**Response of the Slovak Republic to a report by the Special Rapporteur on violence against women, its causes and consequences on the issue of femicide**

**GENERAL INFORMATION:**

In line with the Special Rapporteur´s definition of femicide,[[1]](#footnote-1) the Slovak Republic defines femicide as the killing of women because of their sex and/or gender.

In 2015, Coordinating-Methodical Centre for Prevention of Violence against Women was established (hereafter „CMC“). Among other tasks, the CMC annually gathers and evaluates administrative data on violence against women in its Monitoring of the Administrative Data on Violence against Women and Domestic Violence. In 2019, the CMC applied the EIGE methodology on data collection on violence against women based on the 13 indicators as proposed by EIGE to support Member States in meeting the minimum requirements of the Victims’ Rights Directive[[2]](#footnote-2) and the Istanbul Convention[[3]](#footnote-3). Ever since, the CMC collects administrative data on criminal offences related to violence against women and domestic violence from the police and justice sectors to measure the extent of investigation and prosecution of such cases.

**INFORMATION RELATED TO THE SPECIFIC REQUEST:**

**Question 1: Progress in the creation of a national watch and/or observatory**

Regarding the requirements of the Special Rapporteur to publish data on the number of femicides in Slovakia, the CMC collects, analyses and publishes the relevant data disaggregated by the sex of the perpetrators along with the information about the relationship between the perpetrator and the victim. When it comes to the requirement to have the data disaggregated by the age and the ethnicity of victims, Slovakia is unable to fulfil these requirements as this information is not recorded neither by the police nor the courts. Information concerning the prosecution and punishment of perpetrators has not been included in the CMC´s Monitoring of the Administrative Data on Violence Against Women and Domestic Violence yet. To overcome these shortcomings, the CMC is planning to publish a special report in 2021 on the cases of femicides and their perpetrators as sentenced by the courts over the period of three previous years. The CMC shall further include the information on the conviction and sentencing of perpetrators and their relationship to the victim in the forthcoming monitoring on an annual basis.

**Question 2: Measures including research and studies undertaken to analyse femicide or gender related killings of women and girls, or homicides of women by intimate partners etc.**

We are aware of researches undertaken to analyze femicides or studies of gender-related killings of women and girls. The Police Force continuously observe the state and development of individual types of criminality, including violent criminality, within which they also observe the state and development of criminal offences of homicides criminal activity associated with domestic violence, and subsequently, on the basis of criminality development takes necessary measures. The statistical data on criminal offences, their offenders and victims are registered by the Police Force via the information system titled *Registration Statistical System of Criminality* (hereinafter RSSC). Its main processed content is also statistical data on gender related homicides and it is possible, on the basis of the relation between the offender and victim to select even the cases of so called homicides of women by an intimate partner (the offender is a husband, mate, ex-husband/mate).

The Criminal Police Bureau of the Presidium of the Police Force from the position of a methodological department observes the cases of particularly severe crimes of premeditated murders pursuant to Section 144 of the Criminal Code and murders pursuant to Section 145 of the Criminal Code on the basis of fulfilling so called reporting obligation in alignment with the internal regulation, according to which, departments of the Police Force carrying out investigations and shortened investigations are obliged to send the data on cases of particular criminal offences to the Criminal Police Bureau of the Presidium of the Police Force. On the grounds of this data the Criminal Police Bureau of the Presidium of the Police Force reacts to arising issues with application and peculiarities when investigating these criminal offences individually at a particular case by methodological guidelines as well as when creating methodology of investigation. These data provide a foundation with assessment and creation of methodology of an investigation and shortened investigation of particular types of criminal offences.

**Question 3: Results of analysis of femicide cases, etc**

As far as the issue in question is concerned, we do not possess any relevant data, including analysis results of judicial decisions of the relevant cases.

**Question 4 and 5:**

**Concrete measures to improve support to victims and to prevent femicide**

**Good practises and challenges in implementing evidence-based response**

Availability of support services

In Slovakia, specialized support services for female survivors of violence are provided predominantly by NGOs as social services funded by regional governments. National Helpline for Women was set up in 2015 and operates round the clock, free of charge. The Department for Gender Equality and Equal Opportunities of the Ministry of Labour, Social Affairs and the Family of the Slovak Republic had ensured an additional funding for specialized support services to women survivors of violence within the Operational Programme Human Resources supported via the European Social Fund. Under the specific objective 4.1.2 “Prevention and elimination of all forms of discrimination”, calls for proposal have been in place since 2018 with the aim to increase the availability, quality and sustainability of specialized support services for women experiencing violence and their children. The total allocation for the calls was 10 million EUR.

