

MEMORANDUM OF UNDERSTANDING

between

United Nations Children's Fund (UNICEF)



and

Ministry of Justice of the Slovak Republic

INTRODUCTORY PROVISIONS

Taking into account that the Ministry of Justice of the Slovak Republic is the central body of the state administration for courts and prisons and prepares legislation in the field of constitutional law, criminal law, civil law, commercial law, family law, bankruptcy law and international private law, it ensures the representation of the Slovak Republic at the European Court of Human Rights and representing the Slovak Republic in proceedings before the Court of Justice of the European Union, ensures the fulfilment of tasks related to the membership of the Slovak Republic in Eurojust and ensures the creation and implementation of state policy and the coordination of the fulfilment of tasks in the field of human rights;

Recognizing that UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential;

Acknowledging that UNICEF insists on the survival, protection and development of children as universal development imperatives that are integral to human progress.

Recognizing that UNICEF is committed to ensuring special protection for the most disadvantaged children – victims of war, disasters, extreme poverty, all forms of violence and exploitation, and those with disabilities.

Agreeing that children on the move fleeing war, conflict, poverty or other threats are at increased risk of violence, exploitation and abuse, including human trafficking, as well as increased risks of family separation and may experience barriers in accessing justice when they come in contact with the justice or justice system;

Recognizing that since February 24, 2022, more than 2.2 million children have fled Ukraine and become refugees, and countless more children have been displaced by violence in their country, and that the threat to children is real and growing;

This Memorandum of Understanding is concluded between

By the Ministry of Justice of the Slovak Republic, hereinafter referred to as the "**Ministry**", Račianska 71, 813 11 Bratislava, Slovak Republic, represented by the Minister of Justice JUDr. Villiam Karas, PhD.

a

United Nations Children's Fund, UNICEF, hereinafter referred to as "**UNICEF**", an international and intergovernmental organization established by the United Nations General Assembly, with an office in Bratislava, Slovakia, represented by Mrs. Michaela Bauer, Emergency Response Coordinator for the Slovak Republic.

Article 1

The purpose of the memorandum

This Memorandum of Understanding (hereinafter referred to as the Memorandum) takes into account the agreement reached between the two parties and the commitments and obligations assumed by both parties regarding the safety and protection of refugees, including children and families from Ukraine and third countries, and other vulnerable persons in Slovakia, especially children and families, with a focus on the protection of children, including but not limited to the protection against human trafficking and exploitation, violence against children, family separation, and promoting children's access to justice when in contact with the justice or justice system.

Article 2

General principles

The Memorandum relies on fundamental principles of participation, best interests of the child, dignity, protection from discrimination and rule of law.

The Memorandum is relevant to all ways in which children are likely to be, for whatever reason and in whatever capacity, brought into contact with all competent bodies and services involved in implementing criminal, civil or administrative law.

Article 3

Scope and area of cooperation

The cooperation will cover the following areas of the justice system:

1. Treatment of **children in conflict with the law** including alleged perpetrators of misdemeanors and criminal acts, by the justice institutions, and including children from Ukraine and other third countries, so that the cooperation will focus but is not limited to:
 - a. support the performance of probation and mediation at enforced community sanctions and measures (alternative measures) imposed to the offender before sentencing, after sentencing judgment, but also after dismissal from execution punishment withdrawals freedom
 - b. support to restorative justice approaches with special focus on juvenile offenders and young adults

2. Support to **children in first contact with the justice system or other relevant authorities as well as during the process**, including children victims and witnesses of crimes, and including children from Ukraine and third countries, so that the cooperation will focus but is not limited to:
 - a. building systemic solutions to protect and support victims, including victims of domestic violence, sexual violence and violence against women and children, in close cooperation with civil society,
 - b. support to child-friendly communication and child-centred proceedings for children victims and witnesses

3. **Enhancing children's access to justice**, including access to civil and administrative proceedings and child-friendly legal aid, so that the cooperation will focus but is not limited to:
 - a. supporting the work of Slovak Courts, supporting the work of Slovak courts in cases where they rule on children fleeing Ukraine and third countries and third countries, including children from childcare institutions and children who came to the country without a legal representative/legal guardian (unaccompanied)
 - b. Supporting analysis of data and information related to children in the justice system and related legal and policy provisions in order to support better planning and focus of programmes
 - c. Supporting the Centre of Legal Aid and other actors in providing child-friendly legal aid and awareness-raising on the rights of the child for children in Slovakia, including for those fleeing Ukraine and third countries.

4. Prevention of **violence against children**, including online violence, so that the cooperation will focus but is not limited to:
 - a. Support to prevention of online violence against children, including child sexual exploitation and abuse, online bullying, online hate speech, hate violence and hate crime, online threats of trafficking and other crimes that affect children in Slovakia, including those fleeing Ukraine.

