



Convention on the Rights of the Child

Distr.: General
5 December 2012

English only

Committee on the Rights of the Child

Optional Protocol on the sale of children, child prostitution and child pornography

List of issues concerning additional and updated information related to the consideration of the initial report of Slovakia
(CRC/C/OPSC/SVK/1)

Addendum

Written replies of Slovakia* **

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

** Annexes can be consulted in the files of the Secretariat.

**Reply to the issues raised in paragraph 1(a) and (b) of the list of issues
(CRC/C/OPSC/SVK/Q/1)**

1. The statistical data of the Ministry of Justice of the Slovak Republic (disaggregated by sex, age, ethnic group, socio-economic background, or affiliation to social group) on the number of perpetrators, type of penalties imposed and on the number of child indemnitees, elaborated on the grounds of statistical forms regularly filled out and forwarded by the courts (which are annually published in the form of Statistical yearbook of the Ministry of Justice of the Slovak Republic), are provided in the annex to this additional report. The indicator "rural or urban residence" does not occur in the statistical forms used by the Ministry of Justice therefore the requested statistical data cannot be evaluated according to this indicator. Since 1 January 2012 the Ministry of Justice monitors and evaluates also the age of the child victims.
2. As regards provision of assistance to victims, we provide the information set out below.
3. According to information of the department of criminality prevention of the Office of the Minister of Interior, four child victims were assigned into the *Program of Support and Protection of Human Trafficking Victims* in the years 2009 – 2011; in the year 2009 one victim, in the year 2010 one victim and in the year 2011 two victims.
4. According to Centre of Labour, Social Affairs and Family, the Socio-Legal Protection of Children and Social Guardianship authorities ("SLPCHandSG authorities") in performing the measures under Act No. 305/2005 Coll. on Socio-Legal Protection of Children and Social Guardianship and on the Amendment and Supplementation of Certain Acts, as amended provided assistance to the following number of child who were victims of trafficking: in the year 2009 to one child victim, in the year 2010 to no one, in the year 2011 to one child victim and in the year 2012 also to one child victim (in all cases the victims were girls). Advisory and psychological assistance for families with specific problem and in crises situations was provided in the year 2009 to 680 families, (including families with domestic violence - 435), in the year 2010 663 families (including families with domestic violence - 398) and in the year 2011 443 families (including families with domestic violence - 232).
5. The statistical data on providing a child with a health care by a health institution are elaborated by the *National centre of medical information*. The statistical report of ambulant health-care provider elaborates and evaluates information on age, sex and diagnosis according to ICD:

| | | <i>Male</i> | <i>Female</i> |
|---|---|--------------|---------------|
| | | <i>0-18</i> | <i>0-18</i> |
| | | <i>years</i> | <i>years</i> |
| <i>Number of examinations of diagnosis, age and sex in the period</i> | | | |
| 2011 | Neurotic, stress-related and somatoform disorders (F40 - F48) | 4 816 | 6 224 |
| | Disorders of psychological development (F80 - F89) | 5 026 | 1 925 |
| | Behavioural and emotional disorders with onset usually occurring in childhood and adolescence (F90-F98) | 32 699 | 14 855 |
| 2010 | Neurotic, stress-related and somatoform disorders (F40 - F48) | 4 968 | 6 493 |
| | Disorders of psychological development (F80 - F89) | 4 097 | 1 538 |
| | Behavioural and emotional disorders with onset usually occurring in childhood and adolescence (F90-F98) | 32 710 | 14 639 |
| 2009 | Neurotic, stress-related and somatoform disorders (F40 - F48) | 5 047 | 6 602 |
| | Disorders of psychological development (F80 - F89) | 3 821 | 1 614 |

| | Male | Female |
|---|-------------------|-------------------|
| <i>Number of examinations of diagnosis, age and sex in the period</i> | <i>0-18 years</i> | <i>0-18 years</i> |
| Behavioural and emotional disorders with onset usually occurring in childhood and adolescence (F90-F98) | 30 560 | 14 849 |

