and protect the victims of trafficking in human beings*", preventative activities and raising awareness of the issue of trafficking in human beings among the general public based on analysis of the needs for individual activities in past years and planned activities in the future, which appear to be sufficient.

Question 10 c)

102. A schedule is completed on an annual basis for the purposes of planning an agenda of training activities focused on increasing the expertise of state and non-state entities in terms of trafficking in human beings focused on identifying victims and expanding the national reference mechanism focused on the timely identification of victims. Lecture activities were also conducted for schools.

103. Within the development of the national reference mechanism, the Information Centre for Combating Trafficking in Human Beings and Crime Prevention under the Ministry of Interior ("IC") conducted training activities in 2018 for numerous professional groups. The objective was to enhance knowledge and build capacities for the specific issue of trafficking in human beings and to develop the national reference mechanism to provide victims with adequate assistance and to facilitate better exposure of crimes involving trafficking in human beings. Participants included educators from primary schools, special primary schools, vocational secondary schools and gymnasiums, re-education centres and educational and psychological counselling and prevention centres responsible for preventing crime in schools. The objective of these trainings was to build capacities to improve the identification of potential victims in a timely manner as children from children's homes are one of the most vulnerable

groups and may become targets for traffickers. Interactive methods were used to drive home the issue of trafficking in human beings for those in attendance and to provide practical information focused on identifying victims and steps to be taken if any information related to the crime of trafficking in human beings is uncovered. They also learned of options for prevention and activities that can be used to inform young people on how to minimise the risks and recognise warning signs. Training activities were also conducted for employees of labour, social affairs and family offices in 2018, and specifically for employees responsible for the social law protection of children and social guardianship, and for members of NGOs. Training activities on trafficking in human beings are also conducted annually for diplomats and employees of the Ministry of Foreign and European Affairs within their certification training activities. Instructional and methodology work focused on trafficking in human beings was also conducted with police officers in 2018. Trainers from the IC trained specialised members of the Slovak armed forces in 2017 for the Ministry of Defence, who then go on to provide annual specialised training for members of the Slovak armed forces before they are deployed to foreign missions.

104. Police officers assigned to the crime prevention section conduct preventative activities focused on preventing and eliminating trafficking in human beings within which they provide information related to this specific crime. The goal is to prevent victimisation by highlighting the risks associated with finding work abroad and travelling and residing abroad. They provide practical advice on how to respond when someone falls victim to human traffickers and where to turn for help. Students in the final year of primary school and students in secondary schools and grammar schools are the most common target group. Over the first nine months of 2018, a total of 170 activities (lectures and meetings) involving nearly 6,000 pupils and students were conducted.

105. The General Prosecutor's Office conducts a multi-day training for prosecutors who are assigned to this particular issue with the broad involvement of the police, representatives of the Ministry of Labour, Social Affairs and Family, the Ministry of Education and others involved in tackling this issue.

106. Criminal prosecutions for the crime of trafficking in human beings were commenced in 27 cases in 2018, with convictions handed down in 23 cases involving a total of 53 perpetrators, 38 men and 15 women. In terms of nationality, 52 of the perpetrators were Slovak and the other one was a national of Serbia. A total of 56 victims were identified in Slovakia in 2018, 22 men and 34 women. Of this total, 46 victims were formally identified by the police, 30 women and 16 men. Female victims included 12 children, girls aged 11 to 16, and all these children were Slovak nationals. No children were recorded in 2018 among male victims. Two foreigners were included in the adult victims, one adult woman from Hungary and one adult woman from Serbia. Among the total number of identified victims, 16 adult victims, all Slovak nationals, entered the program in 2018, a total of 9 men and 7 women, none of whom were children.

107. Criminal prosecutions for the crime of trafficking in human beings were initiated in 37 cases in 2017, with convictions handed down in 19 cases involving a total of 72 perpetrators, 50 men and 22 women. A total of 88 victims were identified in Slovakia in 2017, 30 men and 58 women. Of this total, 75 victims were formally identified by the police, 54 women and 21 men. Female victims included 11 children, girls aged 14 to 17. No children were recorded in 2017 among male victims. Among the victims was one adult male from Ukraine and one child, a girl, from Hungary, while all other victims were Slovak nationals. Among the total number

of identified victims, 19 adult victims entered the program in 2017, a total of 11 men and 8 women, none of whom were children.

108. Criminal prosecutions for the crime of trafficking in human beings were initiated in 25 cases in 2016, with convictions handed down in 14 cases involving a total of 31 perpetrators, 24 men and 7 women. A total of 45 victims were identified in Slovakia in 2016, 27 men and 18 women. Of this total, 32 victims were formally identified by the police, 15 women and 17 men. Female victims included 3 children, girls aged 14 to 17. 5 children were recorded in 2016 among male victims. Among the total number of identified victims, 21 victims entered the program in 2016, a total of 17 men and 4 women, 3 of whom were children (Romania). All other victims were Slovak nationals.

