

Legal questionnaire completed by Čechová & Partners • September 2025

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Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?

Yes

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

According to Act No. 300/2005 Coll., Criminal Code, as amended (the “Criminal Code”), a “child” is understood to mean “a person under the age of 18” ([Section 127\(1\) of the Criminal Code](#)). Although this Act does not further explicitly define who may be considered a “minor”, for the purposes of mitigating the type of punishment and its severity, this Act explicitly regulates two other related definitions, namely “juvenile,” who is understood to mean “a person who, at the time of committing the crime, has reached the age of 14 but has not exceeded the age of 18” ([Section 94\(1\) of the Criminal Code](#)) and “a person close to the age of a juvenile”, which means “a person who has reached the age of 18 and has not exceeded the age of 21” ([Section 127\(2\) of the Criminal Code](#)).

In addition, the term “child” is defined by Act No. 274/2017 Coll. on Victims of Crimes, as amended (the “Crime Victims Act”), to mean “a person under the age of 18, and if the age of the person is unknown and there is reason to believe that he or she is a child, he or she shall be considered a child until proven otherwise” ([Section 2\(1\)\(c\)\(1\) of the Crime Victims Act](#)).

Act No. 40/1964 Coll., Civil Code, as amended (the “Civil Code”) distinguishes between the terms “minor” and “adult”. A person becomes an “adult” upon reaching the eighteenth year of age, whereby upon attaining the legal majority, the person acquires full capacity to enter into legal acts ([Section 8 of the Civil Code](#)). A “minor” is therefore, although not expressly stated, a person under the age of 18. Minors only have the capacity to enter into legal acts that correspond in their nature to the intellectual and volitional maturity of their age ([Section 9 of the Civil Code](#)).

Before reaching the age of 18, legal majority is also attained by entering into marriage. Under Act No. 36/2005 Coll. on Family, as amended (the “Family Act”), marriage may, in exceptional



cases and with the permission of a court, also be entered into by minors over the age of 16 ([Section 11\(1\) of the Family Act](#)).

The term “minor” is also defined in Act No. 264/2022 Coll. on Media Services, as amended (the “Media Services Act”), where for the purposes of this Act it means “a person under the age of 18” ([Section 62\(2\) of the Media Services Act](#)).

b. child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

The term “child sexual exploitation” is not explicitly defined, however the Slovak Criminal Code contains several provisions defining certain acts or specifying the content of criminal offences that can be subsumed under the term “child sexual exploitation”, including:

- Child prostitution

Section 132(2) of the Criminal Code defines “child prostitution” and establishes the basis for criminal offences relating to child prostitution:

[Section 132\(2\)](#): For the purposes of this Act, child prostitution shall mean satisfaction the sexual needs of another person through intercourse, other forms of sexual intercourse or other similar sexual contact with a child for remuneration or the promise of remuneration, regardless of whether this remuneration or the promise of remuneration was provided to the child or a third person.

- Human trafficking

Section 179(2) of the Criminal Code criminalizes the trafficking of children for the purpose of child prostitution or other forms of sexual exploitation:

[Section 179\(2\)](#): Whoever entices, transports, harbors, transmits or accepts a child, even with his or her consent, for the purpose of child prostitution or other forms of sexual exploitation, including child pornography, forced labor or forced service including begging, slavery or practices similar to slavery, servitude, forced marriage, misuse for committing a crime, illegal adoption, removal of organs, tissues or cells or other forms of exploitation, shall be punished by imprisonment for 4 (four) to 10 (ten) years.

- Pimping

Section 367 of the Criminal Code criminalizes “pimping”, whereby if such a criminal offence is committed on a protected person, which within the meaning of [Section 139\(1\)\(a\) of the Criminal Code](#) includes children, the penalty is increased:

[Section 367\(1\)](#): Whoever procures, solicits, seduces, exploits, obtains or offers another person to perform prostitution, or who profits from the prostitution performed by another person, or enables its performance, shall be punished by imprisonment for up to 3 (three) years.

Section 367(3): An imprisonment for 3 (three) to 10 (ten) years shall be imposed upon an offender who commits the act referred to in paragraph 1 on a protected person.

- Sexual abuse according to Section 201b of the Criminal Code

Section 201b of the Criminal Code criminalizes the abuse or facilitation of the abuse of a child for the purpose of his or her participation in sexual activities or sexual abuse:

Section 201b: Whoever misuses a child under the age of 15 with the intention of achieving sexual satisfaction by such child's participation in sexual activities or sexual abuse, without such child having to necessarily take part in such sexual activities or sexual abuse, or whoever makes such abuse of a child possible, shall be punished by imprisonment for up to 2 (two) years.

Note the above provisions are unofficial English translations.

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)

The term "sexually explicit conduct" is not specifically defined or used. However, the Slovak Criminal Code prohibits various acts, including:

- Rape

Section 199(1) of the Criminal Code, in defining the criminal offence of rape, uses the term "intercourse" as a type of act that can be classified under the term "sexually explicit conduct".

Section 199(1): Whoever, through violence or the threat of imminent violence, forces a woman to have intercourse or whoever abuses her defenselessness for such an act shall be punished by imprisonment for 5 (five) to 10 (ten) years.

- Sexual violence

Section 200(1) of the Criminal Code, in defining the criminal offence of sexual violence, uses the terms "oral sex, anal sex and another sexual practices" as types of conduct that can also be classified under the term "sexually explicit conduct".

Section 200(1): Whoever, through violence or the threat of imminent violence, forces another person to have oral sex, anal sex or another sexual practice or whoever abuses their defenselessness for such an act, shall be punished by imprisonment for 5 (five) to 10 (ten) years.

- Disorderly conduct

Section 364(1)(e) of the Criminal Code, in defining the offence of disorderly conduct,

uses the term “sexual exhibitionism and other pathological sexual practices” as types of conduct that can also be classified under the term “sexually explicit conduct”.

Section 364(1)(e): Whoever verbally or physically, publicly or in a publicly accessible place commits gross indecency or disorderly conduct, in particular, by [...]

e) causing a public outrage by performing sexual intercourse or engaging in sexual exhibitionism or other pathological sexual practices, shall be punished by imprisonment for up to 3 (three) years.

Note the above provisions are unofficial English translations.