Note! In connection with the statistical information provided in this report, we consider as necessary to draw attention to the fact, that particular data on number of victims may be different, and thus by reason of four possible categories of victims: (1) victim who cooperates with the law enforcement authorities in the criminal process and applied for assignation into the Program of Support and Protection of Human Trafficking Victims, (2) victim who applied for assignation into that program but does not want to cooperate with law enforcement authorities, (3) victim who cooperates with the law enforcement authorities, but does not want to be assigned into that program and (4) victim who neither wants to cooperate with the law enforcement authorities nor wants to be assigned into that program.

Reply to the issues raised in paragraph 2 of the list of issues:

6. The working group for establishment of information system on human trafficking was created by Order of the Minister of Interior of the Slovak Republic No. 76 from 1 June 2012 on creation an arbitration board and working group for establishment of information system on human trafficking. Consequently, technical specification of the Human Trafficking information system binding for the further development thereof was elaborated. The system should be put into test operation in December 2012. The assumed date of the final version of the joint and harmonised data collection system on human trafficking in the Slovak Republic is in February 2013. The system will contain also data on minors (among the statistical data on victims is also a date of birth).

Reply to the issues raised in paragraph 3 of the list of issues

7. Within the framework of awareness-raising of the Optional Protocol and dissemination thereof among the general public, relevant professional groups working with and for children, and among children, the relevant responsible ministries regularly fulfil the duties resulting particularly from the *National Program of combating human trafficking for the years 2011 – 2014* (approved by the resolution of the Government No. 96 dated 16 February 2011) and the *National action plan for children for the years 2009 – 2012* (approved by the resolution of the Government No. 94 dated 28 January 2009).

8. In the year 2008 the Ministry of Interior of the SR in cooperation with IOM Bratislava concluded an agreement with the company T-Mobile Slovakia, Inc. on the establishment of free of charge *National helpline for victims of human trafficking* (phone number 0800 800 818). The national helpline has been established since 1st July 2008 and is primarily intended for providing of preventive information prior to travelling abroad, as well as for making the first contact with the potential victim of human trafficking, and for mediation of the relevant assistance. Within the information campaign, the public was informed on existence of the National helpline for victims of human trafficking. The posters are distributed also to participants of trainings organized by Ministry of Interior of the SR to the problematic of identifying of the victims of human trafficking.

9. The Information centre to combat trafficking in human beings and crime prevention in Košice contributes by its activity to the promotion, publicity in media and coordination of the problematic of human trafficking, and thereby to prevention.

10. Since 2008 the Ministry of Interior of the Slovak Republic realizes in cooperation with the lecturers of IOM Bratislava the trainings entitled “Identifying the victims of human

trafficking” (Strengthening the capacities of the organizations and professionals of the reference system to ensure the complex care and assistance to the trafficked individuals).

11. The Centre of Labour, Social Affairs, and Family has elaborated “Database of information on possibilities of assistance to children and families the members of who were victim of trafficking, and of entities working in the field of socio-legal protection of children and social guardianship”, that was received by the particular Labour, Social Affairs, and Family Offices with a recommendation of its publishing on their homepages.

12. In the field of preventive measures the Centre of Labour, Social Affairs, and Family distributed in cooperation with the Ministry of Labour, Social Affairs, and Family of the Slovak Republic the information and information materials and within the promotion campaign “To inform the public on existence of a problem of human trafficking and on risks predetermining the potential victim of human trafficking” were to all Labour, Social Affairs, and Family Offices distributed and thereafter showed on the fluid boxes the DVD duplicates to the film “It cannot happen to me”.