109. Criminal prosecutions for the crime of trafficking in human beings were initiated in 18 cases in 2015, with convictions handed down in 9 cases involving a total of 24 perpetrators, 16 men and 7 women. A total of 56 victims were identified in Slovakia in 2015, 31 women and 25 men. Female victims included 4 children, girls aged 14 to 17. Among the total number of identified victims, 25 adult victims entered the program in 2015, a total of 17 men and 8 women. The victims included one adult woman from the Philippines.
More detailed information on specialised training activities is provided in the Appendix, Point K.

Question 10 d)

110. The Ministry of Interior regulation to secure a program to support and protect the victims of trafficking in human beings of 19 December 2013 allows these victims to be provided with services isolated from a criminal environment, assistance in voluntary repatriation to Slovakia or, in the case of an alien, their country of origin, social assistance, psychological counselling, psychotherapeutic services, health care, retraining courses, and legal counselling in particular in the areas of criminal, civil law, and enforcement and compensation issues. An important part of this process is collaboration on the part of Slovakia's diplomatic missions and consular posts in securing voluntary assisted repatriation of the victims of trafficking in human beings to Slovakia from abroad. The Ministry of Interior regulation to secure a program to support and protect the victims of trafficking in human beings (of 19 December 2013) was amended in 2018 based on applied practices. With respect to redress provided to the victims of trafficking in human beings, the Ministry of Justice records a single request filed under the crime victims act in which an applicant sought redress in the form of non-pecuniary damages as a victim of a violent crime. These non-pecuniary damages were paid in full based on the decision issued in response to the request on 30 April 2019.

Question 10 e)

111. The IC collaborates with international organisations and other foreign institutions focused on combating trafficking in human beings. On behalf of Slovakia, the IC functions as the national rapporteur to the European Commission under Article 19 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, and regularly participates in meetings of the Informal Network of National Rapporteurs or a similar mechanism (NREM) for combating trafficking in human beings. It also collaborates with the Committee of the Parties to the Council of Europe Convention on Combating Trafficking in Human Beings and the Convention Monitoring

Mechanism – the Group of Experts on Trafficking in Human Beings (GRETA). Within international collaboration, the IC participated in the preparation of a promotional brochure and in a Europe-wide campaign with the European Crime Prevention Network (EUCPN[5]).

Question 11 a)

112. For the purposes of aligning the Slovak NHRI with the Paris Principles, an analytical material on institutions to protect and promote human rights in Slovakia was prepared with proposals for necessary solutions. The result is a draft act that would strengthen the standing of Slovakia's National Human Rights Centre ("Centre") as its NHRI to align as much as possible with the Paris Principles.

113. The draft act also specifies the Centre's competencies within the role of the Equality Body in support for equal treatment in accordance with EU anti-discrimination directives. The draft is completed in accordance with the European Commission's recommendations on the standards for the Equality Body (C (2018)3850) and incorporates the recommendations of the ECRI, Global Alliance of NHRI and other authorities addressed to Slovakia.

114. The most significant changes proposed include implementation of "independence" to the Centre's competences (independent surveys, independent and expert opinions, independent reports and recommendations), defining the Center's legal assistance (legal advice, including consultancy services, assistance in out-of-court proceedings, dispute resolution through mediation, representing a party in an anti-discrimination dispute), drawing up independent reports and recommendations, which defines more clearly the Center's implementation of the independent inquiry, establishing cooperation with domestic and foreign institutions and organisations active in the field of human rights and non-discrimination.

115. The amendment will change the number of Council members from 9 to 7, with one member appointed by the Public Defender of Rights, jointly by the Commissioner for Children and the Commissioner for Persons with Disabilities, the President of the Slovak Academy of Sciences, the Association of Towns and Municipalities , the Prime Minister of the Slovak Republic on the proposal of non-governmental organizations, the Press-Digital Council of the Slovak Republic and the Slovak Bar Association. Each entity proposes two candidates while the verification of compliance with the conditions and the selection of one of the proposed candidates is carried out by the Committee of the National Council of the Slovak Republic for Human Rights and National Minorities. The Committee should take into account the requirement of a pluralist composition reflecting the various components of society when choosing from the law.

116. Members may only include those who can demonstrate a minimum of five years of active involvement in the area of human rights or non-discrimination (including activities in the public sector, the NGO sector, the science, research and education sector or in the fields of advocacy, mediation and other forms of providing legal assistance). Ensuring the council is composed in this manner contributes to its overall independence and plurality of the representation of experts in the field of human rights and non-discrimination while reflecting on various components of society as a whole.

[5] EU Crime Prevention Network

Question 11 b)

117. The Centre's budget was increased by 40% in the draft 2019 budget compared to the 2018 budget upon agreement between the Centre and the Ministry of Finance, which is associated with an increase in the headcount to include 7 new employees.

Question 12 a), b) and c)

118. Under the Code of Criminal Procedure, the extradition process involving a wanted person is decided upon at two levels: the competent regional court rules on the permissibility of such extradition in the first instance and, once such decision is valid, the case is transferred to the Minister of Justice, who then decides to permit the extradition.

