

Implementation of the Convention on the Rights of the Child

Written Answers to the Issues Raised in Connection with Committee's consideration of the Initial Report of Slovakia on the Implementation of the Convention on the Rights of the Child

General implementing measures
(Articles 4, 42 and 44, paragraph 6)

Question No. 1

It is known from the court practice, that citizens bargain at the court keeping the Convention on the Rights of the Child. However, these cases are not registered and shown separately.

Question No. 2

The Slovak National Centre for Human Rights was established in accordance with the Act No. 308/1993 as an independent institution and the main mission of it is to assist to develop an effective system of the human and citizens rights in Slovakia. During the first two years of its existence, its work, operational and programme costs, connected with support and protection of human rights in Slovakia, were covered from the Voluntary UNO Fund on the base of the Dutch government contribution. It was done on the base of the agreement between the government of Slovakia and UNO on the establishment of the Slovak National Centre of Human Rights, signed on 9th November 1994. According to the Agreement, the Slovak Republic undertook to continue, after providing a contribution from the Voluntary Fund, in financing the Centre in such way, that it could continue with its activities, at least on the level reached during the period of providing contributions. Actually, the activities of the institution are financed from the state budget.

The Centre performs its activities in these fields: research activities, educational activities, publishing activities, documentation, information and monitoring activities, specialised guidance, co-operation with other organisations and mass-media.

The research is focused on participation in research works in the field of the human rights protection and on working out the partial analyses of the legal regulations concerning human rights and basic freedoms.

Educational activities are divided from the point of view of addresses. The outcomes of them are conclusions and recommendations for legislation and social practice mainly, as well as the activities for selected circles of experts, which serve for working out of models for the conduct at performance of functions in the field of the human rights protection, mainly judges, prosecutors, the police and the public administration workers, as well as students. The international acceptance was reached with Weeks of European Law I, II, III, IV, V organised in co-operation with the Council of Europe.

From the beginning of its existence, publishing activities of the Centre include regular publishing of information (Bulletin of the Slovak National Centre for Human Rights), as well as editions of the Slovak original research works and important materials and also documents translations, specialised works on the topics worked out by the Centre, as well as publishing the volumes from conferences and seminars.

There work at the Centre the Human Rights Clubs of the faculties of law students. On the base of agreements on co-operation with faculties of law, students are in the framework of the club activities meeting the authorities from the are of the human rights protection, as well as together at the unofficial workshops.

Strengthening the legal conscience of the public in the field of the human rights and freedoms protection especially, is a part of the permanent Centre presentation in mass media. The Centre informs regularly the press agencies on preparing actions, as well as the results and conclusions of them. Regional press agencies are informed on the actions taking place out from Bratislava.

The Slovak government pays special attention to the human rights field. This field is a responsibility of the Vice-Prime Minister for human and minority rights and regional development. The Centre for Monitoring the Racism and Xenophobia was not established up to now.

(c)

In the framework of the scientific research activities of the centre, the collected material Rights of Children and Legal Guaranties of Them (Selection of Documents) was worked out and published in 1999, the work Short Commentary to Convention on the Rights of the Child was published by the Milan Šimečka Foundation as a scientific research outcome of the Centre.

There was elaborated and is starting now the Programme on protection of children and youth from injuries in the Slovak Republic. Beyond the Slovak National Centre for Human Rights, UNICEF and non-investment fund OPORA there are also some ministries taking part in realising programme (Ministry of Labour, Social Affairs and Family, Ministry of Education and Ministry of Health of the Slovak Republic). The programme works out rights of children for the safe environment guaranteed by the Convention on the Rights of the Child – Articles 17, 24 and 31 and is aimed at the primary and secondary prevention of the child injuries.

At the same time, the work continues on finishing the project Price of the heart of Europe – the 3rd millennium – prevention and protection of the children rights in Europe. The goal of the project is the support for safety and protection of the children rights, as well as the support of the educational, scientific and cultural actions. The project organisers are the Slovak National Centre for Human Rights, The Visegrád Fund, WHO, UNICEF and the non-investment fund OPORA.