*Risk assessment*

In 2016, the cooperation between the CMC and the Presidium of the Police Force resulted in the adoption of the methodology of a procedure of risk assessment in cases of domestic violence. The Police Force implemented the procedure with regard to first contact with victims of domestic violence cases into the police practice via an internal act. In accordance with the Victims’ Rights Directive, risk assessment producers shall be further developed and implemented also into the process of investigation and further prosecution of cases of violence against women and domestic violence.

*Efficiency of protection orders*

Monitoring of the protection orders in domestic violence cases is not being conducted in Slovakia as civil courts issuing the protective orders do not gather the required administrative information. In 2018, the Presidium of the Police Force started to regularly gather information on the issued expel orders (issued by the police and effective for the period of 10 days) and the protective measures issued in connection with the expel orders (in case the victim requests the court to issue a protective measure, the period of the expel order is extended until the court’s decision is delivered).

According to an analysis of the CMC, there were 892 expel orders issued in cases of intimate partner violence against women (IPV) and domestic violence (DV) in 2019 in Slovakia. Compared to the year 2018, this number has increased by 5%. 69.28% of the expel orders were issued in cases of IPV. The most frequently reported relationship between the victim and the perpetrator in the cases of DV was the parent-child relationship, but data on the victim's gender are not collected in case of violence against children. Among the perpetrators, men dominated (97%); only 34 expel orders against women were issued in 2019.

Only 3.7% of survivors filed for the issuance of protective measures to the respective civil court. In addition, this number fell by half compared to 2018 and, at the same time, the success rate of the applicants has significantly decreased. While in 2018 the courts issued the protective orders in 81% of the cases, in 2019 it was only in 50% of them.

No expel orders have been assessed as unjustified in administrative procedure nor were there complaints filed by the expelled persons. Only in 6% of the cases, the expelled person violated the expel order. In this regard, expel orders can therefore be considered as an effective tool to ensure the 10-day protection period for the survivors of violence. On the other hand, the IPV and DV cases remain significantly underreported as only 15% of survivors contact the police. Considering that the police recorded more than 1,600 cases of IPV and DV, it is questionable whether the expel order is used sufficiently.

*Measures to improve the support and prevent further harm, including femicides*

Ministry of Justice of the Slovak Republic introduced to the legislative process an amendment of the Act on Victims´ Rights[[4]](#footnote-4) aiming to strengthen support to victims of domestic violence, including women experiencing intimate partner violence, by establishing intervention centres for victims of domestic violence and introducing a mandatory referral system. Pursuant to this amendment, the police are to be obliged to forward the contact information of a victim of domestic violence after a violent perpetrator had been expelled from a shared household. Intervention centre shall contact the victim within 72 hours and offer help and support (e.g. crisis intervention, legal help, and psychological support). Having received basic information, it is up to the victim to decide whether to take further action or not. The goal of the amendment is to establish at least one intervention centre in every region (8 in total) and as such make the support for victims of domestic violence more available while ensuring that every victim has access to their rights and possibility to exercise them.

Violence in intimate partnership, sexual violence, rape and stalking are considered crime under the Criminal Code of the Slovak Republic. Sexual harassment is subject to civil justice procedures. Expel order and protection orders apply to crimes of violence in intimate partnership, sexual violence and rape.

The CMC gathers and evaluates the administrative data on violence against women annually in its Monitoring of the Administrative Data on Violence Against Women and Domestic Violence. In 2021, the CMC published a study on the decisions of courts in cases of IPV, rape and sexual violence. The National Action Plan for the prevention and elimination of violence against women aims to address the challenges related to the availability of support services as well as to improve a victims-oriented approach while prosecuting the VAW cases. On the other hand, following challenges regarding the development of the evidence-based response remain:

There is a lack of administrative statistical data available in civil justice, including data relating to protection orders in cases of violence against women and domestic violence.

There is only limited administrative data available for service provision. Regional governments as responsible institution may serve as a source of data; however, such data do not provide information beyond the number of service providers, their financing and capacity.

There is no regulatory framework underpinning administrative data collection that would address violence against women in particular. As a result, each of the respective institutions collects different type and scope of data.

Quality standards and assurance processes for national statistics are missing, which undermines the quality of statistics arising from administrative data.

The databases of law enforcement and criminal justice agencies are not interlinked. In fact, each institution uses different systems, different categorization of data and collects different type of data that makes data incomparable.