5. **Capacity building** of the justice actors, so that the cooperation will focus but is not limited to:
 - a. supporting the agenda of the Academy of Justice of the Slovak Republic, as an educational institution of the judicial system with a nationwide scope, taking into account the training of professionals who are in direct contact with children with the need for multidisciplinary training on the rights and needs of children, including communication with children, and including a focus on communication with conflict-affected children
 - b. supporting the agenda of the Institute of Education of the Ministry of Justice, professional and administrative employees of courts and other departmental organizations in establishing a common evaluation framework between different experts in applying a multidisciplinary approach when working with children in proceedings, or in actions that include or have an impact on children with regard to their best interests

Article 4

Roles and Responsibilities of UNICEF

- In line with UNICEF's Core Commitments in Humanitarian Action for Children, which set out UNICEF's policy and framework for respecting the rights of children affected by humanitarian crises, and according to UNICEF's Crisis Response Plan, UNICEF will support national and regional authorities in their primary responsibilities for responding to a crisis situation, provide assistance to affected children and families, facilitate the work of humanitarian entities and ensure the mobilization of domestic and international resources through their technical expertise, coordination and awareness.
- In doing so, UNICEF undertakes to observe the following humanitarian principles: humanity, impartiality, neutrality and independence.
- In accordance with the provisions of Articles 1 and 2 of UNICEF, within the available financial and human resources:
 - It will provide direct technical and financial support to the state and civil society partners in the provision of comprehensive services aimed at protecting children's rights as a complement to the Ministry's role in responding to the refugee crisis in Ukraine, as stated in Article 2 and specified in the Annexes that may be appended to this Memorandum.
 - It will provide direct technical and financial support for the mobilization of the best national and international expertise in order to strengthen the capacities of experts in thematic areas relevant to this Memorandum.
 - It will share information and materials to raise awareness about protection of children's rights so that their best interests are a primary consideration, including applying a multidisciplinary approach
 - It will facilitate dialogue and cooperation between justice professionals and relevant national and international stakeholders working in the field of prevention and protection of children's rights in applying an interdisciplinary approach when working with children in situations of particular vulnerability.

Article 5

Tasks and responsibilities of the Ministry

According to Articles 1 and 2, the Ministry

- It will designate contact points for all relevant areas of cooperation, who will be the main intermediaries between the interested parties in order to mediate and coordinate cooperation in providing support to the Ministry, in particular with regard to:
 1. Children in conflict with the law
 2. Children in contact with the justice or justice system
 3. Children's access to justice

4. Prevention of violence committed by and against children
5. Capacity building (personnel, material and technical)

- It will coordinate its activities with UNICEF on a regular basis in order to agree on cooperation in areas specified under Article 3.

Article 6

Involvement of third parties

- According to the agreement with the Ministry, UNICEF may choose another subcontractor and/or consultant to implement the agreed activities set out in this Memorandum. Project management and expenditure are governed by UNICEF regulations, rules, policies and procedures in accordance with the General Terms and Conditions of the Contract and/or Project Cooperation Agreement signed by UNICEF together with the implementing partners.

Article 7

Communication and visibility

- All events, products and activities aimed at communication and visibility are coordinated and approved by the responsible contact points of the Ministry and UNICEF. The reason is to demonstrate responsibility and obligation and to inform key target groups about the progress and the results achieved, as well as the knowledge gained.

Article 8

Entry into force and duration

- The cooperation defined in this Memorandum of Understanding will take effect on the date of signing of the Memorandum and will last until the completion of all activities related to the program.

Article 9

Monitoring

- The implementation of the activities will be monitored by both parties based on the agreed indicators and methodology. The Ministry will provide support to UNICEF in the collection of relevant data to ensure accurate reporting of the results achieved.

Article 10

Applicable international law

- Nothing in or relating to this Memorandum of Understanding shall be deemed to constitute a waiver, express or implied, of any privileges and immunities of the United Nations and its subsidiary organizations, including UNICEF, whether under the Convention on the Privileges and Immunities of the United Nations or otherwise, and no provision of this Memorandum shall not be interpreted or applied in a manner or to an extent inconsistent with such privileges or immunities.

Article 11

Dispute resolution

- In the event of a dispute arising from the implementation of this Memorandum of Understanding, the parties shall consult with each other to reach an agreement and, in the event that this is not possible, the provisions of Article VIII of the Convention on the Privileges and Immunities of the United Nations of 1946 shall apply, the competent institution being the United Nations Commission for International Trade Law (UNCITRAL).

Article 12

Changes and attachments

- This Memorandum of Understanding may be amended only with the written consent of UNICEF and the Ministry. Neither party can make decisions in favour of the other party or interfere with its obligations.
- The contracting parties may agree to sign annexes to this Memorandum on specific issues in the field of cooperation, either between the Ministry and UNICEF or between the relevant organizational units.

Article 13

A higher power

- None of the contracting parties shall be responsible for any non-fulfilment or delay in the fulfilment of the obligation under this Memorandum, which arose for any reasons (*force majeure*) that cannot be reasonably influenced.

Article 14

Official language

This Memorandum of Understanding is drawn up in four (4) copies, two (2) in English and two (2) in Slovak, with each party retaining one copy in each language. In the event of a dispute, the contracting parties have agreed that the relevant version written in English will be relevant for the interpretation of this Memorandum.

Bratislava,

On behalf of UNICEF		On behalf of the Ministry of Justice of the Slovak Republic
Michaela Bauer Emergency Response Coordinator, Slovak Republic		JUDr. Viliam Karas, PhD Minister of Justice of the Slovak Republic