Question No. 3

(a)

The SR government established on 14th June 2000 the Slovak Committee for the Rights of the Child as a consultative, initiative and co-ordination governmental body for questions connected with protection of rights and the right of protected interests of children, as well as with the supervision on observance of the children rights. The Committee can reach no more than 16 members, who are the representatives of the state administration, local government, NGO-s and the churches. Minister of Labour, Social Affairs and Family is a chairman. The Committee has its sessions according to the need, at least once in two months and works on the base of its own main task plan. The main task plan is worked out usually for a one-year period.

(b)

The Slovak government pays special attention to the institution of an ombudsman as a public defender of rights. Now the suggestion of legislative solution process of the ombudsman institution is prepared for the government session. It suggests preparing the draft Act on Ombudsman till three months after the adoption of the Slovak Constitution amendment.

Question No. 4

(a)

In the sphere of the civil education, Ministry of Culture is implementing through the National Enlightenment Centre following programmes:

- informs in the framework of the out-school educational activities on human rights on the principal strategies of the Convention, as well as on its principles and goals,
- promotes the unique family role, rights of its members and the family functions in the social system,
- informs on healthy and positive life style of children and youth and organises the events for prevention and health protection,
- in the framework of direct methodological help to further organisers, runs the courses, seminars, supporting programmes, publishing actions and information materials.

Ministry of Education supports children and youth association projects on the Convention issues through the grant process. In co-operation with the IUVENTA organisation it ran in 1999 the seminar "Rights of the Child at the End of Millennium".

(b)

In accordance with the Act. no. 195/1998 Coll. on Social Assistance, the supposition for some activities at regional offices, district offices and social service facilities, together with qualification, are special skills supposed.

Special skill suppositions are, according to the Law, complex set of the theoretical knowledge and practical abilities to know the processes from the social assistance sphere and further knowledge necessary for performance of activities. In the connection with stated facts, the workers go through the training or a suitable education, in the framework of which they are informed on the Convention principles and provisions.

Special skills suppositions are confirmed by the certificate issued by the Ministry of Labour, Social Affairs and Family of the Slovak Republic on the base of the successfully passed exam after finishing the necessary education according to a special regulation.

The Ministry of Culture trains, through its institutions, responsible workers employed in the network of so called District Enlightenment Centres on methodology, subject and specialised issues, in accordance with principles of the Convention.

There was a block devoted to the Convention issues given on the programme of education in the framework the state administration workers education. The Research Institute of the Child Psychology and Patho-psychology and the Methodical Centres, in the co-operation with non-state sector take part in the training of teachers in the human rights and the child rights sphere. Pedagogic and other workers in the sphere of education are given the information, which enables to enhance their work in the institutions ensuring the education of children and youth and taking part in it. The stress is put on the trends in education, which enable to make these processes more human and democratic, in accordance with the Convention and other relevant documents. These trends are implemented in the framework of all educational activities being organised.

Question No. 5

(a)

There are the benefits included in the state social support, which are directly connected with the support of families with children: family allowances and an additional family allowance benefit, regulated by the Act No. 139/1994 Coll., parental allowance regulated by the Act No. 382/1990 Coll., benefit at child birth and increased benefit at child birth regulated by the Act No. 235/1998 Coll. on the benefit at child birth, on parental allowance for the parents at birth of 3 or

more children simultaneously, or for the parents at birth of twins repeatedly in two years, subsistence contribution regulated by the Act No. 236/1998 Coll. on Subsistence Contribution, single contribution on covering the needs of a child in foster care, repeated contribution on covering the needs of a child in foster care and foster parent remuneration regulated by the Act No. 265/1998 Coll. on Foster Care and on foster care contributions.

Fulfilment of the indicators and goals in the framework of complex paediatric treatment in all spheres of the child care, e. g. prevention, medical treatment, later medical treatment is on a high level (prenatal, new born child, infant mortality, decreasing of the amount of children born with low birth weight, breast feeding programme, high percentage of vaccinated children, dispensary treatment).

Children are subjects to obligatory and regular vaccination against infectious diseases in accordance with the Decree No. 79/1997 Coll. on measures for prevention of infectious diseases as amended by the Decree No. 54/2000 Coll. Occurrence of the diseases, children are vaccinated against, is actually zero.