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

Although the term “child sexual abuse” is not specifically defined, the Slovak Criminal Code contains several provisions prohibiting the sexual abuse of children:

- Sexual abuse according to [Section 201 of the Criminal Code](#)
 - (1) Whoever performs intercourse with a person under the age of 15 or who otherwise sexually abuses such a person shall be punished by imprisonment for 3 (three) to 10 (ten) years.
 - (2) An imprisonment for 7 (seven) to 12 (twelve) years shall be imposed upon an offender who commits the act referred to in paragraph 1
 - a) in a more serious manner of conduct,
 - b) on a protected person,
 - c) out of a special motive, or
 - d) by joint action of at least two persons.
 - (3) An imprisonment for 12 (twelve) to 15 (fifteen) years shall be imposed upon an offender who commits the act referred to in paragraph 1 and
 - a) causes serious harm to health, or
 - b) immediately endangers the child’s life.
 - (4) An imprisonment for 15 (fifteen) to 20 (twenty) years shall be imposed upon an offender who commits the act referred to in paragraph 1
 - a) and thus, causes death, or
 - b) in a crisis situation.
- Sexual abuse according to [Section 201a of the Criminal Code](#)
 - (1) Whoever, using an electronic communication service, proposes a personal meeting to a child under the age of 15 with the intention to commit a criminal offence of sexual abuse or a criminal offence of production of child pornography on him/her and is not a child himself/herself, shall be punished by imprisonment for 6 (six) months to 3 (three) years.
- Sexual abuse according to [Section 201b of the Criminal Code](#)
 - (1) Whoever misuses a child under the age of 15 with the intention of achieving



sexual satisfaction by such child's participation in sexual activities or sexual abuse, without such child having to necessarily take part in such sexual activities or sexual abuse, or whoever makes such abuse of a child possible, shall be punished by imprisonment for up to 2 (two) years.

- (2) An imprisonment for 1 (one) to 5 (five) years shall be imposed upon an offender who commits the act referred to in paragraph 1 by joint action of at least two persons.

- Sexual abuse according to [Section 202 of the Criminal Code](#)

- (1) Whoever encourages a child to have extramarital intercourse or otherwise sexually abuses him/her, provided
 - a) such child is entrusted into their care or is under their supervision or is a dependent person,
 - b) it is child prostitution, or
 - c) they misuse the recognized position resulting from trust, authority or influence over the child,shall be punished by imprisonment for 1 (one) to 5 (five) years.
- (2) An imprisonment for 2 (two) to 8 (eight) years shall be imposed upon an offender who commits the act referred to in paragraph 1
 - a) using coercion, or
 - b) by joint action of at least two persons.
- (3) An imprisonment for 3 (three) to 10 (ten) years shall be imposed upon an offender who commits the act referred to in paragraph 1 and thereby immediately endanger the child's life.

The Criminal Code also prohibits sexual acts performed on a child in the context of other sexual offenses that are primarily committed against an adult. As children are considered "protected persons" under the Criminal Code (see [Section 139\(1\)\(a\) of the Criminal Code](#)), this Act imposes a more severe penalty (as opposed to when committed against an adult): see below.

In the case of such criminal offences, the offender must use violence or the threat of immediate violence against the child, i.e., the victim (the child) did not consent:

- Rape ([Section 199 of the Criminal Code](#))

The provisions for this criminal offence shall apply if the intercourse was committed solely against a child – a girl under the age of 15 – by a person of the male sex:

- (1) Whoever, through violence or the threat of imminent violence, forces a woman to have intercourse or whoever abuses her defenselessness for such an act shall be punished by imprisonment for 5 (five) to 10 (ten) years.
- (2) An imprisonment for 7 (seven) to 15 (fifteen) years shall be imposed upon an offender who commits the act referred to in paragraph 1
 - [...]
 - b) on a protected person, [...].
- (3) An imprisonment for 15 (fifteen) to 20 (twenty) years shall be imposed upon an offender who commits the act referred to in paragraph 1 and

[...]

b) it will immediately endanger the child's life.

- Sexual violence ([Section 200 of the Criminal Code](#))

The provisions for this criminal offence shall apply if a particular sexual practice other than intercourse is performed on a child under the age of 15, regardless of gender:

- (1) Whoever, through violence or the threat of imminent violence, forces another person to have oral sex, anal sex or another sexual practice or whoever abuses their defenselessness for such an act, shall be punished by imprisonment for 5 (five) to 10 (ten) years.
- (2) An imprisonment for 7 (seven) to 15 (fifteen) years shall be imposed upon an offender who commits the act referred to in paragraph 1
[...]
b) on a protected person, [...].
- (3) An imprisonment for 15 (fifteen) to 20 (twenty) years shall be imposed upon an offender who commits the act referred to in paragraph 1 and
[...]
b) it will immediately endanger the child's life.

- Blackmail ([Section 189 of the Criminal Code](#))

The provisions for this criminal offence shall apply if a child – a boy under the age of 15 – was forced by a person of the female sex to have intercourse:

- (1) Whoever forces another person through violence, the threat of violence or the threat of other serious harm to do something, to fail to do something or to tolerate something shall be punished by imprisonment for 2 (two) to 6 (six) years.
- (2) An imprisonment for 4 (four) to 10 (ten) years shall be imposed upon an offender who commits the act referred to in paragraph 1
[...]
b) on protected person, [...].

In addition to the above-mentioned criminal offences, the Criminal Code prohibits promoting, approving, trivializing, or justifying intercourse with a child:

- Support and promotion of pathological sexual practices ([Section 372a\(1\)\(a\) of the Criminal Code](#))

- (1) Whoever supports or whoever, publicly or in a publicly accessible place, promotes, approves, grossly trivializes or tries to justify sexual intercourse
a) with a child, [...]
shall be punished by imprisonment for up to 2 (two) years.

Note the above provisions are unofficial English translations.



e. **child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)**

According to the Slovak Criminal Code, “child pornography” is understood to mean “depiction of real or pretended intercourse, other forms of sexual intercourse, or other similar sexual contact with a child or a person looking like a child, or the depiction of exposed body parts of a child or a person looking like a child intended for sexual purposes” ([Section 132\(4\) of the Criminal Code](#)).

According to the same provision, “child pornography performance” is understood to mean “live performance intended for an audience, including with the use of information and technical means, in which a child is involved in real or pretend sexual conduct or where body parts of a child are exposed, intended for sexual purposes” ([Section 132\(5\) of the Criminal Code](#)).

In addition to defining these terms, the Criminal Code criminalizes acts that are in any way connected with child pornography or child pornographic performances. Below we list three such criminal offences:

- Production of child pornography ([Section 368 of the Criminal Code](#))
 - (1) Whoever exploits, obtains, offers or otherwise abuses a child for the production of child pornography or child pornographic performance or enables such exploitation, or otherwise participates in such production, shall be punished by imprisonment for 4 (four) to 10 (ten) years.
 - (2) An imprisonment for 7 (seven) to 12 (twelve) years shall be imposed upon an offender who commits the act referred to in paragraph 1
 - b) on a child younger than 12 years, [...].
- Distribution of child pornography ([Section 369 of the Criminal Code](#))
 - (1) Whoever copies, transports, procures, makes accessible or otherwise distributes child pornography shall be punished by imprisonment for 1 (one) to 5 (five) years.
- Possession of child pornography and participation in a child pornographic performance ([Section 370 of the Criminal Code](#))
 - (1) Whoever possesses child pornography or whoever acts with the intention to obtain access to child pornography through an electronic communication service shall be punished by imprisonment for up to 2 (two) years.
 - (2) The same punishment referred to in paragraph 1 shall be imposed upon a person who intentionally participates in child pornographic performance.

