

<b>Category</b>	<b>Domestic violence</b>
<b>Country</b>	<b>Slovakia</b>
<b>Background</b>	<p><b>Relevant legislation:</b></p> <p>Domestic violence holds many forms. Violence occurs in a certain socio-cultural context, in which men and women do not hold the same position. The society generally assigns greater authority and a higher status to men. Circumstances under which violence occurs and the motivation of violence therefore usually varies between men and women. Women usually resort to violence in self-defense or as retaliation and they usually use it to solve irresolvable conflicts. Men most often use violence to control their immediate environment, to terrorize or repress members of a family, mainly their spouses. Domestic violence holds many forms – physical, sexual, psychological and often even economic. Physical violence is often accompanied by a heavy psychological and verbal aggression. The offender’s unlawful conduct can be in the form of an offence against the public order or citizens’ coexistence, but can also break out into more serious criminal acts, for example violence against a group of citizens and against an individual, assault, rape, sexual violence or sexual abuse, or eventually into maltreatment of a close and an entrusted person. In Slovakia there is no specific law to combat domestic violence. The Penal Code does not differentiate between violence committed in public and domestic violence. Domestic violence is not a specific crime, but the <b>Penal Code (Act No. 300/2005 Coll.)</b> covers various offences which fall under the sphere of domestic violence. Violence is prohibited between spouses, cohabiting couples, former partners, lodgers, children and relatives.</p> <p><b>§ 199 Rape</b>  <i>(The object of this criminal act is the woman’s right to a free decision regarding her sexual life. The subject of attack from the committal of such a crime is a person of female gender regardless of her manner of life, her reputation, or whether it concerns a woman who is sexually unattached. It may even concern a woman with whom the perpetrator had sexual intercourse in the past, or with whom he lives in marriage or as a cohabitee):</i></p> <p>(1) Anyone who pressures, by force or through immediate threat of violence, a woman to have sexual intercourse, or who abuses the powerlessness of such woman in order to commit such act, shall be sentenced to a term of imprisonment of five to ten years.</p> <p>(2) A perpetrator shall be sentenced to a term of imprisonment of seven to fifteen years, if he commits the act referred to in paragraph 1</p>

- a) in a particular brutal manner,
- b) on a protected person,
- c) for reason of a special motive, or
- d) on a women in the execution of arrest or in the execution of imprisonment.

(3) A perpetrator shall be sentenced to a term of imprisonment of fifteen to twenty years, if he commits the act referred to in paragraph 1 and causes grievous bodily harm.

(4) A perpetrator shall be sentenced to a term of imprisonment of twenty to twenty five years, if he commits the act referred to in paragraph 1

- a) and inflicts death, or
- b) under crisis situation.

#### **§ 200 Sexual violence**

*(The object of this criminal act is anyone's right, whether a man or woman, to make a free decision regarding his/her sexual life. The subject of attack of the committal of such a crime is a person of any sex. It concerns sexual practices different to sexual intercourse):*

(1) Anyone who pressures, by force or through immediate threat of violence, another person to carry out oral intercourse, anal intercourse or other sexual practices, or anyone who abuses the powerlessness of such other person in order to commit such act, shall be sentenced to a term of imprisonment of five to ten years.

(2) A perpetrator shall be sentenced to a term of imprisonment of seven to fifteen years, if he commits the act referred to in paragraph 1

- a) in a particular brutal manner,
- b) on a protected person,
- c) for reason of a special motive, or
- d) on a person in the execution of arrest or in the execution of imprisonment.

(3) A perpetrator shall be sentenced to a term of imprisonment of fifteen to twenty years, if he commits the act referred to in paragraph 1 and causes grievous bodily harm.

(4) A perpetrator shall be sentenced to a term of imprisonment of twenty to twenty five years, if he commits the act referred to in paragraph 1

- a) and inflicts death, or
- b) under crisis situation.

#### **§ 201 Sexual abuse**

(1) Any person who performs sexual intercourse with a person under fifteen years of age, or who by other means sexually abuses such a person, shall be sentenced to three to ten years of imprisonment.

(2) A perpetrator shall be sentenced to seven to twelve years of imprisonment, if he commits the act referred to in paragraph 1

- a) in a serious manner,
- b) on a protected person, or
- c) for reason of a special motive.

(3) A perpetrator shall be sentenced to imprisonment of twelve to fifteen years, if he commits the act referred to in paragraph 1 and causes grievous bodily harm.

(4) A perpetrator shall be sentenced to imprisonment of fifteen to twenty years, if he commits the act referred to in paragraph 1

- a) and causes death, or
- b) under a crisis situation.

**§ 201a**

Who through electronic communication service makes a suggestion to personal meeting to a child younger than fifteen years of age, with intention to commit on it a crime of sexual abuse or a crime of production of child pornography, and in the same time he is not a child, shall be sentenced to imprisonment of six months to three years.

**§ 201b**

Who abuses a child under the age of fifteen with intention of inducing sexual satisfaction by child's participation in sexual activities or sexual abuse, even without such child's participation on sexual activities or sexual abuse, or who allows such an abuse, shall be sentenced up to two years of imprisonment.