(b) budgetary allocations in per cent to mentioned sectors for the shown periods and 2000

Development of the state budget expenditures on social support is given in Tables No. 1 and 2.

Table No. 1

Development of the state budget expenditures, 1995 – 1998 (in thousands of SKK)

Benefit	1995		1996		1997		1998	
	reality		reality		reality		reality	
	Expen- ditures	Amount of entitled persons	Expen- ditures	Amount of entitled persons	Expen- ditures	Amount of entitled persons	Expen- ditures	Amount of entitled persons
Parental contribution	2,519,743	154,012	2,758,969	144,101	4,116,156	142,134	4,479,641	139,876
Child allowances and ACL*	10,002,796	682,045	9,982,511	653,938	9,119,388	594,219	9,925,051	603,445
Benefit at child birth	179,076	59,079	174,264	58,074	170,235	56,743	165,271	55,116
Funeral contribution	50,056	50,284	50,867	51,568	96,499	52,167	102,583	52,476
Sub- sistence contribution	13,920	775	10,773	588	9,069	478	9,231	499
Housing contribution for soldiers	1,228	205	1,017	159	878	133	745	119
Total	12,766,819	-	12,978,401	-	13,512,225	-	14,682,522	-

*ACL – Additional child allowances

Note: In the tables, there are given the average monthly amounts of beneficiaries at repeated state social support benefits and the amounts of beneficiaries per year at single benefits.

Table No. 2

**Development of the state budget expenditures in 1999 and budgets for 2000, 2001
(in thousands of SKK)**

Benefit	1999 Reality	Amount of entitled persons	2000 Budget	2001 Draft Budget
Parental allowance	4,417,181	137,931	4,501,890	4,548,400
Child allowances and ACL	9,190,015	568,951	9,461,714	9,535,843
Benefit at child birth*	17,182	5,724	-	-
Allowance at child birth	155,313	50,087	186,600	186,600
Increased allowance at child birth	43	10	-	-
Contribution for parents	340	45	1,630	1,630
Funeral contribution*	9,100	4,645	-	-
Contribution at funeral	96,974	46,737	109,200	109,200
Subsistence contribution*	493	20	-	-
Subsistence contribution	11,712	945	11,500	11,500
Housing contribution for soldiers	620	100	-	-
Housing contribution	-	-	1,700,000	2,600,000
Compensation of earnings for citizens on military or civilian service	1,443	34	1,700	1,700
Foster care together - single contribution - repeated contribution + remuneration for	91,655	708	91,655	91,655

foster parent		3,327		
Total	13,992,071	-	16,065,889	17,086,528

Note: *Till 31st December 1998 provided in the framework of the social security benefits in accordance with § 49 of the SR National Council Act No. 274/1994 Coll. on Social Insurance Agency, as amended of the SR National Council Act No. 374/1994 Coll.

Demographic development of a society (decreasing birth rates, slightly decreasing amount of weddings, shifting of weddings and first childbirth to higher age categories of young people and general ageing of population) is very important from the view point of further legislative strategies in the framework of the family support from the means of the state.

Testing of income for the child allowances entitlement is well founded by the fact that the social income for families with lower incomes is being guaranteed. Actual situation, when after exceeding the upper family income limit such families are not entitled for the state family benefits is assessed as rigid by present payers.

Financing of medical care is ensured by the system of obligatory health insurance. Necessary renewal and complementing of devices, highly specialised pediatry departments, is financed from the state budget.

Yearly expenditures on vaccines are at least 2,000,000 SKK (Slovak Krone). In 1998 it was the amount 3,000,000 SKK. There is the amount 2,000,000 SKK in the state budget intended for vaccines in 2000.

General principles (Articles 2,3,6 and 12)

Question No. 6

(i)

(a)

According to present Labour Code and General Principles of the draft new Labour Code, natural entities have the right to work and free choice of employment, as well as for equitable and satisfactory working conditions and to protection against unemployment. These rights belong to them without any limitations and direct or indirect discrimination according to gender, marriage and family status, race, colour of skin, language age, status of health, religion, political or another conviction, trade union activity, national or social origin, national or ethnic origin, property, stock or other position.