13. The Judicial Academy of the Slovak Republic realized the education in the years 2010 and 2011 in accordance with the approved curriculum resulted from the content of education for judges approved by the Judicial Council of the Slovak Republic and from the content of education for prosecutors determined by the Attorney General. The themes of protection and support of rights of children in terms of the Optional Protocol were also involved in the Academic plan of education of the Judicial Academy.

14. In November 2010 the Judicial Academy became a member of International organization for judicial education in Istanbul.

15. In 2011 the Judicial Academy successfully completed implementation of the project entitled “Strengthening the application of the Schengen acquis and the EU law by the judicial authorities of the SR”. The educational project was realized on the grounds of good cooperation with the civil association Euroiuris.

16. The General Prosecution of the Slovak Republic for the purpose of awareness-raising and dissemination of the Optional protocol organizes at regular intervals seminars for prosecutors - specialist in criminal prosecution of criminal offences in the field of family and youth protection. The specialists from the field of psychology, psychiatry or crises centres working with children who became a victim of criminal offence also participate on these seminars upon an invitation of the General Prosecution.

17. The Slovak experts developed to the theme of protection and support of the rights of children a noticeable publication activity e.g. the articles in the juridical journal “Judicial revue” for the years 2010-2012, the editor of which is Ministry of Justice of the Slovak Republic, to the problematic of international child abduction, violence committed on children, to application problems relating to exposure of a child, or so-called safety nest etc.

Reply to the issues raised in paragraph 4 of the list of issues

18. The responsible authority for coordination of activities under the Optional Protocol, including monitoring and evaluation, is the Ministry of Interior of the Slovak Republic, which for that purpose cooperates especially with the Ministry of Labour, Social Affairs, and Family and the Ministry of Justice.

Reply to the issues raised in paragraph 5 of the list of issues

19. The basic aim of the *National action plan for children for the years 2009 – 2012* is to provide for, through defined duties and measures, achievement of progress in the area of protection of the rights of children recognized by the Convention on rights of the Child.

20. The financial provision of the duties adopted is realized by the responsible ministries within their approved limits of categories of the budget for the years 2009 – 2012.

21. In connection with the above mentioned national action plan, the Centre of Labour, Social Affairs, and Family elaborated a norm No. IN 068/2010 – methodical instruction entitled “Performance of measures of socio-legal protection of children and social guardianship for victims of human trafficking”.

22. The National Program of combating human trafficking for the years 2008 – 2010 was supplemented by National Program of combating human trafficking for the years 2011 – 2014 (“national program”). The aim of the national program is to provide for a complex and effective national strategy of combating trafficking in human beings (the “national strategy”), which supports the development of mutual understanding and coordinated activity of all involved entities within elimination of risks and prevention of the commitment of the criminal offence of trafficking in human beings as well as in creating conditions for the provision of the support and assistance to victims of human trafficking and provision for protection of their human rights and dignity.

23. The National strategy is realized under political and financial support of the Government of the Slovak Republic, which assumes responsibility for definition of objectives, implementation of measures and achievement of objectives of the national program.

24. On the grounds of the national program “Methodical instrument focused on procedure of all involved entities in the cases of provision of assistance to the victims of human trafficking, with a special focus on particularities of procedure in the case of victims of human trafficking – foreigners, as well as in the case of minor victims of human trafficking” was elaborated for the purpose of protection of the child victims of trafficking, in September 2011.

Reply to the issues raised in paragraph 6 of the list of issues

25. The legal basis of ombudsman institution in the Slovak Republic is laid down in the Constitution of the Slovak Republic and in the Act No. 564/2001 Coll. on the Public Defender of Rights as amended. According to the Constitution of the Slovak Republic, the Public Defender of Rights is an independent body of the Slovak Republic who, within the scope of the law and as laid down by law, protects fundamental rights and freedoms of natural and legal persons in proceedings before public administration bodies and other bodies of public authority, if their conduct, decision-making, or inaction, is in conflict with the legal order. In cases laid down by law, the Public Defender of Rights may participate in holding the persons working in the public administration bodies responsible, if those persons violated a fundamental human right or freedom of natural or legal persons. All bodies of public authority shall provide the Public Defender of Rights with necessary assistance.