The quality of administrative data collection is questionable as only two of the examined cases exercise limited quality control. The other limitation lies in the fact that data are collected mainly for internal purposes of respective institutions that is reflected in the type of data collected and its accuracy.

Currently, the data and indicators on violence against women are used predominantly for research purposes. There are also limitations of statistical products which are interlinked with limitations of data collection as the quality assurance processes are generally low and no revisions are made on continual basis. Moreover, it is also problematic that the primary purpose of the databases is the registry of cases by the police and prosecution, rather than statistics. Institutions provide standardized statistical products and some of the data, although being recorded, are not being compiled into statistics. Moreover, it is impossible to disaggregate data to lower (or different) categories if needed for analytical purposes. As statistics are not subject to standardization or quality assurance processes, there are limits in accuracy and timeliness. Revisions are made only as part of the final release that contains the statistics for the whole year. Due to the abovementioned limitations, one interviewee of the study referred to them as to “indicated trends” rather than reliable source of information.

One strength of the collected data is their comparability over the time as statistics are produced by the same system and methods. Nevertheless, the effect of changes in legal definitions of crimes should be taken into account when comparing different time periods in the case of criminal justice statistics.

With a view to tragic cases of homicides of women by their intimate partner, or more precisely of homicides of women as a part of domestic violence, under the scope of authority of the Police Force various measures were taken in order to secure effective protection of jeopardized persons.

Legislatively speaking, a considerable measure, under the scope of authority of the Police Force, was an amendment of provision of Section 27a of Act No. 171/1993 Coll. on the Police Force as Amended effective since 1 January 2016 extending the timespan of authority of a policeman to restraint order from common place of residence from 48 hours to 10 days, having secured more efficient protection of the persons jeopardized by domestic violence by creating a sufficient timespan for the jeopardized person to seek a professional assistance without pressure by the bully.

In response to tragic cases, when the offender of domestic violence once their imprisonment terminated, returned to common place of residence and murdered the persons of that residence, the Presidium of the Police Force initiated further legislative changes of legislation under the auspices of the Ministry of Justice of the Slovak Republic with the objective to increase the efficiency of cooperation among the police, prosecution, courts and prison guard. These legislative changes effective since 1 January 2020 concerned:

* Implementation of law enforcement authorities obligation to put a label/note saying *Domestic Violence* on the investigation files, should the aggrieved be a victim of criminal offence of domestic violence, in order to ensure administrative importance of these files as it is in case of custody (amendment of Regulation of the Ministry of Justice of the Slovak Republic No. 618/2005 Coll. on File Creation by Law Enforcement Authorities and Courts as amended)
* When imposing a custodial sentence the implementation of obligation of the court to inform a relevant custodial correctional facility about the fact the particular case concerned domestic violence and about the aggrieved as well (amendment of Regulation of the Ministry of Justice of the Slovak Republic No. 543/2005 Coll. on Administrative and Office Order for District Courts, Regional Courts, Special Criminal Court and Military Courts as Amended). It is subsequently important for the Prison and Court Guard Service to provide this information of releasing the perpetrator from prison to the Police Force, and thus they are able, as appropriate, to take timely measure to protect the endangered persons after the perpetrator is released

The Police Force is focusing on timely identification of cases of domestic violence at the initial stages of violence, before the violence escalates with the objective to take timely measures to protect the jeopardized persons. The policemen of *first contact* (especially Civil Order Police service) use, when verifying reports of domestic violence, the method of qualified estimation of risk of jeopardy in form of Questionnaire for Risk of Endangering Estimation- the questions asked the jeopardized person. Law enforcement authorities within the scope of authority of the Police Force (investigator of the Police Force and the assigned member of the Police Force) when assessing the risk of jeopardy conduct individual assessments of victims according to Act No. 274/2017 Coll. on Victims of Criminal Offences and on Amendment and Supplementation of Certain Acts as amended by Act No. 231/2019 Coll. and subsequently take measures to protect victims against secondary and repetitive victimization in accordance with current legislation.

Regarding the prepared legislative changes of Act No. 274/2017 Coll. on Victims of Criminal Offences and on Amendment and Supplementation of Certain Acts as amended by Act No. 231/2019 Coll. under the auspices of the Ministry of Justice of the Slovak Republic, currently the subject of a legislative procedure in the National Council of the Slovak Republic, institutional establishment of so called intervention centers is being planned (following the pattern of Austrian and Czech legislation) intended to increase the efficiency of mechanism of assistance for victims of domestic violence, or more precisely, persons jeopardized by domestic violence by securing continuous comprehensive and professional assistance by the means of experts from an intervention center, additionally to a restraint order from a common place of residence issued by the police. It is also proposed to extend the timespan of restraint order from a common place of residence pursuant to Section 27a of Act No. 171/1993 on the Police Force as amended up to 14 days.