In accordance with the Article 33 of the Slovak Constitution, the ethnic origin or nationality must not harm to anybody. In the sense of constitutional guaranties, the Act No. 195/1998 Coll. on Social Assistance is performed generally in the relation to citizens, who are in financial need and are provided with some form of social assistance. It follows from the above mentioned facts, that citizens provided with social assistance are not distinguished e. g. according to nationality or ethnicity.

In the sphere of education, there is the right for education for all guaranteed by the Slovak Constitution, Article 42. Minorities and ethnic groups are by the Slovak Constitution, Article 34, paragraph 2 a) guaranteed for education in their native language. All these rights are projected in the Act No. 29/1984 Coll. on the basic and secondary school system (School Act).

(b)

Enhancement of reporting the race motivated aggression, because a big amount of them are not reported, and ensuring of their soon and effective investigation and prosecution

The SR Police, as a repressive component of the state administration resolves the race motivated criminal acts. Measures taken for prevention by it oppress the race motivated criminal acts, but not the race discrimination.

We can say, that there were not large conflicts in the connection with the race motives in the last years. However, now there seem to be a big problem with the race motivated aggressions against the citizens of the Romany origin. On the level of investigation, the investigators of the Police will be appointed to specialise themselves to investigate the race motivated criminal acts in 2000.

The state guarantees to everybody the right for the court and other protection, and in the framework of it everybody can solicit through the process stated by law, the right of him at the determined body. If the aggrieved party do not exercise its entitlement to cure its right through the process determined by the law, it cannot await the activity of the responsible bodies.

The Slovak legal order does not allow any form of discrimination of children. In accordance with Article 12 of the SR Constitution the basic rights and freedoms are the Slovak Republic territory guaranteed to all, without the difference of gender, race, colour of skin, language, religion, political or another conviction, national or social origin, national minority origin or ethnicity, properties, stock or position. Nobody can be harmed because of these reasons, or given more advantages or disadvantages.

The Police pays attention to elimination of activities of all groups of the race motivated criminal acts offenders. The Police took in the last two years measures for identification the individuals and groups in the whole state territory. It follows from the evaluation of the operational situation that around 1,000 members take part in the activities of irregular extremist groups. Gained information is assessed and concrete measures of preventive or repressive character (increase performance of the uniformed branches of the police, incentive for administrative prohibition of assembly, etc.) are taken.

To ensure the continual monitoring and following the race motivated criminal activities, xenophobia and intolerance, in the framework of measures taken, the investigators of the Police devote a special attention to identification of motives for the actions of offenders of the found out criminal acts, as well as to its qualification from the point of view of the criminal law.

With the force from 1st January 1999, these issues are followed:

- acceptance of the issues for negotiations according to § 158 of the Code of Criminal Procedures, if the process in accordance with § 160 of the Code of Criminal Procedures is yet not possible,
- beginning of the criminal prosecution for the respective criminal acts,
- meritorious decisions, i. e. suggestion for presentation according to § 166 of the Code of Criminal Procedures or some decisions according to § 171 to 173 of the Code of Criminal procedures.

The legal order ties the Police for ensuring the internal order and state safety, protection of life, health and properties of natural and legal entities, it is tied with lawful processes and observance of the citizen rights and freedoms included in the Slovak Constitution.

The Criminal Statute regulates, in the connection with the race motivated criminal acts, a criminal act of the violence against a group of inhabitants and individuals in this way: "Who exerts violence against the group of inhabitants and individuals, or threatens with killing or bodily harm, or with rendering the harm of a large extent for their political conviction, nationality, race, religion, or because they are without religion, will be imprisoned for two years".

With the adoption of the Act No. 255/1998 of the Law Code on Compensation of Persons Aggrieved with Violence Criminal Acts, the interest of the state to protect this group of aggrieved persons was stressed, too.

It is noteworthy in this situation that the Code of Criminal Procedures provisions enables the criminal sanction of persons who publicly slur some nation, race or conviction (the criminal act of slurring of nation, race and conviction and the criminal act of instigation to national and race hatred). If the mentioned acts or expressions in any way fulfil the subject matter of the mentioned criminal acts, there was and still is the possibility to lodge a complaint.