26. Anybody (i.e. also a child) who believes that his/her fundamental rights and freedoms were infringed contrary to the legal order or principles of the democratic State and the rule of law, in relation to the activity, decision-making or inactivity of a public administration body, can turn to the Public Defender of Rights.

27. Natural persons may use their native language in contacts with the Public Defender of Rights. The costs of interpretation shall be borne by the State.

28. The Office of the Public Defender of Rights of the Slovak Republic would like to inform the Committee on the Rights of the Child that there wasn't any case, in the years 2009, 2010 and 2011, initiated on behalf of any child who may have been victim of one of the offences criminalized in the Optional Protocol. To be concrete, the Office of the Public

Defender of Rights has not encountered any of such cases since the establishment of the institution in the year 2002.

Reply to the issues raised in paragraph 7 of the list of issues

29. The criminal framework of protection of the rights of children and potential child victims includes in particular criminalization and sanctioning of trafficking in human beings (art. 179 of Criminal Code), especially trafficking with children for the purpose of adoption, of child labour, or for any other purpose (arts. 180 and 181 of CC), further, criminalization and sanctioning of hiring, soliciting, seducing, exploiting, eliciting or offering a child to engage in prostitution, or profiting from the proceeds of child's prostitution, or enabling prostitution to be practised (i.e. Procuring and Soliciting Prostitution according to article 367 of CC), as well as criminalization and sanctioning of production, dissemination and possession of child pornography (arts. 368 – 370 CC).

30. In comparison to previous Criminal Code, the Criminal Code in force – Act No. 300/2005 Coll. as amended (effective since 1 January 2006) has extended the definition of the close person and introduced protective measures and prohibition to approach a victim, as well as prohibition to stay in the vicinity of his/her dwelling.

31. The Code of Criminal Procedure – Act No. 301/2005 Coll. as amended doesn't require consent of a victim for institution of criminal prosecution of the perpetrator.

32. Act No. 448/2008 Coll. on Social Services as amended by the Act No. 50/2012 Coll. has created legal conditions for introduction into service and funding of asylum houses for the victims and witnesses, including children and juveniles at risk of death or bodily harm.

33. The Act No. 491/2008 Coll. that amends and supplements Act of the National Council of the SR No. 171/1993 Coll. on Police Force as amended enables to banish a violent person from his/her home by a policeman.

34. The Slovak Republic signed on 9th September 2009 *Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse* that was adopted in Lanzarote on 25 October 2007 ("Convention from Lanzarote"). At the present, the Ministry of Justice of the SR is elaborating a general legal analyse of the convention, on the basis of legal analyses of the Convention from Lanzarote submitted by the other relevant ministries, and will submit for the discussion of the Government's proposal of the legislative changes of the Criminal Code in force for the purpose of implementation of relevant provisions of the Convention.

Reply to the issues raised in paragraph 8 of the list of issues

35. In the terms of Section 139 paragraph 1 of the Criminal Code the term "Protected person" shall mean (a) a child, (b) a pregnant woman, (c) a close person, (d) a dependent person, (e) an elderly person, (f) a sick person, (g) a person enjoying special protection under the international legal instruments, (h) a public figure or a person who fulfils his obligations prescribed by law, or (i) a witness, an expert, an interpreter or a translator. According to Section 127 of the Criminal Code in force the child shall mean a person younger than eighteen years of age, unless it has already reached the lawful age before (by conclusion of marriage in the 16th years of age, at the earliest).

36. However, the above-mentioned persons can be considered as "protected" in the terms of Criminal Code only in the case the criminal offence was committed in relation to the position, state or age of a protected person.