Note the above provisions are unofficial English translations.

f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9),**



<https://www.law.cornell.edu/uscode/text/18/2256>)

There is no specific statutory reference to “computer-generated” images or videos of child pornography. The Criminal Code considers child pornography to be only those cases where there is a depiction of a specific type of real or simulated sexual act or exposure performed on a (real) child or a (real) person looking like a child.

- Child pornography is defined under [section 132\(4\) of the Criminal Code](#) as follows:

(4) For the purposes of this Act, child pornography shall mean the depiction of real or pretend intercourse, other forms of sexual intercourse, or other similar sexual contact with a child or a person looking like a child, or the depiction of exposed body parts of a child or a person looking like a child intended for sexual purposes.

Note the above is unofficial English translation.

- g. **enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

The terms “enticement” and “grooming” are not defined in statute, however the Slovak Criminal Code contains several provisions that prohibit such acts, including:

- Human trafficking ([Section 179\(2\) of the Criminal Code](#))

[...]

(2) Whoever entices, transports, harbors, transmits or accepts a child, even with his or her consent, for the purpose of child prostitution or other forms of sexual exploitation, including child pornography, forced labor or forced service including begging, slavery or practices similar to slavery, servitude, forced marriage, misuse for committing a crime, illegal adoption, removal of organs, tissues or cells or other forms of exploitation, shall be punished by imprisonment for 4 (four) to 10 (ten) years.

- Sexual abuse according to [Section 201a of the Criminal Code](#)

(1) Whoever, using an electronic communication service, proposes a personal meeting to a child under the age of 15 with the intention to commit a criminal offence of sexual abuse or a criminal offence of production of child pornography on him/her and is not a child himself/herself, shall be punished by imprisonment for 6 (six) months to 3 (three) years.

- Sexual abuse according to [Section 201b of the Criminal Code](#)

(1) Whoever misuses a child under the age of 15 with the intention of achieving sexual satisfaction by such child’s participation in sexual activities or sexual abuse, without such child having to necessarily take part in such sexual activities or sexual abuse, or whoever makes such abuse of a child possible,

shall be punished by imprisonment for up to 2 (two) years.

Note the above provisions are unofficial English translations.

h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?

Although not expressly defined, the legal age of consent for sexual activity is understood to be 15 years. This follows from [Section 201\(1\) of the Criminal Code](#), according to which whoever performs intercourse with a person under the age of 15 or who otherwise sexually abuses such a person shall be punished by imprisonment for 3 (three) to 10 (ten) years.

i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

There is no definition of “sextortion”. However, the Criminal Code prohibits blackmail and this Act imposes a more severe penalty if the blackmail is committed on a protected person (which, within the meaning of [Section 139\(1\)\(a\) of the Criminal Code](#), a protected person also includes a child) or for a specific motive (which, within the meaning of [Section 140\(f\) of the Criminal Code](#) also includes a sexual motive):

- Blackmail ([Section 189 of the Criminal Code](#))
 - (1) Whoever forces another person through violence, the threat of violence or the threat of other serious harm to do something, to fail to do something or to tolerate something shall be punished by imprisonment for 2 (two) to 6 (six) years.
 - (2) An imprisonment for 4 (four) to 10 (ten) years shall be imposed upon an offender who commits the act referred to in paragraph 1
 - [...]
 - b) on protected person,
 - c) out of a special motive, [...].

Note the above is unofficial English translation.

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

There are no requirements for Online Platforms to review, screen, moderate, or detect content to identify child pornography or CSAM content. However, the Media Services Act provides for the video-sharing platform provider to take appropriate measures to protect the public from content that contains child pornography. Section 49, which defines possible measures for protection of the public, does not specify a single measure that would



encompass the above activities, albeit the list of measures is not exhaustive. Video-sharing platform providers are not generally required to monitor user-generated content. Below are the relevant provisions of this Act relating to this issue:

- **Obligation to take public protection measures ([Section 48\(1\)\(c\)\(1\) of the Media Services Act](#))**
 - (1) The video-sharing platform provider is obliged to take appropriate measures to protect
[...]
 - c) the public from programs, user-generated videos and media commercial communication that
 - 1. contain elements constituting the criminal offense of distribution of child pornography, [...].

- **Public protection measures ([Section 49\(3\) of the Media Services Act](#))**
 - [...]
 - (3) Measures taken under Section 48 shall not lead to any ex-ante control measures or upload-filtering of content infringing separate legislation.

- **Responsibility of the video-sharing platform provider for the content of information ([Section 46\(2\) of the Media Services Act](#))**
 - [...]
 - (2) A video-sharing platform provider is not obliged to monitor the content of a program, a user-generated video or a media commercial communication that it does not market, sell or arrange.

Note the above provisions are unofficial English translations.

b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

There is no legal or regulatory requirement for Online Platforms to review, screen, moderate, or detect content provided through the platform by its users with the aim to identify enticement, grooming, or sextortion of a child. The Media Services Act provides only that the video-sharing platform provider is generally obliged to take appropriate measures to protect minors from content that may impair the physical, mental or moral development of such minors. [Section 49 of this Act](#), sets out as list of non-exhaustive measures such that the Online Platform may protect minors). Below are the relevant provisions of this Act relating to this issue:

- **Obligation to take public protection measures ([Section 48\(1\)\(a\) of the Media Services Act](#))**
 - (1) The video-sharing platform provider is obliged to take appropriate measures to protect
 - c) minors from programs, user-generated videos and media commercial

communication that may impair the physical, mental or moral development of minors in accordance with the conditions set out in Section 62(1), [...].

Note the above is unofficial English translation.

- c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization**

There is no legal or regulatory requirement for Online Platforms to report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization.

