

**LAW LIBRARY OF CONGRESS****SLOVAK REPUBLIC****HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION****Introduction**

The Hague Convention on the Civil Aspects of International Child Abduction was signed by the Slovak Republic on December 28, 1992. It was approved by Parliament and ratified, and the instrument of ratification was deposited with the government of the Kingdom of the Netherlands on November 7, 2000, with the reservation according to article 42 of the Convention, that the Slovak Republic will not be bound to assume any costs referred to in article 26, paragraph 2, of the Convention, resulting from the participation of legal counsel or advisers or from Slovak court proceedings, except insofar as those costs may be covered by its legal system of legal aid and advice. The Convention entered in force for the Slovak Republic on February 1, 2001.<sup>1</sup>

**I. Domestic Laws and Regulations Implementing the Hague Convention**

In accordance with article 6, paragraph 1, the Slovak Republic has designated as the Central Authority, the Center for International Legal Protection of Children and Youth, Spitalska 6, Bratislava, Slovak Republic. The Center renders free legal aid to applicants in proceedings under the Convention before Slovak courts.

According to the Constitution of the Slovak Republic,<sup>2</sup> the Convention became part of the legal order of the Republic upon its approval by Parliament, its ratification, and its publication; the courts will apply it whenever called upon.

**II. Domestic Laws Regarding Child Abduction and Parental Visitation****A. Child Abduction**

For a decision relating to the wrongful removal and retention of a child, the competent court is the district court where the child resides by parental agreement, decision of the court, or any other reason.<sup>3</sup> This court is also competent in proceedings under the Hague Convention. The proceedings are governed by the provisions of the Code of Civil Procedure.

Child abduction may be prosecuted under article 216 (Abduction) of the Criminal Code,<sup>4</sup> which provides that whosoever takes away a child (a person under 18) from the care of the person who has custody of him will be punished by a fine or imprisonment of up to 3 years. A parent who, for example, takes a child abroad against the will of the other parent, pretending that it is only an excursion may be

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<sup>1</sup> Announcement of the Ministry of Foreign Affairs of Apr. 3, 2001, No. 119, Collection of Laws.

<sup>2</sup> Constitution of the Slovak Republic, No. 460, Sept. 1, 1992, Collection of Laws, No. 135, arts. 7 (4-5), 154c., Apr. 13, 2001,

<sup>3</sup> Code of Civil Procedure, No. 99, Dec., 1963, arts. 9, 88 (1)(a and c), 176-177.

<sup>4</sup> Criminal Code, No. 140, Law of Nov. 29, 1961.

prosecuted under article 209 (Abuse of rights of others) of the Criminal Code.<sup>5</sup> The punishment is a fine or imprisonment of up to 2 years.

### **B. Parental Visitation**

For a decision relating to parental visitation, the competent court is the district court of the place where the child resides by parental agreement, decision of court, or any other reason.<sup>6</sup> This court is also competent in proceedings under the Hague Convention. The proceedings are governed by provisions of the Code of Civil Procedure.

### **III. Court System and Structure – Courts Handling the Hague Convention**

General trial courts in civil matters are the District courts; one is located in each territorial district. Appeals against their decisions go to the Regional courts, which also have specified trial jurisdiction. Further appeal against decisions of the Regional courts, as a court of appeal, goes to the Supreme Court, as well as appeals against their decisions in their trial jurisdiction. A further appeal against decisions of the Supreme Court, as a court of appeal for the decisions of the Regional courts, goes to another Senate of the Supreme Court. Trial courts in child-return proceedings, visitation, and enforcement of related orders under domestic Slovak law, as well under the Hague Convention, are the District courts.<sup>7</sup>

In criminal matters, the structure is identical; however, because the Supreme Court, as a court of last instance, deals only with petitions alleging violation of law by lower courts and prosecutors, the Supreme Court in the exercise of its appellate jurisdiction is the final court of appeal.<sup>8</sup>

### **IV. Law Enforcement System**

The District courts enforce their decisions. They are immediately enforceable. With regard to decisions relating to child return, visitation, and related matters, the court may first request the obligated party to carry out the court decision voluntarily and call upon the pertinent municipal or district office of Legal Protection of Children for its assistance. If there is no result, the court may impose successive fines of 2000 crowns each (US\$1= 33 crowns) on the obligated party. Acting in cooperation with the above referred to offices, the court may order the immediate enforcement of its decision by the proper state organs (court bailiffs and the police). The court acts appropriately according to the circumstances of the case. The court applies the same rules in proceedings under the Hague Convention.<sup>9</sup>

### **V. Legal Assistance Programs**

General care and protection of children, both socially and legally, are regulated by chapter 2 of the Family Code and are entrusted to the Office of Legal Protection of Children within the regional, the district, and municipal administration created by social security legislation. The Office supervises the

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<sup>5</sup> *Id.*

<sup>6</sup> *Supra* note 3.

<sup>7</sup> *Id.* arts. 7-12.

<sup>8</sup> Code of Criminal Procedure, Law No. 141, Nov. 29, 1961, Collection of Laws, No. 120, arts. 16, 252, 266, Apr. 5, 2001.

<sup>9</sup> *Supra* note 3, arts. 272-273 b.

healthy development of children and their education and protects their legitimate interests, including property interests. Any person may contact the office in these matters and request assistance. The Office cooperates with the Center for International Legal Protection of Children and Youth.<sup>10</sup>

## **VI. Conclusion**

The Slovak Republic is in full compliance with the Hague Convention. The compliance is insured by the Central Authority of the Slovak Republic, the Center for International Legal Protection of Children and Youth, which holds the power of implementation and which exercises its legal powers on behalf of the Ministry of Justice in matters pertaining to the Convention.

Prepared by George E. Glos  
Special Law Group Leader  
January 2004

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<sup>10</sup> Family Code of Dec. 4, 1963, No. 94, Collection of Laws, Consolidated Text of June 15, 1983, No. 66, Collection of Laws, as amended, arts. 27, 41-50. Law of May 19, 1998, No. 195, Collection of Laws, on Social Assistance, as amended by Law of Oct. 30, 2003, No. 453, Collection of Laws, on Offices of State Administration in Social Matters and Family, arts. 66-84.