The Police Force pays particular attention to increasing the public awareness on the issue of violence against women and domestic violence, and provides the public with preventive counsel and recommendations how not to become a victim of violence as well as the information on the possibilities of how to resolve already existing crisis situations with the aim to support the willingness of jeopardized persons or witnesses to report violence to the police.

Since May 2020 the Police Force launched a gratuitous mobile app *Pomáham chrániť* (*I help to protect*) to call the Police in critical cases of domestic violence when a domestic violence victim or a jeopardized person cannot call the police via hotline 158. So far, this app is in the first phase available within the territory of the self-governing region of Trenčin (Trenčiansky samosprávny kraj), however, the Police Force intends to increase availability of the app within all the territory of the Slovak Republic and for more critical life situations in which the citizens will be able to use it.

The police are regularly educated on the issue of violence against women and domestic violence. Education of the police on this issue is conducted principally as a part of school educational programs of high schools of the Police Force and Academy of the Police Force. It is also a duty of superior officers in practice to regularly educate their subordinates about the pertinent internal regulations and about the methodology of how to proceed in cases of domestic violence. Apart from that the Criminal Police Bureau of the Presidium of the Police Force in cooperation with Academy of the Police Force implement a system of basic professional preparation and special professional preparation of the Police Force members acting as investigators of the Police Force and an assigned Police Force member to work with particularly vulnerable victims. Protection of particularly vulnerable victims will increase its efficiency in the future by using so called special interrogation rooms the Police Force is building and intends to use while conducting criminal proceeding actions with particularly vulnerable victims.

**Question 6: Intimate-partner homicides of women and men and domestic violence homicides in past 3 years**

|  |  |  |  |
| --- | --- | --- | --- |
| **Homicides/ Year** | **2018** | **2019** | **2020** |
| **Murder** | 44 | 62 | 60 |
|   | of whom women murdered by partner  | 4 | 6 | 10 |
|   | of whom men murdered by partner  | 3 | 4 | 0 |
|   | of whom victims murdered by other family member than partner | 11 | 8 | 13 |
| **Manslaughter** | 19 | 17 | 14 |
|   | of whom women murdered by partner  | 1 | 1 | 2 |
|   | of whom men murdered by partner  | 1 | 1 | 0 |
|   | of whom victims murdered by other family member than partner | 3 | 3 | 3 |
| **Femicide by IPV (total)** | **5** | **7** | **12** |
| **Femicide by IPV (proportion of all homicides)** | **7,9%** | **8,9%** | **16,2%** |

In cooperation with the administrator of the RSSC (Police Information Systems Administration Department) we send the requested statistical data. In order to process the requested statistical outputs, having regard to the non-existence of a parallel term for *femicide* in the Slovak Criminal Law we included into statistical outputs the data of various criminal offences (Sections 144, 145, 146, 147 and 148 of the Criminal Code). Such acts may be prosecuted depending on the nature and circumstances of a particular case as a criminal offence of a first degree murder (Section 144 of the Criminal Code) or a second degree murder (Section 145 of the Criminal Code) when the perpetrator has a clear intention to kill a person. The Criminal Code also includes the facts of a criminal offence of an infanticide by mother (Section 146 of the Criminal Code). The Criminal Code also regulates the facts of criminal offences of killing, when the perpetrator intends to cause grievous bodily harm to another person (Section 147 of the Criminal Code) or cause bodily harm to another person (Section 148 of the Criminal Code), while the perpetrator causes the death of this person by negligence. The Police Force does not possess separately processed statistical indicators in relation to the COVID-19 pandemic. The attached statistical output contains the overview of victims of the abovementioned criminal offences in the course of years 2018-2020 divided according to the gender and also on the grounds of a relationship between the perpetrator and the victim. Other statistical data regarding the requested issue are not to be found in the RSSC.

1. Special Rapporteur´s Report to the Genral Assembly A/71/398 [↑](#footnote-ref-1)
2. 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 [↑](#footnote-ref-2)
3. Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence [↑](#footnote-ref-3)
4. Act No. 274/2017 Coll. on crime victims and on amendments to certain acts [↑](#footnote-ref-4)