- d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about**

Online Platforms are subject to regulatory oversight in the area of protection against illegal content, which, for the purposes of the Media Services Act, including content that, inter alia, constitutes child pornography ([Section 151\(2\)\(a\) of the Media Services Act](#)). Although the Media Services Act does not contain any explicit legal provision imposing an obligation on Online Platforms to immediately remove such content, Sections 151 to 153 of the Act specify in detail the formal procedure for reporting and examining potentially illegal content, as well as the subsequent proceedings concerning the prevention of the dissemination of illegal content, establishing the regulatory framework under which the competent authority may intervene to ensure that such content is removed and its further distribution effectively prevented. The competent regulatory authority conducting such proceedings is the Council for Media Services, which may initiate such proceedings either on the basis of a notification concerning illegal content submitted in writing or electronically by any person, or on its own initiative (ex officio), in particular if the Council for Media Services obtains information about the existence of illegal content on its own. The Council for Media Service shall commence proceedings to prevent illegal content if, after examining a notification concerning illegal content, it concludes that the reported content is potentially illegal and that its dissemination may threaten the public interest or constitute a significant interference with the individual rights or legitimate interests of persons within the jurisdiction of the Slovak Republic. If these conditions are met, the Council for Media Service must issue a decision on the prevention of the dissemination of illegal content, ordering the content-sharing platform provider to remove the illegal content in question and prevent its further dissemination. However, this does not affect the user's right to assert their rights in court proceedings. Below we list all the provisions relating to the proceedings to prevent illegal content:

- Notification concerning illegal content ([Section 151 of the Media Services Act](#))
 - (1) A notification concerning illegal content may be submitted to the regulator in writing or electronic form.
 - (2) For the purposes of the Act, illegal content is defined as content that:
 - a) constitutes child pornography or extremist material, [...].



- (3) A notification concerning illegal content shall include justification as to why the content in question may constitute illegal content and shall clearly identify the content it relates to. A notification concerning illegal content shall also include the date of provision of the content and the name of the content-sharing platform or content service not requiring authorization under this Act, in particular an electronic periodical publication, a news web portal or an agency service, through which the illegal content was provided.
 - (4) Provisions of Section 150(3) to (9) shall apply mutatis mutandis to a notification concerning illegal content.
- Submitting and handling of a notification for review ([Section 150\(3\) to \(9\) of the Media Services Act](#))

[...]

- (3) The regulator shall register a received notification for review within 5 (five) working days of receipt as an entry in a separate register of notifications for review including the following information
 - a) the date of delivery of receipt of a notification for review,
 - b) the date of registration of a notification for review,
 - c) the name, surname and address of the notifier if the notifier is a natural person, or the business name and registered seat of the notifier if the notifier is a legal person, or information that notification for review was submitted anonymously; if the notification for review has been forwarded by a self-regulatory body or other body, the identification data of the self-regulatory body or other body shall also be included,
 - d) the subject matter of a notification for review,
 - e) identification of the content service provider, provider of intermediary services, provider of online intermediary services or provider of internet search engines against whom a notification for review is directed,
 - f) an indication of whether the notification for review has led to the initiation of administrative proceedings, or whether it has been deemed unfounded, forwarded to a self-regulatory body or another authority, or deferred; if the notification for review is partially justified, the specific part(s) in which it is justified shall be indicated,
 - g) identification of the self-regulatory body or other authority to which the notification for review was forwarded, if applicable, and
 - h) if the notification for review led to the initiation of proceedings concerning compliance with obligations under this Act or specific regulations, the outcome of such proceedings shall also be indicated.
- (4) The regulator is not obliged to deal with an anonymous notification for review; for the purposes of this Act, an anonymous notification for review is a notification that does not include the name, surname and address of the notifier if the notifier is a natural person, or the business name and registered seat of the notifier if the notifier is a legal person.
- (5) The regulator shall notify the notifier of the registration of the notification for review, unless it is an anonymous notification, always using the same form as that in which the notification for review was delivered.
- (6) The identity of the notifier shall not be made public.
- (7) The regulator shall defer the notification for review if:



- a) the deadline for imposing a sanction under this Act has expired,
 - b) the notification for review lacks mandatory content or is otherwise unable to be assessed, or
 - c) the matter has already been decided by a self-regulatory body or other body.
- (8) The regulator may defer the notification for review if it is
- a) anonymous, or
 - b) manifestly unjustified.
- (9) If the subject-matter of a notification for review is identical to one previously registered, the later notification for review shall be added to the previously registered notification for review with the same subject-matter, and a record shall be made of this addition; the later previously shall not be dealt with separately.
- Proceedings on prevention of the dissemination of illegal content ([Section 152 of the Media Services Act](#))
 - (1) The Council's senate shall familiarize itself with the content of the notification concerning illegal content and deliberate on such notification at its session no later than 45 days from the date of its registration.
 - (2) Proceedings on prevention of the dissemination of illegal content on a content-sharing platform or through a content service not requiring authorization under this Act, in particular in an electronic periodical publication, news web portal or in an agency service ("proceedings on the prevention of illegal content") shall be initiated by the regulator if, after examining a notification concerning illegal content, it concludes that the content is potentially illegal and that its dissemination may threaten the public interest or constitute a significant interference with the individual rights or legitimate interests of persons within the jurisdiction of the Slovak Republic and, at the same time, the content service provider has been demonstrably informed about the existence of the potentially illegal content through its own designated mechanisms and, if they do not exist, in another appropriate way and the content service provider
 - a) without delay, at the latest within 2 (two) days of receiving this information, has not informed the person providing the information of how the situation will be dealt with,
 - b) without delay, at the latest within 5 (five) days of receiving this information, has not removed the potentially illegal content in question, or
 - c) has informed the person who provided the information that it will not remove the potentially illegal content in question.
 - (3) The regulator shall also initiate proceedings on the prevention of illegal content if the regulator obtains information on the existence of illegal content from its own activities and the matter cannot be delayed.
 - (4) The regulator shall notify the content service provider of the initiation of proceedings on the prevention of illegal content. In the notice of initiation of proceedings, the regulator shall, in addition to the information required under applicable legislation, also include
 - a) information enabling the identification of the illegal content concerned, and