119. Before extradition occurs, Slovakia requests that the country involved provide diplomatic guarantees and then follows up to ensure compliance. The Ministry of Justice records 3 cases were extradition was permitted on the basis of acceptance of diplomatic guarantees, specifically:

- Anzor Chentiev – to the Russian Federation,
- Ali Nurdinovich Ibragimov – to the Russian Federation,
- Aslan Achmetovich Jandiev – to the Russian Federation.

120. A representative of the Slovak embassy in Moscow conducted a personal visit of Mr Chentiev in a prison located in Grozny on 28 April 2015, which confirmed that no torture or other abuse had occurred during his imprisonment and that no injuries or beatings had occurred. He was also not exposed to any inhuman or degrading treatment or punishment. He did not lodge any complaint concerning unsatisfactory prison conditions after his term of imprisonment. Mr Chentiev had no objections concerning his treatment, was provided with access to medical care, received meals, had the ability to receive visitors and was permitted to go for exercise once a day. The monitoring visit confirmed that the guarantees provided by the Russian Federation regarding Mr Chentiev were carried out in practice and there are no grounds to doubt them. Mr Chentiev was released from prison on 24 July 2015.

Question 13

121. The MIGRA information system used by the Migration Authority under the Ministry of Interior does not provide statistical outputs that specify the reasons why applicants sought asylum or on the basis of which they were granted asylum or subsidiary protection. No output is provided that could be used to determine the number of successful applications and the number of asylum seekers whose applications were accepted based on previous torture or the potential for torture if repatriated to their country of origin.

122. The available statistics do permit the identification if asylum was granted on the basis of persecution, humanitarian reasons, family reunification, or whether subsidiary protection was granted because of serious harm (the existence of serious grounds for believing that repatriation to their country of origin would involve exposure to a real threat of serious harm).

123. For information purposes and with respect to subsidiary protection, which is provided when there are serious grounds to believe that an applicant would be exposed to the real threat of serious injustice if repatriated to their country of origin, the term serious injustice is defined

for the purposes of Act on Asylum and on amendment of certain acts, as amended ("asylum act") as follows:

1. imposition or execution of capital punishment,
2. torture, inhuman or degrading treatment or punishment, or
3. a serious and individual threat to the life or integrity of an individual as a result of arbitrary violence occurring during an international or internal armed conflict.

124. It should be noted that subsidiary protection in Slovakia is most often granted for the third reason (arbitrary violence during an armed conflict). It must also be said that torture or the threat of torture is included among the reasons for which asylum is granted, in addition to serious injustice (persecution, or justified fears of persecution).
More detailed information on this statistical data is provided in the Appendix, Point L.

Question 14

125. Slovak law concerning alien residency gives stateless persons the ability to resolve their residence question. The Bureau of Border and Alien Police under the Presidium may issue a 5-year permanent residence to such stateless nationals even if they do not meet the conditions specified under the alien residency act, and may do so repeatedly. Stateless persons must demonstrate that no country considers them to be a national under their laws. Within this context, it is sufficient if a person demonstrates they are no longer a national of the country:

(a) in which they were born,
(b) in which they had their previous domicile or residence, and
(c) in which their parents and siblings are nationals.

126. Under the alien residence act, stateless persons may only be subject to administrative deportation if their actions pose a threat to state security or public order and there are no other impediments to administrative deportation.

Question 15

127. Given the fact that Slovak law complied with Article 5 of the Convention at the decisive point in time, as evidenced by the scope of provisions laying down the scope of the Criminal Code and contained in the provisions of §3 to 5 and §7 of the Criminal Code, no legislative measures were taken for the purposes of implementation of Article 5 of the Convention.

Question 16

128. Slovakia is a signatory country/party to numerous bilateral and multilateral treaties concerning extradition. The crimes specified in Article 4 of the Convention are not explicitly defined as crimes that are extraditable offences or as crimes that are specifically not extraditable offences. In most bilateral treaties, extradition is permissible for crimes in which the upper limit on a potential term of imprisonment exceeds one year, which crimes involving torture and inhuman treatment meet in the vast majority of instances.

129. As far as multilateral treaties are concerned, Slovakia is a signatory to the European Extradition Convention (Council of Europe) as well as several UN treaties on extradition (such

as the UN Convention on the Suppression of Bomb Terror, UN Convention against Transnational Organized Crime, UN Convention against Corruption).

Question 18 a), b) and c)

130. Police officers receive regular training and are re-trained at regular intervals under generally binding laws and internal regulations concerning this specific issue. With respect to securing regular training for police officers who come into contact with persons deprived of their personal liberty, the Minister of Interior issued measure No. 82/2016 on measures and the schedule for fulfilment of the Committee's recommendations, and the president of the police corps issued order No. 105/2016 on measures and the schedule for fulfilment of the Committee's recommendations, order No. 39/2018, and the order of 6 December 2016 on fulfilment of the tasks related to measure No. 82/2016 issued by the Minister of Interior.