37. As regards the procedural status and examination of victims - injured persons, we would like to supplement the information provided in the initial report of the Slovak Republic by the following information:

38. With respect to the restricted legal capacity of minor victims of the criminal offences, as well as to necessity of their special protection and special approach to them, the law enforcement authorities are obligated to ensure a presence of his/her legal representative, guardian, pedagogue or SLPCHandSG authority.

39. Assistance and support of an injured person during the examination consists in a possibility embodied in Section 53 of the Code of Criminal Procedure, according to which the injured person has a possibility to be represented by plenipotentiary. The entrusted representative of the organization for assistance of injured persons may be also the plenipotentiary of the injured person. The plenipotentiary of the injured person is entitled to make proposals to perform evidence, submit applications and bring applications for legal remedies on behalf of the injured person; he/she is also entitled to be present at all acts the injured person may be present at. The plenipotentiary of the injured person has a right to make concrete proposals for the purpose of conciliation or concluding an agreement with accused person on compensation for damage.

40. According to Section 134, paragraph 1, of the Code of Criminal Procedure “a witness who cannot appear for examination because of his age, illness, bodily, sensory or mental handicap or because of other serious reasons, may be examined by using technical devices for the transmission of sound or images“. In the terms of paragraph 3 “the provision of paragraph 1 shall apply, as appropriate, also to the examination of endangered witnesses or protected witnesses who are granted assistance under separate legislation. The same procedure shall apply to the witnesses who are to be examined in a different case.”

Reply to the issues raised in paragraph 9 of the list of issues

41. For the purpose of specific protection of children who are the most vulnerable group of population, the Ministry of Interior realized in the year 2012 campaign focused on human trafficking entitled “Do you know what is your child doing?” One of the aims of the communication campaign was to call attention to human trafficking among young people.

Prevention in Roma communities

42. In 2008 a project “Roma mission” was supported from the grant system of the Ministry of Culture of the Slovak Republic, the aim of which is contributing to the development of a value system of children and youth living in marginalized Roma communities to change living conditions towards dignified human life. One of the aims of the project is also to protect young people against all forms of violence.

43. In 2009, the Office of the Representative of the Government of the Slovak Republic for Roma Communities approved, as a part of its grant scheme, two project proposals focusing on the prevention of human trafficking in Roma communities. In the first case, the Association of community centres carried out, through eight selected community centres in the region of Central and Eastern Slovakia, preventive activities with the aim of warning potential victims of human trafficking. Another supported subject was the Civil Association Nová cesta (New Way), which also focused on preventive activities in the Roma communities in the territory of Eastern Slovakia.

44. For the purpose of awareness-raising and protection of Roma children against human trafficking, the Society of community centres realized in the year 2011 a half-year project that consisted of series of trainings intended for parents of the Roma children and for children.

45. The following non-governmental organizations had focused in their activity on prevention of human trafficking:

- Cultural association of Roma in Slovakia fulfilled the tasks of prevention within the project “*Prevention of Human Trafficking in Roma Communities*”. The following basic aim was defined in the mentioned project: to improve the directness and effectiveness of preventive measures and measures aimed at awareness raising and increasing of social interventions in the issue of human trafficking in socially excluded Roma communities on the local level in the Banská Bystrica region.
- The aim of projects submitted by the organization of the Slovak Crisis Centre DOTYK in 2008 was mainly a search activity focusing on the identifying of victims of human trafficking, the reintegration process realized also by education in cooperation with the Education Academy in Bratislava and providing of direct assistance in the form of ensuring all basic needs of victims.
- The civil association PRIMA focused on distribution of information materials and contact with clients within the framework of social program.

Measures of socio-legal protection of children

46. With the aim to ensure provision of effective protection and assistance to minors who are victims of unlawful acts, the Centre of Labour, Social Affairs, and Family elaborated in the year 2010 an internal norm No. IN-071/2010 “Performance of measures of socio-legal protection and social guardianship for minor victims of violence committed in families”, which guides the procedure of employees of Labour, Social Affairs, and Family Offices in performing measures of socio-legal protection and social guardianship for minor victims of violence committed in families.