- b) justification as to why the content in question may constitute illegal content.
 - (5) The regulator shall notify the complainant of the outcome of the proceedings.
 - (6) If the regulator neither initiates proceedings nor defers the notification, the regulator shall declare the notification to be unfounded and shall notify the complainant thereof.
 - (7) If a content-sharing platform provider removes content on its own initiative on the grounds that it considers such content to be illegal content, the regulator shall be entitled to review such removal of content in separate proceedings. If in such proceedings establish that the content in question is not illegal content, a decision to that effect shall be issued. If the illegality of the content was the sole or main reason for the removal of such content, the regulator shall by its decision impose an obligation on the content-sharing platform provider to restore the situation prior to the content removal within a reasonable period of time. The provisions of paragraphs 1 and 3 to 6 shall apply *mutatis mutandis*.
 - (8) The content service provider is obliged to cooperate with the regulator in particular in the performance of activities pursuant to Section 110(3)(q); for this purpose, it shall provide information on request and enable access to its service to be established so that the performance of these activities is as effective as possible.
- Decision on the prevention of dissemination of illegal content ([Section 153 of the Act on Media Services](#))
 - (1) If, in the course of proceedings, it is found that the content in question constitutes illegal content and at the same time its dissemination may threaten the public interest or constitute a significant interference with the individual rights or legitimate interests of persons within the jurisdiction of the Slovak Republic, the regulator shall issue a decision on the prevention of the dissemination of illegal content, ordering the content-sharing platform provider or the content service provider not requiring authorization under this Act to remove the illegal content in question and prevent its further dissemination.
 - (2) A decision under paragraph 1 shall include
 - a) information enabling the identification and localization of the content concerned, in particular at least 1 (one) precise URL address and where appropriate additional information,
 - b) justification as to why the content in question constitutes illegal content,
 - c) justification as to why the dissemination of the illegal content threatens the public interest or constitutes a significant interference with the individual rights or legitimate interests of a person within the jurisdiction of the Slovak Republic,
 - d) the period within which the content service provider is to remove the illegal content in question and prevent its further dissemination,
 - e) definition of the territorial scope of the decision, which is limited to what is strictly necessary to achieve the purpose of the decision,
 - f) reference to the legal basis for issuing the decision, including a reference to a specific regulation, if the decision is to have the effect of an order to take action against illegal content,
 - g) a list of public authority bodies which are to be informed of the manner



- of implementation of the decision, if the decision is to have the effect of an order to take action against illegal content, and
- h) information on the means of redress pursuant to paragraphs 4 and 6.
- (3) The regulator shall provide information about the issuance of a decision under paragraph 1 on its website, or in another appropriate way. [...]
 - (4) Any person who feels that their rights have been affected by the decision pursuant to paragraph 1 may lodge an objection within 10 (ten) days from the date of delivery of the decision; the lodging of an objection shall not have suspensive effect and the provisions of the Administrative Procedure Code shall not apply to it.
 - (5) If the regulator considers the objection to be fully or partially justified, it shall issue a decision cancelling or replacing the original decision, otherwise it shall reject the objection, of which it shall inform the person who lodged the objection, and it shall also publish the decision on rejection on its website
 - (6) Sections 153(1) to (5) and 152 shall not affect the rights of users of content services to seek protection of their rights and legally protected interests in court proceedings.

Note the above provisions are unofficial English translations.

e. review content by human moderators to screen or moderate for child pornography or CSAM

There is no legal or regulatory requirement for Online Platforms to review content by human moderators to screen or moderate for child pornography or CSAM.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

See answer to 2d above.

g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:

- i. “Hashing technology” (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
- ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.

There is no legal or regulatory requirement for Online Platforms to use a specific technology such as “hashing technology”, artificial intelligence or machine learning tools to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion.

h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example,



are differences based on the number of online users, types of services offered, etc.?

Depending on the type of obligation, it may apply to either video-sharing platform providers or content-sharing platform providers. However, there is no legal distinction to differentiate such providers within a given type of platform providers, e.g. based on the number of online users or other legal criteria. Below you will find specific definitions of the terms “video-sharing platform provider” and “content-sharing platform provider”.

- Video-sharing platform ([Section 45 of the Media Services Act](#))
 - (1) A video-sharing platform is a service
 - a) which is primarily of an economic nature,
 - b) whose primary purpose or the purpose of a dissociable section thereof or the essential function of which is the provision to the public at large of user-generated programs or videos for which the video-sharing platform provider is not editorially responsible,
 - c) in which the organization of the provided programs or user-generated videos is determined by the video-sharing platform provider, including through automatic means or algorithms, especially in terms of displaying, labelling and organization,
 - d) which is provided through a network, and
 - e) whose main purpose is informing, entertaining or educating the general public.
 - (2) A video-sharing platform provider is a person who provides a video-sharing platform.

- Content-sharing platform and content-sharing platform provider ([Section 9 of the Media Services Act](#))
 - (1) Content-sharing platform means an information society service whose main purpose, or one of its main purposes, or whose essential function is to store a large number of works and other protected subject-matter within the meaning of separate legislation that are uploaded by its users, and to disseminate such content in accordance with applicable legislation.
[...]
 - (3) Content-sharing platform provider means the person who provides a content-sharing platform and determines how the content is organized and promoted for the purpose of making a profit.

Note the above provisions are unofficial English translations.

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

There is no requirement for Online Platforms to implement a prescribed method to verify the user’s age before allowing access to an Online Platform. Therefore, it will be sufficient for the user to make a declaration of their age in order to access an Online Platform.

In relation to the age limit for the possibility of independently granting consent to the processing of

personal data, Act No. 18/2018 Coll. on the Protection of Personal Data, as amended (the “Personal Data Protection Act”) provides that personal data may be lawfully processed on the basis of consent if the person who has given consent has reached the age of 16. Before reaching this age, such consent must be given or authorized by their legal representative. The relevant provision is set out below:

- Conditions for granting consent in relation to information society services ([Section 15\(1\) of the Personal Data Protection Act](#))

(1) In relation to the offer of information society services, the controller processes personal data based on the consent of the data subject lawfully where the data subject is at least 16 years of age. Where the data subject is below 16 years of age, such processing of personal data shall be lawful only on the condition and to the extent that such consent has been given or authorized by a legal representative of that data subject.

Although there is no prescribed process to verify a user’s age before allowing the user access to an Online Platform, the Media Services Act imposes an obligation on video-sharing platform providers to set up and operate a system to verify the age of users as one of the possible measures to protect minors from content that may impair the physical, mental or moral development of such minors. Below is a summary of the relevant provisions of the Media Services Act concerning this type of measure:

- Obligation to take public protection measures ([Section 48\(1\)\(a\) of the Media Services Act](#))

(1) The video-sharing platform provider is obliged to take appropriate measures to protect

a) minors from programs, user-generated videos and media commercial communication that may impair the physical, mental or moral development of minors in accordance with the conditions set out in Section 62(1), [...].

- Protection of minors ([Section 62\(1\) of the Media Services Act](#))

(1) Broadcaster and on-demand audiovisual media service provider shall ensure that programs or other elements of a program service or on-demand audiovisual media service that

a) may impair the physical, mental or moral development of minors are made available only in such a way that minors cannot hear or see such programs or other elements of a program service or an on-demand audiovisual media service, and

b) contain pornography or gross, unjustified violence are provided only if technical measures are in place to prevent access by minors, in particular coding or effective parental control.

- Public protection measures ([Section 49\(1\)\(i\) of the Media Services Act](#))

(1) Measures under Section 48 may include, depending on the specific case [...]

- i) setting up and operating a system to verify the age of users in relation to content that may impair the physical, mental or moral development of minors.