131. The police act compels police officers when performing their duties to respect the honour and dignity of themselves and others and not allow unjustified harm to come to anyone as a result of these activities and to restrict any intervention into their rights and freedoms to the absolute minimum required to accomplish their intended purposes within their duties. While on duty, police officers are compelled to comply with the code of ethics issued as an appendix to regulation No. 3/2002 on the code of ethics for police officers, as amended, issued by the Minister of Interior.

132. In accordance with order No. 21/2009 Coll. on tasks to prevent police officers and members of the railway police from violating human rights and freedoms when conducting police actions and to restrict personal liberty issued by the Minister of Interior and the president of the police corps order No. 4/2015 to implement tasks to secure the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) as amended by order No. 93/2015, police officers complete regular, annual retraining on the provisions of §8, §63, §64, §68 and §68a of the police act, §7 of Act on Complaints, as amended, regulation No. 3/2002 on the code of ethics for police officers, as amended, issued by the Minister of Interior, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

133. The president then issued an order on 7 March 2019 in which the directors of the organisational units of the Presidium and regional police directorates were assigned the task of ensuring rigorous compliance with all generally binding legislation, internal regulations issued under the auspices of the Ministry of Interior and international treaties to which Slovakia is a signatory party concerning basic human rights and personal freedoms, especially in terms of zero tolerance of violence and any form of ill-treatment of persons whose personal liberty has been restricted, and with special emphasis on evaluating the legitimacy and proportionality of the use of coercive means by superiors.
More detailed information on the individual training activities is provided in the Appendix, Point M.

Question 19 a), b), c) and d)

134. Control over facilities were persons are held in custody and for terms of imprisonment is performed by internal prison control authorities (the Minister of Justice and delegated parties, the director general of the corps and delegated parties) and other domestic public authorities (the Slovak parliament and public prosecutor's office) as well as by independent legal entities

or natural persons are laid down in a special regulation or international convention to which Slovakia is bound:

a) the Ombudsman

Under the Act on the Ombudsman, as amended, the ombudsman is authorised when responding to a petition to the ombudsman to enter any public authority buildings, to request public authorities hand over the necessary files and documents and explain the pertinent matters related to the petition, including if a special regulation restricts the right to review such files to a specific group of entities, to ask the public authority's employees questions, to speak with persons who are detained in places where custody, imprisonment, disciplinary punishment of soldiers, protective treatment, protective education, institutional treatment or institutional care are carried out, and in police detention cells, without the presence of other persons. Public authorities are then obliged to respond to the measures proposed by the ombudsman or are obliged to implement such measures in the event of their failure to act if the performance of such measures is required by law or other generally binding regulation. If the public authority fails to comply with such request made by the ombudsman, the ombudsman may notify its supervising authority, the Slovak government and ultimately the Slovak parliament or its delegated body.

The ombudsman may also initiate changes or cancel any legislation if it identifies facts during the process of resolving such petition that provide evidence that a specific law, other generally binding legislation or internal regulation issued by a public authority violates the basic rights and freedoms of natural persons and legal entities and may file a petition with the constitutional court to review the conformity of such legislation with the constitution, with constitutional acts and with international treaties which the Slovak parliament has ratified and promulgated in the manner laid down by law.

b) Commissioner for children and Commissioner for persons with physical disabilities

Under Act on the Commissioner for Children and Commissioner for Persons with Physical Disabilities and on amendment of certain acts, the commissioners are authorised during the process of resolving a petition to speak with persons who are detained in places where custody, imprisonment, disciplinary punishment of soldiers, protective treatment, protective education, institutional treatment or institutional care are carried out, and in police detention cells, without the presence of other persons. If a commissioner determines that a valid decision made by a public authority is in violation of the law or other generally binding legislation during the process of resolving a petition, it shall file a motion with the public prosecutor's office and inform the petitioner who filed the petition.

c) European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Access to an organized and purposeful regime, including out-of-cell activities and outdoor exercise are integral parts of the treatment of all inmates. The assurance of these activities is guaranteed in numerous provisions of Act on Custody, as amended (the right to daily exercise; the right to participate in hobby and sports activities as offered by the facility, etc.) and the imprisonment act (the right to daily exercise; the right to participate in hobby and sports activities as offered by the facility, etc.). These activities are provided by professional staff in

all facilities, including educators, social workers and psychologists. The life imprisonment wards in Leopoldov and Ilava engage special pedagogues in the treatment process.

135. The new provisions of §20 (2) and §21 (2) of the Prison Code that took effect 1 January 2014 are the most significant and systematic changes applied over the monitoring period for the inclusion of inmates with life sentences into the general prison population. Under these provisions, a facility's warden may relocate an inmate from the life imprisonment ward to the standard inmate population (into differentiation group "B" in a maximum security facility) once they have served 15 years of a life sentence and based on recommendations from the conclusions of a repeated psychological testing.

136. Psychiatric care is provided to inmates in every correctional facility on-site and via internal staff (in the form of service work, employment, agreements on work conducted outside of employment, and agreements to perform professional psychiatric evaluations). The period of time in which a psychiatrist is present in a specific facility depends on the size of the facility and the composition of the prison population (typically this ranges from a few hours a week to a full-time position).