47. In the year 2011 the Centre of Labour, Social Affairs, and Family elaborated *Conception of ensuring of execution of judicial decisions in the foster homes for the years 2012 – 2015* with the perspective by the year 2020, *Plan of transformation and deinstitutionalization of the substitute family care*.

48. In October 2011 chosen employees of the Labour, Social Affairs, and Family Offices and foster homes participated in the training seminar focused on special needs of unaccompanied minors and recognizing the cases of trafficking in children and prevention thereof, the convener of which was UNHCR.

49. In cooperation with the Ministry of Interior of the Slovak Republic and IOM Bratislava the employees of Labour, Social Affairs, and Family Offices, who come into contact with the victims of trafficking, special team and employees of the foster homes were specially trained for identifying of victims of human trafficking, work and provision victims of trafficking with care.

Identification of victims

50. The process for identifying victims of human trafficking in the Slovak Republic as well as in their potential assignation into the *Program of Support and Protection of Human Trafficking Victims* is defined in the National Reference Framework the main objective of which is to ensure the respect for the human rights of victims of human trafficking and provide for them the effective accessibility of service. Secondarily, the national reference mechanism can help to develop the national policies and procedures regarding victims of human trafficking, such as legislation in the area of legalisation of their stay and resettlement, compensation and provision of protection.

51. Any entity within the environment of governmental authorities and non-governmental organizations, as well as those from abroad, victims of human trafficking themselves or their family members can identify a potential victim of human trafficking through *National Helpline for Victims of Human Trafficking* (phone number 0800 800 818).

Detected potential victims of human trafficking in the territory of the Slovak Republic or abroad are referred to the care of non-governmental organizations or of the International Organization for Migration (IOM) in Slovakia that initiate the procedure for identifying potential victims of human trafficking based on the above-mentioned impulses through the identification questionnaire, personal record of the client based on the definition of human trafficking from the so-called Palermo protocol. In the case of identified minor victim of human trafficking by non - governmental organization or IOM, it is necessary to inform the National coordinator about the case and consequently to contact the relevant Labour, Social Affairs, and Family Office according to habitual residence of child, either it is unaccompanied minor or his/her legal representative is suspicious of committing a criminal offence - trafficking in human beings.

52. The mechanism of identification of child's victims is determined also within the scope of Methodical instrument focused on procedure of all involved entities in the cases of provision of assistance to the victims of human trafficking, with a special focus on particularities of procedure in the case of victims of human trafficking – foreigners, as well as in the case of minor victims of human trafficking: „If a foreigner is identified as an unaccompanied minor, the Bureau of Border and Aliens Police of the Presidium of the Police Force announces to the SLPCHandSG, without undue delay, the finding of minor national of a third country in the territory of the Slovak Republic. An unaccompanied minor shall always be protected before the administrative expulsion as well as detention in the police detention facility for aliens. The Labour, Social Affairs, and Family Office shall be appointed as a guardian to represent an unaccompanied minor. All relevant Labour, Social Affairs, and Family Offices in the territory of the Slovak Republic ensure 24-hours emergency for needs of immediate solving the situation when a child is in threat of health or life.

Reply to the issues raised in paragraph 10 of the list of issues

53. The scope and quality of services provided to domestic and foreign victims of human trafficking are set by the *Decree of Ministry of Interior of the Slovak Republic No. 47/2008 on Ensuring the Program of Support and Protection of Human Trafficking Victims* as amended by Decree of the Minister of Interior of the Slovak Republic No. 170/2010 governing the functioning of the Program of Support and Protection of Human Trafficking Victims. Both categories of victims pursuant to the principle of equality and non-discrimination are provided with services according to their individual needs on the same level, however, care for foreign victim includes more measures in relation to language barrier, legalization of the stay of an alien and voluntary return to country of origin.