Note the above provisions are unofficial English translations.

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

There is no specific requirement for Online Platforms to obtain parental consent before a child uses the services of an Online Platform. However, the Personal Data Protection Act requires that anyone processing personal data shall make reasonable efforts to verify that the legal representative of a person under the age of 16 has given or authorized consent to the processing of personal data. This law also stipulates that the controller of personal data must take into consideration the available technology to make such verification, but does not specify the specific method by which this should be done. The relevant provision is set out below:

- Conditions for granting consent in relation to information society services ([Section 15 of the Personal Data Protection Act](#))
 - (1) [...] Where the data subject is below 16 years of age, such processing of personal data shall be lawful only on the condition and to the extent that such consent has been given or authorized by a legal representative of that data subject.
 - (2) The controller shall make reasonable efforts to verify that the legal representative of the data subject has given or authorized consent to the processing of personal data in accordance with paragraph 1, taking into consideration the available technology.

Note the above is unofficial English translation.

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

Generally, victims of criminal offences, including children and minors, are granted a comprehensive set of procedural and substantive rights (including remedies) within the criminal justice process pursuant to Act No. 301/2005, Criminal Procedure Code, as amended (the "Criminal Procedure Code"). According to [Section 46 of the Criminal Procedure Code](#) these rights include:

- (i) right to participate in criminal proceedings – the victim (or their legal representative) is entitled to express consent or objection to the initiation of criminal prosecution in certain cases; seek compensation for damages (both pecuniary and non-pecuniary); file motions to perform or complete evidence; present their own evidence; review and inspect the case file; participate in the main trial and any public hearings, including those involving appeal or agreement on guilt and punishment; comment on presented evidence and make a closing statement; file appeals, to the extent permitted by law,
- (ii) right to compensation – victims have the right to seek damages for physical injury, emotional and psychological trauma, loss of dignity, and harm to reputation,
- (iii) right to information – victims are entitled to receive information about the progress of the criminal proceedings at any time. This obligation rests with the law enforcement authority or court handling the matter. For this purpose, the victim must be provided with the necessary contact

information. The right to information may be limited where disclosure could obstruct the purpose of the criminal proceedings, and
(iv) special considerations for child/minor victims – given the vulnerability of children and minors, these rights are typically exercised through legal guardians or authorized representatives.

The relevant provision is set out below:

- [Section 46\(1\) Criminal Procedure Code](#)

(1) A victim is a person who has suffered bodily harm, property damage, moral or other harm as a result of a criminal offense, or whose other rights or freedoms protected by law have been violated or endangered. In cases provided by this Act, the victim has the right to express whether they consent to the prosecution of the offense, to claim compensation for damages, to make motions for the taking of evidence or for its supplementation, to present evidence, to inspect and study the case files, to attend the main trial and public sessions held on appeal or on the agreement of guilt and sentence, to comment on the evidence presented, to deliver a closing statement, and to lodge legal remedies to the extent specified by this Act. The victim has the right to obtain information about the status of the criminal proceedings at any time during the course of the proceedings. Such information shall be provided by the authority responsible for the criminal proceedings or by the court handling the case; for this purpose, the victim shall be given the necessary contact details. Information regarding the status of the proceedings shall not be provided if such disclosure could frustrate the purpose of the criminal proceedings.

Note the above is unofficial English translation.

Also, the Crime Victims Act and Section 150 to 153 of the Media Services Act (see Question No. 2, part (d) above) provides a dedicated legal framework for the protection, support, and compensation of victims of criminal offenses, including children, minors and their families affected by online sexual exploitation.

Further legal remedies may be available under the general provisions of the Slovak Civil Code, which comprehensively regulate the protection of personal rights.

a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

An individual has the right to seek the removal of unlawfully published material (including pornographic material or CSAM imagery) in which they are depicted. Pursuant to the provisions of the Slovak Civil Code concerning the protection of personality rights, a natural person may specifically demand:

- i. that unlawful interferences with their personality rights cease,
- ii. that the consequences of such interferences be eliminated, and
- iii. that they receive appropriate satisfaction.

The relevant provisions are set out below:

- Protection of personal rights ([Section 13 of the Civil Code](#))



- (1) A natural person has the right to demand, in particular, that any unlawful interferences with the right to the protection of his personal rights cease, the removal of the consequences of such interferences and the provision of reasonable compensation.
- (2) If the compensation under paragraph 1 does not appear sufficient as, in particular, the dignity or the esteem of the natural person in society was impaired to a considerable degree, the natural person also has the right to monetary compensation for the intangible harm incurred.
- (3) The amount of compensation under paragraph 2 shall be determined by the court while taking into account the seriousness of the harm incurred and the circumstances under which the right was violated.

Note the above is unofficial English translation.

b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?

With regard to the removal of pornography or other imagery from their servers the Media Services Act only stipulates that if the conditions laid down in separate legislation are met, the video-sharing platform provider shall not be responsible for the content provided through the video-sharing platform, but shall only be responsible for the content that the video-sharing platform itself provides to the public. The Media Services Act therefore refers, when defining liability for content provided within the platform, to the conditions laid down in separate legislation, which is currently understood to mean a legal act adopted at European Union (EU) level, namely [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC \(Digital Services Act\)](#). Articles 4 to 8 of this Digital Services Act regulates when an Online Platform shall be liable for content provided on it, while at the same time, lays down conditions for the removal of illegal content from the Online Platform. For information on these conditions laid down at EU level, to which the Media Services Act refers, please see the above-mentioned provisions of this Regulation.

Relevant provisions in the Media Services Act include:

- Responsibility of the video-sharing platform provider for the content of information ([Section 46 of the Media Services Act](#))
 - (1) If the conditions laid down in separate legislation are met, the video-sharing platform provider shall not be responsible for the content of information provided through the video-sharing platform.
[...]
 - (3) The video-sharing platform provider is responsible for the content that the video-sharing platform itself provides to the public. As regards such content, the video-sharing platform provider shall be subject to the rights and obligations of the on-demand audiovisual media service provider.

Note the above is unofficial English translation.

c. An ability to get an injunction or other court order against the Online Platform to stop them



from publishing the pornography or imagery?

A natural person whose personality rights have been violated – such as through the unlawful and unauthorized publication of pornography or CSAM in which they are depicted – may seek a court preliminary injunction or a judgment against the Online Platform.

In certain cases, the individual (or their legal representative) may also apply for a preliminary injunction (*neodkladné opatrenie*) under Act No. 160/2015 Coll. Civil Dispute Procedure Code, as amended (the “Civil Dispute Procedure Code”), requesting the court to:

- i. prohibit the Online Platform from further publishing or distributing the content, or
- ii. order the immediate removal or blocking of the material, even before the main proceedings are concluded.