137. Individual forms of treatment (interview, diagnostics, psychological intervention, social counselling, self-study and in-cell work) are used in the "D1" differentiation subgroup on the life imprisonment wards. Mutual association of inmates placed in separate cells connected into units is permitted under existing legislation after individual assessment; under §78 (5) of the Prison Code, an inmate may be permitted to engage in such mutual contact within the "D1" differentiation subgroup upon the recommendation of a pedagogue and with approval of the warden. Within the "D2" differentiation group, inmates serving life sentences conduct group activities under the supervision of a guard and inmates may participate in select activities conducted for the entire facility. Mutual association of inmates placed in separate cells connected into units is not subject to subsidiary restrictions and is based on existing legislation, given that if an inmate fulfils the requirements of the treatment program, complies with the rules of the institution and shows positive changes in their attitude towards criminal activity and in their value orientation, they may be placed, pursuant to §78 (6)(b) of the Prison Code, into the "D2" differentiation subgroup, which is characterised by mitigation of certain restrictions on life sentences, and in particular allowing contact with other inmates in the "D2" differentiation subgroup.

138. Slovakia has implemented a number of measures focused on this sensitive topic in which we are making an effort to gradually integrate this specific segment of the prison population in with other inmates. Given that the legislative prerequisites are applied in different institutions in which life sentences are carried out (specifically the facilities in Leopoldov, Ilava and Banská Bystrica) to varying degrees of success, we conduct regular meetings between expert staff responsible for the treatment of inmates serving life sentences. The goal of these meetings is to share best practices in the area of targeted out-of-cell activities conducted at the individual institutions and to provide an opportunity to reassess the existing system of classifying inmates serving life sentences into differentiation subgroups via dissolution of the obligatory 5-year placement of inmates serving life sentences in the "D1" differentiation subgroup.

Question 20

139. Procedures for ensuring the compliance of Slovak law with Article 11 of the Convention concerning interrogation rules, instructions, methods and practices to prevent any cases of

torture are laid down in the Code of Criminal Procedure, the crime victims act and other legal standards.

140. In the interests of protecting particularly vulnerable victims from secondary victimisation, the Code of Criminal Procedure was amended effective 1 January 2018 to provide law enforcement authorities with a specific procedure for interrogating particularly vulnerable victims. The aim of this procedure is to eliminate the traumatising effects repeated interrogations and interviews have on particular vulnerable victims and inappropriate means used by law enforcement authorities within such processes.

141. The provisions of §125 of the Code of Criminal Procedure concerning confrontation in effect as of 1 January 2018 have limited confrontation involving the accused and a victim of a crime against human dignity, the crime of abuse of a close or entrusted person or the crime of trafficking in human beings and the victims of a crime involving violence or threat of violence if there is a risk of secondary victimisation or repeated victimisation; with regard to age, sex, sexual orientation, race, nationality, religion, intellectual maturity or relationship to the perpetrator or dependence on the perpetrator. Special attention is given if a child is involved as a vulnerable victim.

142. The law enforcement authority first consults with a psychologist or an expert before interviewing or taking testimony from the child on the manner in which the interrogation will be conducted and who will participate in the process and, if necessary, the social law protection authority for children and social guardianship, their statutory guardian or a pedagogue will be invited to ensure the process is conducted properly and with all due effort to avoid secondary victimisation. The psychologist or expert is intended to aid in the selection of the proper communication method for interviewing or taking testimony from the child and for ensuring the process does not negatively impact the child's mental and moral development.

143. The crime victims act stipulates suitable rules, procedures and methods regarding interrogation. Above all, anyone claiming to be a victim is considered a victim unless the opposite is proven, and regardless of if the perpetrator of the crime is identified, subject to criminal prosecution or convicted, and the rights attributed to victims under the law are applied without discrimination on the basis of gender, religious faith or beliefs, race, affiliation with a nationality or ethnic group, health, age, sexual orientation, marital status, skin colour, language, political or other beliefs, national or social background, property or other standing. Law enforcement authorities, courts and entities providing assistance to victims are obliged to inform victims of their rights in a simple and easily understandable manner. Special considerations must be given to difficulties in comprehending this information or communication based on a given disability, language skills and if the victim's ability to express themselves is restricted. Law enforcement authorities and the courts are obliged to allow victims to exercise their rights under the crime victims act and other special regulations and, when justifiably necessary, especially in the interests of securing the rights and protection of the victim, collaborate with entities providing assistance to victims.

144. When interrogating particularly vulnerable persons who are the victim of a crime against human dignity, the crime of trafficking in human beings or the crime of abuse of a close or entrusted person, interrogation is always conducted by a person of the same gender as the person being interrogated, unless there are serious impediments (e.g. staffing in the given police unit), which the law enforcement authority must specify in the minutes.