These provisions of the Criminal Law are followed by other Criminal Law provisions (e. g. criminal act of the support and promotion of the movements directed to suppression of rights and freedoms of citizens). There are some opinions or suggestions to forbid the organisations of skinheads in Slovakia. This is not acceptable because of mainly two reasons. There is not registered at the Ministry of Interior any organisation of skinheads as a subject to the Act No. 83/1990 of the Law Code on Association of Citizens as amended. In a case that in the future some of these organisations would apply for registration, the application should include an aim of actions. In the case the aim of actions would be in contradiction with the SR Constitution or other generally binding legal regulations, the application would be rejected. In the case the organisation would intentionally conceal or change the aim of actions, there is the legal process for immediate cancellation of its registration.

ii)

The authorised representative for solutions of the Romany problems, appointed on 10th February 1999, in co-operation with the Romany and non-Romany NGO-s, worked out the strategy of the Slovak Government for solution of the Romany national minority problems and a package of interrelated measures for its implementation – 1st phase, which introduces a long-term systemic approach of the government to the solution of the Romany national minority. Measures of the government were accepted in the sphere of the Romany population education, language and culture development, solution of unemployment, housing, social and health security of the Romany population. An important factor of the strategy is the concrete participation of the Romanies themselves at solving their own problems, as well as their participation at the public administration. The Strategy was adopted by the government in September 1999 as a core material, by which the priorities of the Romany population problems were determined. The Strategy was given to all embassies in the Slovakia, foreign partners and international organisations that participate at solving the Romany problems.

The authorised representative's secretariat continuously examines the problems of the Romany minority and co-operates with principals of regional and district offices, prepare the working sessions with the specialised working groups and actually works out and assesses around 600 projects on the solution of these problems. One of the suppositions for the effective solution of the Romany national minority problems and enhancement of the coexistence with the majority population are the concrete projects of bodies that pay attention to this sphere. The Committee for selection, adoption and assessment of the project implementation aimed at solution of the Romany Community, as an advisory body of the authorised representative negotiated on and suggested 65 projects for the government session, 56 projects from them were adopted with the total amount of 10,057,150 SKK. The projects solve the Romany minority problems in the sphere of education, culture, employment, housing and infrastructure. In the second phase, 16 projects from the above mentioned spheres were discussed.

In May 2000, the government accepted the "Worked out strategy of the SR government for the Romany minority solution" to the set of the concrete measures for 2000 – 2nd phase". The material introduces the set of concrete tasks for implementation of the government strategies that were approved in the framework of the first phase of the Strategy. The introduced tasks are covered by the planned finance that means they can be taken as real.

The set of concrete measures will be in 2000 financed from the state budget with the amount ensuring balance between the human solution of the problem and possibilities of the

state. We can say that after 1989, for the first time there was submitted and adopted the material which ensures also the finance for realisation of suggested measure. For the realisation of the measures adopted in the worked out strategy – 2nd phase, there were 165,327 million SKK determined for it. To illustrate the concrete measures we can state that e. g. in the human rights sphere it is supposed to solve the race motivated criminal acts by the specialised investigators of the Police, systemic training of judges and the state administration workers.

The sphere of education is an absolute priority at the solution of the Romany national minority problems. It is the aim of this sphere to create such conditions for the school system change, so that the Romany children could be as successful as other children and in such a way open possibilities of further education of them. We will continue in training of children at the pre-school facilities at least for one year before the beginning of the obligatory schooling with the aim of gaining the physical and psychic skills including language preparation, inevitable for successful managing of the educational process requirements. The authorised representative of the government for solution of the Romany minority problems is responsible for co-ordination of fulfilment of the adopted measures. Co-operation with the Romany and non-Romany citizen associations and NGO-s is supposed for successful realisation.