Such injunctions are enforceable and may be issued *ex parte* (without prior notice of the opposing party) if delay could result in irreparable harm, particularly in cases involving minors or CSAM.

In addition, the person may also file a “regular” civil lawsuit (claim for damages or non-pecuniary satisfaction) to enforce their rights and seek appropriate remedies. The relevant provisions are set out below:

- Lawsuit ([Section 131 of the Civil Dispute Procedure Code](#))
 - (1) A lawsuit (or claim) is a procedural act by which the right to judicial protection of a threatened or violated right is exercised.
- Content of the preliminary injunction ([Section 325 of the Civil Dispute Procedure Code](#))
 - (1) A court may issue a preliminary injunction if it is necessary to urgently regulate the relations of the parties or if there is a concern that enforcement (execution of a judgment) will be endangered.
 - (2) By means of a preliminary injunction, the court may, in particular, order a party to:
 - [...]
 - a) refrain from disposing of certain items or rights,
 - b) perform an act, refrain from an act, or tolerate something,
 - [...]
 - g) not contact, fully or partially, a person whose physical or mental integrity may be endangered by such conduct, whether in writing, by telephone, electronic communication, or by other means, [...].
 - (3) Under the conditions set forth by a special regulation, the court may order that compliance with the obligations imposed by the preliminary injunction be monitored using technical means.

Note the above provisions are unofficial English translations.

d. A protective order or other court order that prohibits the person who posts the



pornography or imagery from doing so in the future on the same or other Online Platform?

Yes, see answer to part c above.

e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?

If non-monetary satisfaction is deemed insufficient – particularly where the individual's dignity or social standing has been seriously diminished – the affected person also has the right to claim financial compensation for non-pecuniary harm. The amount of such compensation is determined by the court, taking into account the seriousness of the injury and the circumstances under which the violation occurred. The relevant provisions are set out below:

- [Section 442a\(1\) of the Civil Code](#)

(1) In the event of an infringement or threat to an intellectual property right, compensation for non-pecuniary harm shall also be awarded in monetary form if the granting of other forms of satisfaction, in particular an apology or the publication of the court's judgment at the expense of the person who infringed or threatened the intellectual property right, would not appear to be sufficient.

- [Section 11\(1\) of Crime Victims Act](#)

(1) The right to compensation of a victim of a violent crime under this Act shall arise if a judgment or criminal order finding the accused guilty of an offence by which the victim of a violent crime has been injured has become final in criminal proceedings, or a judgment acquitting the defendant of the charge because he/she is not criminally responsible due to lack of age or insanity, and the injury has not otherwise been fully compensated to the victim of the violent crime.

Note the above provisions are unofficial English translations.

f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?

Victims of violent criminal offenses may seek compensation under the Crime Victims Act. Compensation may be granted based on a written application submitted by the victim. The authority responsible for deciding on such applications and disbursing the compensation is the Ministry of Justice. The relevant provision is set out below:

- [Section 11\(1\) of Crime Victims Act](#)

(1) The right to compensation of a victim of a violent crime under this Act shall arise if a judgment or criminal order finding the accused guilty of an offence by which the victim of a violent crime has been injured has become final in criminal proceedings, or a judgment acquitting the defendant of the charge because he/she is not criminally responsible due to lack of age or insanity, and the injury has not otherwise been fully compensated to the victim of the violent crime.

Note the above is unofficial English translation.

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

Competent authorities – namely the police and the prosecutor – are required to inform the victim (and in the case of a child victim, their family members) of any significant procedural actions taken against the alleged offender. This includes, for example, arrests related to the distribution of child pornography or other offences involving child sexual abuse material (CSAM). The relevant provisions are set out below:

- [Section 46\(8\) and \(9\) of the Criminal Procedure Code](#)

- (8) A victim who faces a risk in connection with the accused or convicted person being at liberty has the right to request information regarding:
- a) the release or escape of the accused from custody,
 - b) the release or escape of the convicted person from the execution of a prison sentence,
 - c) the interruption of the execution of a prison sentence,
 - d) the release or escape of the convicted person from the execution of protective treatment in a medical facility providing institutional healthcare,
 - e) the change of the form of protective treatment from institutional treatment to outpatient treatment, or
 - f) the release or escape of the convicted person from the execution of detention.
- (9) Without a request from the victim, the law enforcement authority or the court shall provide the victim with the information referred to in paragraph 8 if it determines that the victim is at risk due to the accused or convicted person being at liberty. The victim may change their decision regarding the right to be informed of the matters set out in paragraph 8, and such change of decision shall be respected.

Note the above is unofficial English translation.

6. “Safety by Design” is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate “Safety by Design” into their systems?

Online Platforms, specifically video-sharing platforms, are legally required to incorporate principles consistent with “Safety by Design” into their systems under the Media Services Act. Generally, video-sharing platform providers are obligated to implement appropriate measures aimed at the protection of the public. This includes, in particular, the protection of minors and society from harmful content, such as content inciting violence or hatred, and content that may be criminal in nature (e.g. distribution of child pornography). The relevant

provisions are set out below:

- Obligation to take public protection measures ([Section 48 of the Media Services Act](#))
 - (1) The video-sharing platform provider is obliged to take appropriate measures to protect
 - a) minors from programs, user-generated videos and media commercial communication that may impair the physical, mental or moral development of minors in accordance with the conditions set out in Section 62(1),
 - b) the public from programs, user-generated videos, and audiovisual commercial communications that promote violence or openly or covertly incite violence or hatred, or that demean or defame on the basis of sex, race, skin color, language, belief or religion, political or other opinion, property, disability, age, sexual orientation, birth, national or social origin, genetic features, nationality, national or ethnic affiliation, and
 - c) the public from programs, user-generated videos and media commercial communication that
 1. contain elements constituting the criminal offense of distribution of child pornography,
 2. publicly incite the commission of, or publicly approve of, terrorist offenses, or
 3. contain elements constituting crimes against humanity, crimes of extremism, or war crimes.
 - (2) The video-sharing platform provider shall take appropriate measures, proportionate to the limited level of control exercised by the provider over audiovisual commercial communications, to ensure that audiovisual commercial communications, which the provider does not market, sell, or organize, comply with the provisions of Section 72(2), Section 73, Section 74, Section 75(1) and (3), Section 76, Section 77(1), and Section 78 of the Media Services Act.
- Public protection measures ([Section 49 of the Media Services Act](#))
 - (1) Measures under Section 48 of the Media Services Act may include, depending on the specific case
 - a) inclusion of the rules specified in Section 48 in the terms of use of the video-sharing platform and ensuring their enforcement,
 - b) ensuring the existence of a feature that allows users who upload user-generated videos to indicate whether such videos contain audiovisual commercial communication, if they are aware of it or can reasonably be expected to be aware of it,
 - c) establishing and operating a transparent and user-friendly mechanism through which users can report or flag content referred to in Section 48(1) that is provided on the video-sharing platform,
 - d) establishing and operating a system that informs users of the outcome of their report or flagging of content under letter c),
 - e) establishing and operating a user-friendly system that allows users to rate content referred to in Section 48(1),
 - f) establishing and operating a transparent, user-friendly, and effective