54. Complex care is provided to victims of human trafficking - nationals of the Slovak Republic as well as to aliens during the period of crisis care or a recovery period lasting 90 days. Following this period, complex care is provided during the full duration of a criminal procedure in the case the victim decides to cooperate with law enforcement authorities. After the end of the criminal procedure, care is provided, if needed, during the period of reintegration in duration of 90 days. In case the victim decides not to cooperate with the law enforcement authorities, the complex care is provided to a victim who is a national of the Slovak Republic during the period of reintegration lasting 90 days and to a victim of human trafficking - foreign national during the period of preparing of return to the country of origin.

55. Complex care of victim of human trafficking provided as part of the Program of Support and Protection of Human Trafficking Victims for a victim - national of the Slovak Republic includes: Separation from the criminal environment; Assistance in voluntary return to the Slovak Republic; Possibility of anonymous accommodation, if the victim requests it; 90-day period of crisis care and in the case the victim decides to cooperate with

the law enforcement authorities also a complex care during the whole period of criminal procedure; Financial support, social support, psychological and social counselling, psychotherapeutic services, legal counselling, healthcare; Requalification courses; 90-day period of reintegration; Possibility of being included in the Witness Protection Program according to Act No. 256/1998 Coll. on Witness Protection as amended; and Possibility of financial compensation according to Act No. 215/2006 Coll. on the Compensation of Victims of Violent Crimes as amended by the Act No. 79/2008 Coll.

56. The Program for a victim - foreigner includes in addition to above-mentioned services also legalisation of the stay in the Slovak Republic, interpreting, complex care provided during the period of preparing the victim for return to the country of origin, if the victim is interested in a voluntary return.

57. In order to ensure the effective protection of child witnesses from potential retaliation or intimidation by the perpetrators in criminal procedure, the provisions of Act No. 256/1998 Coll. on Witness Protection as amended relating to a proposal for assignation into the protection program and proposal for performing the emergency measures as well as withdrawal from protection agreements and termination of protection program were amended in 2009. The current legislation provides for effective protection from potential retaliation or intimidation for child witnesses in criminal procedure that indicate the commission of criminal offences.

58. Act No. 448/2008 Coll. on Social Services as amended by the Act 50/2012 Coll. regulates the provision of social services aimed at the prevention, treatment or mitigation of unfavourable social situation of natural person, family or community; maintenance, restoration and development of the ability of natural person to lead an individual life and at promotion of his or her inclusion in society; ensuring the necessary conditions to satisfy the basic needs of life of natural person; solving crisis social situation of a natural person and family; and at prevention of social exclusion of a natural person and family. This Act created the legal conditions for commissioning and funding of asylum houses for victims and witnesses, including children and young people at risk of death or bodily harm.

59. In connection with the provision of assistance to children as victims of human trafficking it shall be noted that in the Slovak Republic these kids are for their vulnerability and need of special treatment placed in specially equipped facility adapted to their needs.

Health care

60. Physical and psychological recovery of victims of trafficking in children, child prostitution and child pornography is within the Ministry of Health ensured by providing of outpatient and inpatient health care especially in the specialized field of paediatrics, psychology, psychiatry, surgery and all related paediatric specialized fields on the basis of the extent of injury of the child who requires health care.

