Slowakei

Article 17 - Information made available to the public

1. Types of obligation/prohibition under a protection measure (content of the protection measure):
(a) An urgent measure may be imposed under the Code of Civil Procedure (Section 324 et seq.). Under an urgent measure, a party may be ordered, for example:
(i) to refrain temporarily from entering a house or flat in which a person on whom the party is reasonably suspected of inflicting violence resides; not to enter, or to enter only on a restricted basis, a house or flat, workplace or other place where the person whose physical integrity or psychological integrity the party threatens with his or her conduct lives, is habitually present or regularly visits; not to contact, in full or in part, whether in writing, by telephone, by electronic communication or by other means a person whose physical integrity or psychological integrity may be threatened by such conduct; not to come, or to come only on a restricted basis, within a specified distance of a person whose physical integrity or psychological integrity may be threatened by the party's conduct.
(ii) Section 325(2)(e) to (h) of the Code of Civil Procedure sets out examples of the most frequent types of urgent measures. This means that the list of urgent measures in the law is not exhaustive and the court may impose other types of urgent measures. The court may therefore impose urgent measures similar to those provided for in Article 3(1) of Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters, and any others deemed necessary and appropriate.
(b) Under the Police Act the police may, for example, order a person to:
(i) refrain from entering or remaining in certain places, or require them to stay in a certain place (Section 27). This obligation may not exceed the time necessary (which means only the time strictly necessary).
(ii) leave a shared dwelling (Section 27a). The Police Act allows police officers to order a person to leave a flat or house or other premises jointly occupied with an at-risk person and from the immediate vicinity thereof (a shared dwelling), if there are facts indicating that that person is likely to engage in an attack on the life, health, or freedom, or in a particularly serious attack on the human dignity, of an at-risk person, in particular in view of previous such attacks. The order to leave the shared dwelling includes a prohibition on the person re-entering the shared dwelling for 10 days after being ordered to leave. A police officer can issue an order requiring a person to leave a shared dwelling even in their absence. While subject to an order to leave the shared dwelling, the person ordered out may not come within 10 metres of the at-risk person.
2. Nature of the authority issuing the measure:
(a) A preliminary ruling is issued by a judicial authority (a civil court).
(b) An order to leave a shared dwelling is issued by an administrative authority – N.B. not the administrative authority that provides guarantees in relation to impartiality and the right of all parties to be heard. Orders to leave a shared dwelling are not subject to appeal or review by a judicial authority.
3. Maximum possible duration of a measure:
(a) Urgent measures are not generally time-limited. However, under Sections 330(1) and 336(1), first sentence, of the Code of Civil Procedure a court may limit the decision in time. An urgent measure must be withdrawn if the protected person fails to take steps to obtain a decision on the merits of the case (does not bring an action) or if the application for a decision on the merits is refused or dismissed, or if the action has been refused or dismissed, or the main proceedings are discontinued (Section 336(3) and (4) of the Code of Civil Procedure). It must also be withdrawn once the court has upheld the action in the main proceedings (Section 337(3) of the Code of Civil Procedure).
(b) The time is limited: the time strictly necessary means 48 hours in the case of detention and 10 days in the case of an order to leave a shared dwelling. However, the police can extend the effect of an order to leave a shared dwelling by applying for an urgent measure (see below). The order to leave the shared dwelling is revoked once an urgent measure is issued or the action is rejected by a civil court.
4. National enforcement system for implementing protection measures:
(a) An urgent measure can be implemented (if necessary) as soon as it has been served on the person suspected. The intervention of a bailiff is necessary to enforce the decision. The bailiff has the right to impose a financial penalty on a person suspected of failing to comply with an interim measure (Enforcement Code, Section 192).
(b) The police may use force to overcome resistance by a violent person and to enforce the person's removal from a joint home (Police Act, Section 51) or to implement other police orders to ensure the safety of persons.
5. Penalties in the event of failure to comply with a measure:
(a) In the event of failure to comply with an urgent measure, a suspected person is liable to a term of imprisonment of one to five years (Criminal Code, Section 349). However, there must be proof of their intention to commit a criminal offence (breach of the obligation imposed by a protection measure). See the answer to question 4a.
(b) See the answer to question 4(b).

Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

The authorities competent to order protection measures in the Slovak Republic are all district courts. All district courts are equally competent to issue a certificate in accordance with Article 5 of the Regulation.

Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

Protection measures issued in another Member State must be submitted to the **Bratislava III District Court**. **The police and bailiffs** are competent to enforce such measures.

Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

Bratislava III District Court is competent to effect the adjustment of protection measures in accordance with Article 11(1) of the Regulation.

Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

Applications for refusal of recognition or for enforcement must be submitted to **Bratislava III District Court**.

Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)

The languages accepted are **Slovak and Czech**

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