145. The systematic professional training of police officers responsible for investigations and expedited investigations is a critical prerequisite for properly conducting the interrogation of victims and especially particularly vulnerable victims. The Presidium in collaboration with the Academy of the Police Corps ("Academy") prepared a system of professional training for police investigators and other authorised police officers dealing with this specific area.

146. The Presidium in collaboration with the Academy in Bratislava is implementing the "*Special interrogation rooms for child victims and other particularly vulnerable crime victims*" program. The project is a reflection of the requirements of the transposed directive and legislative changes made to protect victims. The goal of the project is to create the conditions to eliminate secondary and repeated victimisation of victims. The implementation of the project began in 2018 and will continue until 2021. This project involves the construction of a total of 15 specialised interrogation rooms across Slovakia (14 rooms plus 1 training room) to be used for the interrogation of child victims and other particularly vulnerable victims. The intention of establishing such rooms is to protect these victims from secondary victimisation and from repeated victimisation by eliminating direct contact between the victim and perpetrator in official premises.

147. All police officers assigned to the position of police investigator and other authorised police officers complete this basic professional training. This is blanket re-training of police investigators and other authorised police officers in the form of a single-day accredited course provided by the Academy and focused on perfecting and expanding the depth of knowledge regarding the interrogation of particularly vulnerable victims. Within this training, special attention is focused on the topic of interrogating particularly vulnerable victims from the psychological perspective, the specifics of communication with individual categories of particularly vulnerable victims and conducting the interrogation of particularly vulnerable victims with emphasis on collaboration with a psychologist and documentation of such interrogation. This training project was implemented beginning in the 4th quarter of 2018 and is continuing in 2019.

148. The accredited specialised training system for police officers conducted by the Academy and focused on work with particularly vulnerable victims will be conducted within the previously-mentioned "*Special interrogation rooms for child victims and other particularly vulnerable crime victims*" program. This will be a five-day course accredited by the Academy (as an extension of the basic professional training). The priority in the course is on work with particularly vulnerable victims in special interrogation rooms and will include a component dedicated to trafficking in human beings. Training within this project is scheduled to begin in 2019. A total of around 350 police officers (police investigators and authorised police officers) are expected to complete this training. The project includes the completion of two educational documents, a methodology guide for working in the special interrogation rooms and a special form of instructions for interrogating particularly vulnerable victims.

149. In terms of legislative changes concerning interrogations, please note the adopted legislative measures related to the transposing of Directive 2016/800 via Act No. 161/2018 Coll., which amends the Criminal Code and which amends certain acts in effect as of 1 June 2019. This cited act amended the provisions of §121 of the Code of Criminal Procedure to include a new subsection 5, under which if the accused person to be interrogated is under the age of 18, the law enforcement authorities shall conduct such interrogation with the use of audio-visual recording equipment. This amendment is to secure sufficient protection of children suspected or accused within criminal proceedings and who are not always able to understand

the contents of the interrogations in which they are involved. The use of such audio-visual recording equipment in and of itself is a new method to be used in interrogating children in the position of the accused.

150. Within criminal proceedings, the victim is the party reporting the crime, the injured party or a witness, and they are entitled to specific rights and obligations under the Code of Criminal Procedure associated with such standing. Law enforcement authorities, the courts and parties providing assistance to victims and with reference to the seriousness of the crime that has been committed shall conduct an individual assessment of the victim to determine if they are a particularly vulnerable victim for the purposes of preventing repeated victimisation, and shall consider the best interests of the particularly vulnerable victim if they happen to be a child. Neither the victim of a violent crime nor any other person may be forced to undergo the interrogation.

151. The procedure (methodology) for the interrogation is laid down in the Code of Criminal Procedure in accordance with Article 11 of the Convention. With respect to the interrogation of particularly vulnerable victims under a special act, this interrogation is conducted with consideration and using content so that the interrogation does not need to be repeated in further proceedings, the interrogation is conducted using audio-visual recording equipment and the law enforcement authority shall ensure the interrogation is conducted in the preparatory proceedings by the same person so as not to interfere with the course of the criminal proceedings, and a psychologist or expert, with consideration given to the subject of the interrogation and the person involved, will be invited in to ensure the interrogation is conducted in a proper manner. If a witness in criminal proceedings for a crime against human dignity, the crime of trafficking in human beings or the crime of abuse of a close or entrusted person to be interrogated is classified as a particularly vulnerable person under a special act, then interrogation in pretrial proceedings shall be conducted by a person of the same gender as the interrogated person, unless this is impeded by other serious reasons, which the law enforcement authority shall record in the minutes. According to the first sentence the law enforcement authority first consults the manner in which the interrogation will be conducted and who will participate in the process with a psychologist or an expert before interviewing or taking testimony from a witness and, if necessary, the social law protection authority for children and social guardianship, their statutory guardian or a pedagogue will be invited as necessary to ensure the process is conducted properly and with all due effort to avoid secondary victimisation.

