**The answers to the questions of the Office of the United Nations High Commissioner for Human Rights from the perspective of the Ministry of Justice of the Slovak republic and the Ministry of Interior of the Slovak Republic:**

1. **Information concerning the domestic regulatory frameworks that may be applicable to the development, marketing, export, deployment and/or facilitation of surveillance technologies by private companies, such as:**
2. **Laws, administrative regulations, judicial decisions, or other policies and measures that impose regulations on the export, import or use of dual-use surveillance technology:**

The surveillance technologies in the conditions of the Slovak Republic are legally regulated by the legal **Act No. 166/2003 Coll. on the protection of privacy against unauthorized use of information and technical means, by the Penal Code No. 300/2005 Coll. and by the Code of criminal procedure No. 301/2005 Coll.** Judicial statistics showing cases specified in the questionnaire are not available.

The legal Act No. 166/2003 Coll. on the protection of privacy against unauthorized use of information and technical means defines the surveillance technologies and also the subjects which may use them by conditions set by this legal act.

Between the authorized subjects belong the Police Corps, the Slovak Information Service, the Military Intelligence, the Prison and Judicial Guards Corps and the Financial Administration.

Subjects of territorial self-government, private security services, or any other private person or legal entity may not **hold or use** any information and technical means.[[1]](#footnote-1)

When performing the tasks of the Police Force, the National Criminal Agency of the Presidium of the Police force has a special position as a specialized unit of the Police Force in scope of activities covering the whole territory of the SR, in accordance with the Section 14 of the Act No. 301/2005 Coll, (Code of Criminal Procedure), or based on the selection affiliation due to the internal regulation of Ministry of Interior of the Slovak Republic. In the scopes of this authority competencies, there are relevant powers in the area of detecting criminality, according to third part of the third title of the Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police Force, as amended, and in the investigation process, they use the institutes as stipulated in the fifth title of the first part of the Act No. 301/2005 Coll. (Code of Criminal Procedure). For the purpose of relevant investigation of the crimes including their offenders, they use the powers of police officers as well as the institutes above mentioned, with respect to basic rights of both physical persons and legal entities.

As far as the double use technologies are concerned, in the Slovak Republic, this area is governed by the Regulation of the Council (ES) No. 428/2009 of 5 May 2009, stipulating the regime of the Association for the control of exports, transport, arrangement and transit of the items with the double use, and by the Act No. 39/2011 Coll. on the items with double use and on the amendment to the Act of the National Council of the Slovak Republic No. 145/1995 on Administrative Fees as amended. The central authority of the state administration to control the export, transport and arrangement of the double use items is Ministry of Economy of the Slovak Republic. Against this background, Ministry of Interior of the Slovak Republic performs its tasks, and control tasks, in cooperation and on request of the central authority of the state administration.

According to the Section 2 para 1 letter g) of the Act No. 198/1994 Coll. on military intelligence as amended, the Military intelligence obtains, gathers and evaluates the information to secure the defense and defensive capacity of the Slovak Republic, focused on illegal trafficking with defense industry products, with weapons of mass destruction or with the double use items.

1. **Remedies available in the event of illicit export or use of private surveillance technology:**

If unauthorized subject is holding or using some of surveillance technologies, this subject will commit an offence governed by the Penal Code and Code of criminal procedure.

For example the Penal code in paragraph 194a regulates *Protection of Privacy in Dwellings* **–„**Whoever intentionally breaches another person's right to privacy in that person’s dwelling, the right to a private and family life of that person conducted in such dwelling, by obtaining information, for themselves or any other person, on the life of that person and life of persons staying in the dwelling with that person through unauthorized monitoring and makes records or any other documentation from the monitoring using it resources and other technical means shall be punished by a prison sentence of up to one year“.[[2]](#footnote-2)

1. **Whether the laws, regulations, or policies are consistent with State obligations under Article 19 of the International Covenant on Civil and Political Rights, Article 19 of the Universal Declaration of Human Rights, and other relevant human rights standards:**

In the condition of the Slovak Republic, the information and technical means may be used only on the basis of the prior written consent of the judge for the necessary time, but not longer than six months.

These surveillance technologies may be used only if it is necessary in a democratic society to protect the constitutional establishment, the internal order and the foreign policy interests of the state, security and defense of the state, obtaining information from foreign sources, preventing and clarifying criminal activity or protecting the rights and the freedoms of others and, if otherwise, would be ineffective or substantially constrained, information and technical means may also be used outside the territory of the Slovak Republic within the sphere of activities of the Slovak Information Service and Military Intelligence. Using the information and technical means, the fundamental right or freedom may be limited only to the extent necessary and not longer than what is necessary to achieve the legitimate goal it serves.[[3]](#footnote-3)

1. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/166/20160101> (paragraph 2 part 7) [↑](#footnote-ref-1)
2. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/300/20190101> (paragraph 194a) [↑](#footnote-ref-2)
3. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/166/20160101> (paragraph 3 part 1) [↑](#footnote-ref-3)