61. Addition of measures, the purpose of which is to provide assistance to victims of trafficking in children, child prostitution and child pornography, includes:

- Issuance of professional guidelines on practice of health care providers in reporting cases of suspicion of child sexual abuse to law enforcement authorities (Official Gazzete of the Ministry of Health of the Slovak Republic, the part 4-6, the year of 58 of 26th March 2010). Notification procedure was developed in cooperation with the Ministry of Interior and the General Prosecutor of the SR,
- Participation of the Public Health Authority of the Slovak Republic in the implementation of the resolution of the Government o No. 192 of 26 March 2008 by which the National program of care for children and youth in the Slovak Republic was approved and which inter alia, pays attention also to violence against children and the

mental and physical effects thereof on the child; in preparation of teaching aid and educational prevention program against violence “Heart on the palm”, the methodical handbook “Interventions of workers of helping professions in solving problems and behaviour disorders of children with emphasis on the development of their socio-emotional and moral maturity”; in organization a workshop for teachers dedicated to preventing truancy and in preparation educational booklet “How to prevent violence against children and adolescents”,

- Collaboration of the Ministry of Health with the Institute for Child Psychology and Pathopsychology in creation of the “Methodical handbook for work with children as victims of violence with an emphasis on prevention of their commercial sexual abuse” for school psychologists, pedagogic and professional employees of kindergartens, primary schools and secondary schools for the prevention of violence, torture and abuse of children in order to bring the expertise and knowledge regarding CAN syndrome, its causes, consequences and possible protection of children from violence in the families, with emphasis to prevent sexual abuse of children and juveniles.

62. Currently, the Ministry of Health within performance of task B.15. of the resolution of the Government No. 148 of 27 April 2012 “to transpose Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, replacing Council Framework Decision 2004/68/JHA”, submits to the legislative process “Professional guidance of the Ministry of Health of the Slovak Republic on the symptoms and diagnosis of neglect, torture or abuse of the minor and on the procedure of health-care providers in reporting suspicion on neglect, torture or abuse of a minor”.

Compensation of victims

63. The law enforcement authority is obliged in the first contact with the injured person to advise him/her of his/her rights and gives him/her a full opportunity to exercise them. Pursuant to Section 49 paragraph 1 of the Code of Criminal Procedure it shall provide him/her with such information in writing, including information on organizations for assistance to the injured persons and services provided by them.

64. The injured person may ask the court to impose to the accused person in a judgment of conviction an obligation to pay compensation to injured person for the damage caused by the criminal offence, under conditions set forth in Section 46, paragraphs 3 and 4 of the Code of Criminal Procedure. The court decides on the victim’s claim for damages caused by the criminal offence in so-called adhesion procedure that is part of the criminal procedure and is taking place continually with this procedure.

65. Legislation of compensation and reimbursement of medical costs associated with violent criminal activity is contained in the Act No. 437/2004 Coll. on Compensation for Pain and Compensation for Degradation of Professional Life.

66. The Slovak Republic signed (on 14 December 2006) and ratified (on 20 February 2009) The European Convention on the Compensation of Victims of Violent Crimes (ETS. no. 116) of 24 November 1983. Provision of financial compensation to victims of violent crimes is regulated by Act No. 215/2006 Coll. on Compensation of Victims of Violent Crimes, as amended by the Act 79/2008 Coll., and it is in compliance with international standards, in particular the Council of Europe and European Union standards in this field. (We provide the statistics on the number of child indemnitees of crimes related to the sale of children, child prostitution and child pornography in the annex to this report in response to the issues raised in paragraph 1 of the list of issues.

Reply to the issues raised in paragraph 11 of the list of issues

67. The Slovak Republic is able to establish an extraterritorial jurisdiction in prosecuting offences under the Optional Protocol in a limited extent (see the information provided on article 4 of Part III, “Criminal/Process procedures”, of the initial report of the Slovak Republic). The Slovak Republic has not yet established a passive personal jurisdiction in relation to child victims, as it enables the Optional Protocol in article 4 paragraph 2(b), i.e. if the victim is a national of the Slovak Republic. While such an amendment of criminal laws of the Slovak Republic is not included in the Plan of Legislative Tasks of the Government of the Slovak Republic, or the Ministry of Justice of the Slovak Republic for the second half of 2012, the Ministry of Justice is considering the adoption of relevant legislative measures for the purpose of implementation of article 4, paragraph 2 (b), in the year 2013.