- procedure for handling and resolving user complaints related to the implementation of the measures referred to in letters c) to e), h), and i),
- g) ensuring effective media literacy tools and measures, and raising user awareness of these tools and measures,
 - h) ensuring a user-controlled parental control system for monitoring content that may impair the physical, mental, or moral development of minors, or
 - i) establishing and operating a system to verify the age of users in relation to content that may impair the physical, mental or moral development of minors.
- (2) The video-sharing platform provider shall implement the measures under Section 48 of the Media Services Act in a manner that is feasible and appropriate in view of the scope and nature of the platform, considering:
- a) the nature of the content provided,
 - b) the harm that the content may cause,
 - c) the group of persons to be protected,
 - d) the rights and legitimate interests, including those of the video-sharing platform provider and the users who uploaded or created the content, and
 - e) the general public interest.
- (3) Measures taken under Section 48 of the Media Services Act shall not lead to any ex-ante control measures or upload-filtering of content infringing separate legislation.
- (4) Personal data of minors collected or otherwise obtained by the video-sharing platform provider under paragraph 1 letters h) and i) shall not be processed for commercial purposes.
- Protection of minors ([Section 62\(1\) of the Media Services Act](#))
 - (1) Broadcaster and on-demand audiovisual media service provider shall ensure that programs or other elements of a program service or on-demand audiovisual media service that
 - a) may impair the physical, mental or moral development of minors are made available only in such a way that minors cannot hear or see such programs or other elements of a program service or an on-demand audiovisual media service, and
 - b) contain pornography or gross, unjustified violence are provided only if technical measures are in place to prevent access by minors, in particular coding or effective parental control.

Note the above provisions are unofficial English translations.

i. If so, must these steps be taken before the launch of an Online Platform?

The platform's provider must ensure that all necessary measures are taken prior to the launch. Non-compliance with these regulations could lead to substantial legal risks, such as fines or operational restrictions, at both the national and EU levels.

- ii. **If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?**

Where an Online Platform has already been publicly launched, it is required to implement “Safety by Design” measures at the earliest opportunity. Specifically, the platform operator must ensure that these measures are integrated into the platform as soon as reasonably practicable to comply with the relevant regulations.

Additionally, if the platform falls within the scope of the Digital Services Act or other applicable EU regulations, it may be subject to additional safety requirements. These regulations outline specific compliance deadlines, which must be met in accordance with the platform’s operational timeline.

- iii. **For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.**

[Section 47 of the Media Services Act](#) obligates video-sharing platform providers to publish specific information on their website.

This includes: the name or business name of the provider; the registered seat, place of business, or their residence; the provider’s email address; a statement confirming that the provider is subject to the jurisdiction of the Slovak Republic and the competence of the national media regulator; information regarding the provider’s adherence to any self-regulatory mechanisms, including the identity of the relevant self-regulatory body; and the video-sharing platform registration number assigned by the regulator. This obligation does not apply if the provider’s details, as listed above, are already published in the official register maintained by the regulator.

Video-sharing platform providers are also required to annually submit to the regulator an aggregate report on the number of users of the video-sharing platform as of 1 January of the relevant calendar year and must be submitted by 31 January of that year.

[Section 48 et seq. of the Media Services Act](#) obligates video-sharing platform providers to adopt appropriate and effective measures aimed at protecting both minors and the general public from harmful content disseminated through user-generated videos, audiovisual commercial communications, and other platform-based programs. Video-sharing platform providers must ensure the implementation of “Safety by Design” that:

- a) protects children and minors from content that could impair their physical, psychological, or moral development,
- b) protects the public from content that promotes or incites violence or hatred, or that is degrading or discriminatory on the basis of sex, race, skin color, language, religion or belief, political or other opinion, property, disability, age, sexual orientation, birth, national or social origin, genetic features, nationality, or membership of a national or ethnic group, and



- c) protects the public from content that constitutes the offence of dissemination of child pornography, publicly incites or approves acts of terrorism, or contains elements of crimes against humanity, extremism, or war crimes.

Video-sharing platform providers must also adopt proportionate measures with respect to audiovisual commercial communications that are not directly marketed, sold, or arranged by the provider, to ensure compliance with the applicable regulatory standards.

The Media Services Act sets out a non-exhaustive list of potential measures, which may include the incorporation of the above rules into the platform's terms of use, along with enforcement mechanisms; providing users uploading content with a declaration function to indicate whether the uploaded content contains commercial communication; operating a transparent and user-friendly reporting mechanism for users to flag illegal or harmful content; ensuring a feedback system that informs users of the results of their content reports; enabling users to rate or assess content; establishing a transparent, effective complaint-handling system for user feedback concerning the enforcement of the above mechanisms; promoting media literacy and user awareness about these protective tools and measures; implementing parental control systems that allow users to filter content potentially harmful to minors; operating a robust age verification system where necessary to restrict access to age-inappropriate content.

All measures must be implemented in a manner that is practicable and appropriate given the scope and nature of the platform. Providers must take into account: the nature of the content, the potential harm posed by such content, the protected group(s), the rights and legitimate interests of both users and the platform provider, and the general public interest. Personal data of minors, obtained through parental controls or age verification tools, must not be processed for commercial purposes.

This regulatory framework establishes a legal basis for the mandatory integration of safety measures into platform design and governance, in line with the principles of Safety by Design and fundamental rights protection.

- b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform's incorporation of "Safety by Design"?**

Video-sharing platform providers are obligated, upon request, to provide the regulator (Council for Media Services) with data necessary to assess the suitability of the measures adopted. Should the data initially provided prove insufficient, the regulator may request additional or supplementary information.

- Assessment of the adequacy of public protection measures ([Section 50 of the Media Services Act](#))



- (1) The video-sharing platform provider is required to submit to the regulator, upon request, the data necessary to assess the adequacy of the measures taken in accordance with Section 48 of the Media Services Act.
- (2) Based on the data provided under paragraph 1, the regulator will assess the adequacy of the measures taken; if the regulator finds that, based on the provided data, it is not possible to assess the adequacy of the measures, the regulator may request additional information from the video-sharing platform provider.

Note the above is unofficial English translation.