

QUESTIONNAIRE ON PREVENTIVE MEASURES

The questionnaire which appears below is addressed to States Parties to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and some Non-Governmental Organisations. It should be emphasised that respondents are also invited to identify and comment upon matters concerning preventive measures, which are not addressed specifically in the questionnaire. Where information is available on web sites, please feel free to merely state the web site address.

The Permanent Bureau requests responses to the questionnaire to be sent to the Permanent Bureau, if possible in electronic form. Responses should be received no later than 1 April 2003.

THE SLOVAK REPUBLIC

QUESTIONS

A. LEGISLATION AND COURT ORDERS

1. Please give details of any civil legislative provisions which exist in your State which may act as a deterrent to a potential abductor, or may have a preventive effect.
There are no specific legislative provisions in Slovak law which might act as a deterrent or which may have a preventive effect. In connection with the re-codification of the Code of Civil Procedure (and the ratification of the European Contact Convention) such measures will most likely be introduced.
2. Please give details of any criminal legislative provisions which exist in your State which may act as a deterrent to a potential abductor, or may have a preventive effect.
The "abduction" of a child may qualify as criminal offence if the child was taken from the custodial parent. This would not qualify as an "abduction" if the issue of custody was not settled (as long as both parents have equal legal positions). In such a case the person (parent) could be prosecuted for the "violation of other person's rights", but solely if such action was based on lying to the "victim".
3. Please give details of any court orders which can be obtained during, for example, divorce or custody proceedings which prohibit, restrict or criminalise removal or retention of a child.
There are no such orders available in our system. Since such orders are not specifically foreseen by law, they would be unconstitutional if imposed by the courts. Again, the same applies as in answer to question 2.
4. Please give details of any court orders which can be obtained in emergency situations. Can these orders be obtained out-of-hours and *ex parte*?
The court may issue so called "temporary measures". In cases of care for minor children such measures can be taken ex officio. They are taken ex parte, but cannot be obtained out-of-hours.
Under the draft amendment in preparation the court will be obliged to issue such measure relating to a child within 48 hours (the shortest time limit), in other cases the court has 7 days to render a decision. At the moment the deadline for the court is 30 days.
5. Do you have any comments relating to relocation orders?
They are unknown in our legal system.

6. Do you have any other comments relating to legislative provisions, court orders or administrative measures including any comments on the effectiveness of these provisions, and how often they are used in practice?

The present legal system in family law and procedure relating thereto still heavily reflects the provisions of the previous political regime where the system worked, mostly on the basis of administrative measures. The decision making by administrative authorities in such cases has now become problematic and the decision making is shifting towards the courts. Yet, the court system and procedure are not well adapted to the changing expectations and new practical problems which did not exist a couple of years ago.

B. BORDER CONTROLS

1. Please give details of any rules or procedures relating to the issuance or withdrawal of passports which may help to prevent removal or retention.

It is in the authority of the Home Office of the Slovak republic to issue rules, procedures and to determine the system of a passport control. In case it is necessary to make such a measure, the Home Office has to have a preparatory solution.

2. Please give details of any rules or procedures relating to the issuance or withdrawal of visas which may help to prevent removal or retention.

Detailed informations can be provided by the Home Office of the Slovak republic.

3. Are you aware of any co-operative arrangements with other States with regard to children who maintain more than one nationality?

The Centre does not have any general information on specific states. If it is needful, the Centre will ask for information concerning the citizenship of the child.

4. Are there any foreign States which it is possible for nationals from your State to enter without a passport or without passing border controls? On what basis is this possible, i.e. legislation/bilateral agreement/custom etc.?

At the moment only in relation to the Czech Republic the Czech and Slovak citizens can pass the borders without a passport (but they have to have a valid ID). They have to pass the border controls anyway. The basis is a bilateral treaty.

5. Are there any foreign States whose nationals can enter your State without a passport or without passing border controls? On what basis is this possible, i.e. legislation/bilateral agreement/custom etc.?

See answer under 4.

6. Please give details of any port alert or similar emergency systems which can operate to prevent removal from your jurisdiction including the conditions required to put these procedures into effect.

Such procedure were only possible if the court issued an order, but for reasons described in part A., Slovak courts cannot issue orders limiting the freedom of movement.

7. Please give details of any specific duties on air carriers / ferries relating to the carriage of children.

These duties are proportionally divided between the police, airport authorities and social workers.

8. Do you have any other comments relating to border controls, including any comments on the effectiveness of these measures to prevent removal or retention and how often they are used in practice?

The Centre does not have any comments relating to border controls and the effectiveness of the measures to prevent removal or retention, it is in the authority of the Home Office of the Slovak republic.