152. If a person under the age of 18 is interrogated as a witness and a crime is involved against a close or entrusted person or it is clear from the circumstances of the case that repeated interrogation of a person under the age of 18 may result in undue influence of their testimony, or there is a justified expectation that such interrogation could negatively impact the mental and moral development of such person under the age of 18, the interrogation shall be conducted so that such person under the age of 18 may only be interrogated in subsequent proceedings under extraordinary circumstances. Additional interrogation of a person under the age of 18 during pretrial proceedings may only be conducted with the approval of their statutory guardian, or with the approval of their guardian in certain cases. Slovak law lays down a comprehensive procedure for interrogation within criminal proceedings.

Question 21

153. Slovakia considers reducing the use of restraints as a high priority, and it expects to achieve a solution by constructing secure wards operating with a special regime and the

necessary spatial and material conditions within existing psychiatric wards that would serve to deal with the phenomenon of aggression among "standard" psychiatric patients. As opposed to court-ordered detention, health professionals would have the authority to place them in secure wards.

154. It is expected that the creation of these secure wards will lead to an overall reduction in the use of restraints and create the opportunity to gradually phase out net beds.

155. Under the provisions of §10 of Act on Social Services and on amendment of Act on Trade Licensing ("trade licensing act") as amended ("social services act"), there has been an explicit ban on the use of any restraints in social services facilities with respect to natural persons or beneficiaries to whom social services are provided since 2008. The only exception is a situation in which there is a danger to the health or safety of such persons or the health or safety of others and for the period necessary, whereby the provider shall primarily use non-bodily restraints. To clarify, the law stipulates what is considered non-bodily restraints and what is considered bodily restraints (special grips, placement in a safe room, and use of drugs). This clearly indicates that net beds are not included as bodily restraints and therefore they may not be used under any circumstances when social services are provided. It is also clear that legislation in the area of social services has restricted the use of net beds in social services facilities over the long term and therefore Slovakia considers these measures to be sufficient. Procedures for the use of restraints were comparable to those in other European countries and in full compliance with the principles applied by EU member states in this area.

156. The draft detention act does not include net beds as a lawful means of restraint.

Question 22

157. In accordance with §11 (1) to (3) of Act on State Statistics, as amended, ministries and state organisations conduct state statistical tasks within the scope assigned to them under the state statistical surveying program. Ministries and state organisations may aggregate data and conduct statistical surveying outside of the state statistical surveying program within their areas of responsibility. Statistical survey work is consulted upon with the Statistical Office of the Slovak Republic ("Statistical Office") in terms of methodology and national statistical classifications and national statistical code lists are used if the Statistical Office informs them that they will be used for the purposes of state statistics. The methodology for aggregating the data that the Statistical Office uses as an administrative resource is the subject of consultations between ministries, state organisations and the Statistical Office. In the process of creating European statistics, ministries and state organisations follow the methodology instructions provided by the Statistical Office. Surveying and aggregation of information and data conducted by ministries and state organisations under a special act is not a component of state statistics. The ministries and state organisations performing statistical surveying are responsible for covering the costs of their implementation.

158. The Ministry of Justice aggregates, processes and evaluates statistical data on the persons lawfully convicted of crimes and including those convicted of the crime of "*Torture and other inhuman or cruel treatment".* Data from individual convicts is recorded using the crime statistics reporting form, which is completed by the relevant general courts in Slovakia using a data collection application. The data from these statistical reporting forms from 2016 onward is then processed by the Ministry of Justice's Analytical Centre. Data on convicts may be categorised by age, gender, citizenship and nationality.

159. The Department of Police Information Systems under the Presidium is the sponsor for the crime records and statistical system in which the police primarily record data on crimes in connection with criminal proceedings under the Code of Criminal Procedure, specific crimes and the identified perpetrators of crimes as well as crime victims classified by gender and age.

160. A review of this information system determined that criminal prosecution was initiated in relation to the crime of "*Torture and cruel or other inhuman treatment*" in 2015 and which was stopped on 12 January 2016. A total of 1 criminal proceeding for the crime of Torture and cruel or other inhuman treatment is currently being adjudicated.

Question 23

More detailed information is provided in Question 5 f.

Question 24

161. Under the Code of Criminal Procedure, anything that contributes to explaining the facts of the case and that is obtained from means of obtaining evidence under this act or under a special law may be used as evidence. Means of obtaining evidence primarily include the interrogation of the accused, witnesses, experts, evaluations and professional opinions, on-site testimony, police identity parades, reconstructions, re-enactments, searches, items and documents important for criminal proceedings, notification, information obtained using information and technical means or means of operative and search activity. Evidence that is obtained through unlawful coercion or threat of such coercion is inadmissible under the Code of Criminal Procedure. The above does not apply if the evidence is used as evidence against a person who applied or threatened to apply such coercion. Given the above, it follows implicitly that the formulation of this provision sufficiently covers cases of torture intended to obtain specific evidence. Under the Code of Criminal Procedure, law enforcement authorities and the courts may only consider such evidence that is obtained in a lawful manner.