It can be stated for information that there is a very good co-operation between the Ministry of Education and foundation School Wide Open. In 1999, Ministry of Education approved the experimental verifying of the method School Wide Open, for which the Department of Pedagogy of the Faculty of Arts, Comenius University in Bratislava was responsible. The outcome of co-operation is the alternative methodical handbook for the kindergarten teachers, named Step by Step. In 1999, the experimental verifying of two projects was started:

- Acceleration of the Romany pupil successfulness – 10 primary schools with high concentration of the Romany pupils are included to the stated project.
- Reintegration of the Romany pupils from the socially disadvantaged and educationally less motivated environment of the special schools into majority population – there are 5 special schools included to the mentioned project. The aim of the project is to re-evaluation of the placement of the socially disadvantaged and educationally abandoned (not mentally disabled) Romany children to special schools.

In the same time the allocation of different activities is followed in the interest of effective use of finance not only from the state budget, but also from other resources including foreign resources, so that the acceleration of the Romany children would be reached and the educational process was of higher quality with involvement of teachers from schools with high concentration of Romany children.

Now the works on creation of the Concept of education of Romany children go on. Creation of the concept is based on comments and views from public discussion and worked out partial concepts of the external groups.

Question No. 7

Ministry of Justice does not evaluate individual complaints submitted by public or private institutions of public social care, courts, administration or legislative bodies in the sense of the question (i. e. how were the best interests of children the priority in all complaints concerning children).

However, courts often begin in the subjects of the care of minors proceedings ex offio in accordance with the Code of Civil Procedure, usually on the base of initiatives and information of the bodies for the child and youth care or children homes.

Ministry of Justice follows the statistics of individual kinds of proceedings on care of minors (e. g. also according to the fact, who submitted the complaint, etc.).

Question No. 8

(a)

From the point of view of proceedings at the civil court, there are mainly provisions of the Code of Civil Procedure and the Act on Family.

According to the provisions of the Act on Family, the legal representative of the child are the child's parents. In accordance with § 37, none of parents cannot represent his child, if it is a legal act, by which the concurrence of interests can occur between parents and children or among children mutually. If none of the parents can represent the child, the court determines the curator for it, who will represent the child at the proceedings or any legal act. In almost all cases the court determines the body of the care of children at the district office in the place of the child's residence as a curator.

Provisions of the Code of Civil Procedure, concerning the court proceedings in a matter of the care of minors (on education and nutrition of minors, on the contacts with parents, on limiting or suspense of the parent rights, on approval of important acts of a minor and on matters on which parents cannot agree, on prolongation of the institutional education after becoming full aged and on cancellation such measure), proceedings of the court on adoption, proceedings on the permit for marriage and proceedings on the custodian act regulate the possibility of the examination of minors.

The Code of Civil Procedure enables the examinations of minors on favour and purpose of the suggested measures, but only in the case "if it is suitable". From the explication of the law supposition follows that it is the role of courts to search each single case of care, whether the circumstances of the case require the examination of a minor. In the framework of suitability of a minor they assess the stage of the rational and sensitive development of the minor.

The examination takes place at the court in the form of informal dialogue with a child or minor, without the presence of public and usually parents, too. The presence of court persons and a curator is required.

At the proceedings for adoption in accordance of the Code of Civil Procedure, the court examines the child being adopted only in the case, when the child is capable to understand the adoption and the examination is not in contradiction with its interests. If the child is capable to assess the importance of adoption, its consent is necessary, beyond the case if the purpose of the adoption was defeated.

Proceedings on permit for getting married are regulated by the Code of Civil Procedure following the Act on Family in the way a minor is entitled to submit the proposal to the court, which will examine him before the decision, without presence of other persons and asks, whether he/she really wants to get married and examines also the person, with whom the marriage will be concluded.

In the framework of criminal proceedings, the Criminal Rule regulates the examination of a witness, if the examined person is younger than 15 years, as well as the accused person under the age of 18.

If the witness younger than 15 years is examined on circumstances, reviving of which would according to his/her age wrongly influence his/her mental and moral development, the examination should be executed in a very tactful way and in the framework of the content in such a way, that the examination would not be repeated at further proceedings; the pedagogue takes part at the examination, or the other person experienced in education of minors, who would contribute in accordance of the subject of examination and the mental development of the examined person, to the correct managing of examination. The parents can be also present, if it contributes to the correctly managed examination. At further proceedings, such person should be examined only if it is inevitable. At the proceedings, the evidence can be executed trough the reading of record. The person who was taken to the examination, will be examined according to the need to find out, whether the record is correct and on the way, in which the examination was conducted, as well as the way, in which the examined person answered.