**§ 202**

(1) Anyone who engages a child in extramarital sexual intercourse or who sexually abuses such child by other means,

- a) if such child is under his supervision or under his custody or if it concerns a dependent person,
- b) if it concerns child pornography, or
- c) abuses a recognized position arising from trust, authority or influence on the child, shall be sentenced to one to five years of imprisonment.

(2) A perpetrator shall be sentenced to two to eight years of imprisonment, if he commits the act referred to in paragraph 1 by using pressure.

**§ 208 Maltreatment of a close person and person in care**

*(The object of this criminal act is the protection of close persons and the protection of persons, who, in consideration of their young age or adult persons because of sickness, old-age, invalidity or mental retardation, are in the care or upbringing of other persons. In both categories of persons, it particularly concerns protection against “domestic violence”).*

(1) Anyone maltreating a close person or a person in his care or custody, causing to such person physical or mental suffering, in particular through

a) beating, kicking, striking, causing injuries and burns of various types, humiliation, disdainful treatment, continual following, threats, inflicting fear or stress, forcible isolation, emotional blackmail or other action threatening physical or mental health or confining the safety of such person,

b) unreasonable withholding of food, rest or sleep or withholding of necessary personal care, clothing, hygiene, medical care, housing, upbringing or education,

c) forcing to beg or to repeatedly carry out activities putting excessive physical or mental load on such person, with respect to such person’s age or health or activities capable of harming such person’s health,

d) exposure to substances capable of harming the health of such person, or

e) unreasonable restriction of access to property rightfully disposed of by such person,

f) shall be sentenced to a term of imprisonment of three to eight years.

(2) An offender shall be sentenced to a term of imprisonment of seven to fifteen years, if he commits a criminal act mentioned in paragraph 1

a) causing grievous bodily harm or death,

b) based on a special motive,

c) even though during the previous twenty four months he was sentenced for such act or released from imprisonment imposed for such act, or

d) in a particularly brutal manner.

(3) An offender shall be sentenced to a term of imprisonment of fifteen to twenty five years or for life, if he commits an act mentioned in paragraph 1, causing grievous bodily harm to several persons or the death of several persons.

**The Criminal Act no. 300/2005 Coll.**, as amended, by the provisions of § 127 para. 4 and 5, defines a “**close person**” in general and, in paragraph 5, interprets the circle of close persons to enumerative listed criminal acts.

4) A close person, for the purposes of this act, means a relative as A direct descendant, an adoptive parent, an adopted child, sibling and a spouse; other persons in a family or other relations are only considered to be mutually close, if the harm incurred by one of the persons were considered his own by another one of the persons.

5) A close person, for the purposes of the criminal acts of **extortion** according to § 189, **rape** according to § 199 para. 2, **sexual violence** according to § 200 para. 2, **sexual abuse** according to § 201 para. 2, **maltreatment of a close person and an entrusted person** according to § 208 or **dangerous threatening** according to § 360 para. 2, means also a former husband, spouse, former spouse, parent of a common child and a person who is, in relation to them, a close person according to paragraph 4, as well as a person who lives or lived with the offender in a common household.

On 1 April 2008 the **amendment of Antidiscrimination Act** (Act No. 365/2004 of Collection as amended) came into force. Section 2a.(5) of this law defines sexual harassment as a verbal, nonverbal or physical conduct of sexual character and the intention or consequence of which results or may result in the reduced dignity of such person and in the formation of a deterrent, degrading, derogative, unfriendly or offensive environment.

The amendment to the **Act No. 171/1993 Coll. on the Police Department**, (came into force on 15. 12. 2008) represents significant progress in relation to the protection of victims of violence; it may substantially contribute to the more effective process of eliminating violence against women.

The amendment to the Act on the Police Department enables police men to banish an individual from common housing, in the event that an attack on life, health, freedom or particularly serious attack on human dignity of the person of risk could be expected based on the detected facts, especially regarding previous such attacks. Therefore we can say that the amendment of police forces act refers to cases of physical, sexual and mental violence. The ban on entry for the banished individual to common housing within 48 hours from the banishment is part of the banishment from common housing. The policeman is authorized to banish such person from common housing even during his/her absence (**§27a**). The effects of this amendment to are being assessed and their contribution indicates the improvement of the quality of solutions to the issues of domestic violence.

Due to practical results with implementation of the police competences mentioned above Slovak Parliament adopted Law Amendment Act No 495 of 2009 (came into force on 1 January 2010) which amended Code of Civil Procedure. According to this amendment weekends and public holidays are not included into a 48 hours term. Passing of a period stipulated by law continues

very next working day.

The **Act on Social Assistance** contained preventive measures against domestic violence. Social prevention and solving material or social hardships were defined as part of social assistance. Counselling, legal protection and social services addressed material and social hardship.

In 2008 Act on Social Assistance was replaced by **Act No. 448/2008 Coll. on Social Services and on Alterations and Amendments to Act No. 455/1991 (Digest) on Trades (Trade Act) as amended** (came into force on 1.1. 2009). The new Act on Social Services enables the establishment of a network of special facilities for women facing violence including specialized services.

*\* As this is not an official translation this legislation is unofficial.*