Question 25

162. No changes to family law legislation have been necessary since 2015. Corporal punishment from parents, including at home, is outlawed under Slovak law. This applies regardless of if there is a specific or implicit prohibition in the law. Standards exist in Slovakia's criminal law and administrative law that prohibit corporal punishment that could physically injure a child or degrade a child's dignity. For instance, 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.

163. 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 effective 1 January 2017. As such, the system for protecting the rights of children must be viewed comprehensively with respect to all areas of law (civil, administrative and criminal). Given that interference into the (physical and psychological) integrity of a child in cases where inappropriate educational means are applied is considered prohibited and punishable under misdemeanour (or criminal) law, the existing law in the areas of administrative and criminal

law in connection with existing Family Code provides a sufficient legal guarantee of the rights of children in these areas.

More detailed information on the prohibition of corporal punishment is provided in the Appendix, Point N.

Question 26

164. Terrorism is being combated in Slovakia in accordance with international and European treaties and domestic law. The national antiterrorism unit of the National Crime Agency under the Presidium collaborates with NGOs focused on monitoring human rights compliance within its regular duties, such as the International Organisation for Migration and the *Občan, demokracia a zodpovednosť (Citizens, democracy and responsibility)* civic association. Police officers from this unit are members of the *Fundamental Rights Agency* working group focused on creating methodology for recording and aggregating data on hate crimes. With respect to information gathering, detection and investigation of the crimes of terrorism and extremism, it may be said that female police officers are preferred in contact with female individuals and young persons and special attention is devoted to their particular needs, be they victims or suspects (inviting a family member, social worker, psychologist). They are entitled to the same legal guarantees as in the case of other crimes.

165. Security measures related to combating terrorism and extremism are adopted in Slovakia based on strategic documents approved by the government, including the National Action Plan to Combat Terrorism for the 2015 – 2018 period, the Strategy to Combat Extremism for the 2015 – 2019 period as well as the Action Plan for Preventing and Eliminating Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance for the 2016 – 2018 period. These were completed in accordance with the principles of the universality of basic human rights, non-discrimination and equality in rights for all inhabitants, regardless of gender, race, skin colour, language, religious conviction or faith, political or other believes, national or social origin, affiliation with a nationality or ethnic group, property or other standing.

166. In the monitoring period, tasks under the National Action Plan to Combat Terrorism for the 2015 – 2018 period were fulfilled on an interim basis and focused on restricting the financing of terrorism, preventing and eliminating threats associated with radicalisation and self-radicalisation of individuals on the Internet, radicalisation in educational institutions and improving collaboration between entities engaged in combating terrorism.

167. Slovakia did not identify the need to adopt any specific antiterrorism measures in 2018 that would have made any significant interference into the basic rights and freedoms of its inhabitants. One person was convicted of the crime of terrorism in 2018 but that conviction is not yet valid. With respect to complaints from the public as to failure to comply with international standards, the National Crime Agency did not record any complaints or suggestions.

168. It may be said that existing antiterrorism measures have not interfered with human rights guarantees in any way during their application. The perpetrators of such crimes have their human rights and other rights defined in the Criminal Code and Code of Criminal Procedure guaranteed in the same manner as the perpetrators of other crimes, including the right to seek redress (complaints and appeals).

169. The analytical centre did not record anyone in the period from 2016 to 2017 who was convicted of the crime specified in §419 of the Criminal Code – *Terrorism and certain forms of involvement in terrorism*.
More detailed information is provided in the Appendix, Point O.

OP-CAT ratification

170. Slovakia signed the OP-CAT on 14 December 2018. The Ministry of Justice is currently drafting the legislation required to delegate the authorities assigned to the National Prevention Mechanism under the OP-CAT to three different institutions that under the current law in Slovakia have the right to visit places where persons deprived of liberty are being held and to speak with them without the presence of third parties, specifically: the Ombudsman, the Commissioner for children and the Commissioner for persons with physical disabilities. Once the preparatory phase is completed along with consultations with stakeholders and civil society, legislative changes will be presented together with a proposal to ratify OP-CAT in the second half of 2019.

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[6]:

- a substitute for detention
- conditional suspension of criminal prosecution

[6] The specified details show the broad range of potential applications compared to most other countries.

- 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[7] 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:

[7] Pilot operations began in December 2017.

(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.

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[8] 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

[8] Police officers assigned to the crime prevention unit

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.[9]
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.[10]

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,

[9] Accessible online: https://www.gender.gov.sk/zastavmenasilie/files/2016/02/Standardy-a-postupy-zavedenia-socialno-intervencnych-programov-pre-pachatelov-nasilia-na-zenach.pdf

[10] Accessible online: https://www.gender.gov.sk/zastavmenasilie/files/2016/02/Metodika-prace-s-pachatelmi-nasilia-na-zenach-v-penitenciarnej-starostlivosti-.pdf

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:

<u>Current ECtHR jurisprudence - criminal law aspects</u>
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

<u>Perpetrators and victims of crimes</u>
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, Kroměříž
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[11]
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

[11] Note: ADN – voluntary assisted repatriation implemented with IOM assistance

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.