The Criminal Rule includes the separate part for the accused under 18 (i. e. 15 to 18 accused – minor) “Proceedings against minors”. According to this regulation, if the minor is accused, he/she must have the defender from the submitting of accusation (so called inevitable defence). According to the Criminal Rule “at the proceedings against minors, the stage of the racial and moral development of a minor must be found out, as well as the environment he/she lived in and was educated, his/her behaviour before the criminal act and after it and other circumstances important for the choice of the means suitable for his/her cure”. Interests of minors are protected by the Criminal Rule provisions, according to which “if it is required for the favour of a minor, the competent court can remit the matter to the court in the district of residence of a minor, or to the court, where it is because of other reasons and in favour of a minor most purposeful”. It is also not possible, that there is the main proceeding at the court without presence of a minor and the court can, if it is in favour of a minor, exclude the public. The main proceeding can be attended also by the representative of a body responsible for the care of youth, which has a right to give proposals and put question to examined persons and has the right of the final speech. According to § 301 of the Criminal Rule “there should be paid attention at the proceedings against minors to entrust the decisions to the persons with life experience and knowledge of problems connected with education of youth, that will guarantee the fulfilment of the educational purpose of proceedings”.

(b)

The answer follows from the answer to point 8 (a), with the fact, that changes in the legal regulation of the Code of Civil Procedure were not made in this sense.

(c)

Ministry of Justice does not register such statistics. The court can apply for an interview with a child also the determined curator - answer to the question No. 8 (a) – or can order the probation by the lay assessor – an expert in the field of psychology and pathopsychology.

Ministry of Labour, Social Affairs and Family found out, that the curator determined by the court made an interview on the request of the court with around 990 children in 2000. The age of examined children was not found out.

(d)

The project Education of children and youth in a foster care to human and citizen rights – realised under the working name “The Child Parliament” – can be considered as the alternative to existing system of upbringing and education of children in a foster care. The general intention of the project is aimed at development of open acceptable environment in the children homes and re-educational facilities, and at upbringing to human rights. Through children – participants of the Child Parliament, the bodies of child self-government will be created in the facilities.

After passing through four modules of the psychic-social training, aimed at communication, assertive behaviour, self-knowledge, human rights and observance of them, the Parliament of whole Slovakia was created for the representatives of children in foster care. The first session of it, under the methodological leadership of the Committee for protection of rights of children and youth in subsistute care was devoted to the situation in children homes and re-educational children homes, status of human rights in these facilities and to the proposal of the problematic situation solution with presence of NGO-s. It goes on with this activity also this year. Another session is planned for 22 to 24 September 2000. Usually one child from each children home at the age 15 to 17 is taking part in the project.

Actions of the Child Parliament representatives is monitored at each further Parliament session and for the long term prospects the efficiency of the actions is assessed in the descriptive, not numeric, per-cent form respectively. After one-year operation of the Parliament it

can be stated, that the representatives of the Parliament are monitoring the statutes and operational rules in the children homes. They worked out the concrete projects for increasing the involvement in the actions of children homes. These projects proposed by children themselves, should enhance the involvement of individuals and formal, as well as informal groups from children homes to concrete actions and to operation of children homes. Projects will be evaluated at the Parliament session in September this year.

(e)

Law on school facilities stated the complex advisory system and a special pedagogic advisory system which is aimed at enhancement of situation in families, concretely the problems of upbringing and education. Through the school psychologist, the special school pedagogue and the educational advisor the requirements of children can be interpreted. According to the law on state service at schools and the school self-government at all secondary schools, the members of the school councils are the pupils of the respective school. There is one representative of pupils in the council, elected by pupils of the respective school. In the regional school council, there is one representative of secondary schools proposed by the councils of schools in the area of each regional office.

(f)

Changes in legal regulation of the Act on Family were not made, works on re-codification of civil and family law go on.