C. INFORMATION FOR PARENTS

1. Please give details of any web pages, and provide copies of any brochures, or information packs or similar which contain information or advice on preventive measures and which are available to parents in your State. Who provides this information?
www.cjpc.sk, brochure on the activity of the Centre. Information and advice can be provided by the district offices and county councils in cooperation with the Centre, Ministry of Labour, Social Affairs and Family of the Slovak republic.
2. When was this information compiled? When was it last updated? How is the information made available?
The information was compiled at the end of year 2002, the last update was on March 1, 2003 and it is still continuously updated. The information are purveyed by the internet, brochure is available at the district offices and county councils.
3. Do you have any other comments relating to information for parents, including any comments on whether such information is effective in preventing abductions?
The information for parents should be provided more comprehensively, particularly from the local social offices in order to prevent many cases of the abductions.

D. TRAINING AND EDUCATION FOR PROFESSIONALS

1. Please give details of any training or education that is available in your State for professionals (including, Central Authority personnel, lawyers, mediators, police officers, port or airport authorities and social workers) as a means of assisting them to operate preventive measures.
Possibility to training and education available in our country: attendance on the seminars for judges, working session in presence of the officers of the Ministry of Labour, Social Affairs and Family of the Slovak republic, officers of the Centre, police officers and workers of the Migration Office. Attendance on the working meetings of the consular department of the Ministry of Foreign Affairs of the Slovak republic
2. Who provides this training and education?
This training and education of the workers of district offices and county councils is provided by the Ministry of Labour, Social Affairs and Family of the Slovak republic in cooperation with the Centre as a central authority in the Slovak republic. The training and education of judges was supplied by the Ministry of Justice of the Slovak republic. Since January 1, 2003 this education has been supplied through the Academy of judges training.
3. What form does this training take and how regularly does it occur?
*The training takes place as a working meeting and consultation of individual working groups, it is supplied by the individual central state administration bodies. The Centre does not have any information on the preparation of experts. The only information we have about the forms of education are these, where the deputy of the Centre attends or attended.
*There were organised two seminars by the Ministry of Justice of the Slovak republic for the judges and two seminars for the workers of the local state administration bodies by the Ministry of Labour, Social Affairs and Family of the Slovak republic in the year 2002.**
4. Do you have any other comments relating to training and education of professionals, including any comments on the effectiveness of this training and education as a means of preventing abduction?
Notes: concerning the activity of the central state administration body it would be appropriate to create a working group containing the European states / similar to working group of the Hague Convention on Protection of children and cooperation in respect of intercountry adoption / in order to change the knowledge and information concerning the international child abduction and seminars for the representatives of the central authorities

E. PUBLICITY

1. Please give details of any means used to publicise the Convention or the work of the Central Authority.
Publicing of information on the Convention and the activity of the Centre: by internet, information brochures, at the working meeting, by mass medium / television, radio, daily newspaper and journals /.
2. Please give details of any means used to publicise other preventive measures operating in your State.
Similarly to number 1
3. Do you have any other comments relating to publicity, including any comments on the effectiveness of publicity regarding preventive measures?
We do not have any.

F. CO-OPERATION

1. Please give details of any co-operative agreements existing between different agencies within your State, either formally or informally, with regard to preventive measures How did this co-operation develop?
The Centre as a central authority has not concluded any formal or informal cooperative agreements concerning the preventive measures. The cooperation between the state bodies is specified by the Act on Social Assistance, and by the other domestic acts.
2. Please give details of any co-operative agreements with other States, either formal or informal between different Central Authorities or agencies How did this co-operation develop?
The Centre has not concluded any formal or informal agreements with other Central Authorities abroad.
3. Please provide details (including contact details, web sites etc.) of all agencies in your State which have a role to play in preventing the removal or retention of children.
Information, preventing information too, can be found on our web-page / www.cipc.sk /, we do not have the knowledge about the other organisation pursuing such a prevention.
4. Do you have any other comments relating to co-operation, including any comments on the effectiveness of such agreements?
According to the effectiveness of such agreements we will welcome the agreement on cooperation with the contracting states in the future.

G. OTHER INFORMATION

1. Please provide any other information which may be relevant to the issue of preventive measures and their effectiveness.
The Centre as a Central Authority submites the suggestions to the Ministry of Labour, Social Affairs and Family of the Slovak Republic and to the Ministry of Foreign Affairs of Slovak Republic in order to include our experiences with the performance of the Convention to the domestic acts
2. Please provide details of any other bodies or authorities in your State who may have information useful to this research.

Home Office of the Slovak Republic, Presidium of the policy force, Border and Foreign Policy

3. Have you any general comments to make regarding preventive measures?
We do not have any.

The Permanent Bureau would like to thank you for taking the time to consider this questionnaire. If you have any further questions or comments please do not hesitate to contact us.