Ministry of Labour, Social Affairs and Family worked out in 2000 the Concept of prevention the socially pathological phenomena and re-socialisation and the concept of socially legal protection and foster care of children. Both concepts suppose the adoption of new legal regulation following from the results of works on re-codification of the citizens, family and criminal law. Accordance of the proposed measures with the Convention is one of the basic starting points of mentioned concepts.

**Family environment and alternative care
(Articles 5,18, paragraphs 1, 2, 9 to 11, 27, paragraph 4, 20 to 21,
19 and 39 and 25)**

Question No. 9

(a)

The Act on Family regulates the set of measures that can be taken by the body for care of minors and by the court at ensuring the minor interests protection (determining the supervision on minors, limiting or disengagement of parental rights, consigning of a child to the education of other citizen than a parent, consigning of a child to foster care, rule of the institutional upbringing, examination of the upbringing conditions and interim measures).

The Act No. 195/1998 on Social Assistance regulates the forms of solutions of the finance and social necessity and explicitly regulates that the social prevention is besides other forms performed for a minor, whose up to date upbringing is seriously threatened or broken, for

a minor with disorders of behaviour, a minor who is abused, sexually abused, or by whom the real suspicion of abuse or sexual abuse is evident. If a child is without any care or if its health or life is seriously threatened in the present environment, it is possible to place the child immediately to the care substituting the upbringing of parents. If parents or other citizens responsible for upbringing of a child, or other citizens, threaten or break the regular upbringing of a child, break the rights and obligations by non-creation of suitable conditions for education and upbringing and universal development according to the abilities of a child, some of the educational measures can be ruled (warning, supervision, limitation).

In the sphere of criminal law, a child is protected by the provisions of Criminal Rule, mainly the provisions on the criminal act of desertion (criminal is a person who deserts a child he is obliged to take care of and this child is not able to obtain help and in such way is endangered by injuries or death), on the criminal act of kidnapping (taking a child off from the care person who was obliged according to law or official decision to take care of it), on the criminal act of trafficking of children (consigning the child for a remuneration to another person for adoption, exploiting of a child work or to another purpose), on the criminal act of the threat for moral upbringing of youth, on the criminal act of sale the alcohol beverages to youth and on the criminal act of submitting the anabolic substances to youth. By the amendment of the Criminal Act No. 183/1999 Coll. the criminal act of abuse of a close person and a consigned person. It covers all forms of inflicting physical and psychical torture to a child. At the same time, the Criminal Law was widened in provision of the criminality of illegal employment of children younger than 15 years, if it prevents them from attending the school. A child is further protected by the provision on the criminal act of creation the child pornographic work ("criminal is a person, who enables exploitation of a child for creation of the child pornographic work").

Besides the introduced legal regulations, a child is protected by more provisions, e. g. the Act of Civil Procedure, Act on the Police, Act on the execution of infamous punishment and Law on execution of punishment.

On 1st October 1994, the European Convention on Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

The measure for implementation of the legal document "Convention on the Rights of the Child", Article No. 23, is also the Concept of the care of citizens with autism. The concept was worked out on initiative of the Ministry of Labour, Social Affairs and Family with co-operation of Ministry of Health and Ministry of Education, the non-governmental organisation (SPOSA), as well as experts from practice as the system solution for necessities of the families with children with diagnosis of autism.

In accordance with a guarantee of Article 42 of the SR Constitution, which guarantees to all citizens the right to education, the Concept of education of mentally disabled children, which should solve education of hardly mentally disabled children.

On the 1st September 2000, the Act No. 229/2000 on the system of primary and secondary schools (the school law) will come to force, by which the legislative environment for upbringing and education of children, up to now exempted from the obligatory school attendance, is created. Further it introduces the new kind of a special school for pupils with hard mental disabilities, so called a practical school. According to this law, now the education of pupils with hard mental disabilities in special classes of the primary schools and special primary schools is possible. They can pass the vocational training at the practical schools and technical apprentice schools. Children placed in the homes of social services may be educated in a special primary school or directly in a home of social services in the external classes of the closest special school, or such school can be established directly in the facility.

By the law on school facilities functions of educational advisor, school psychologist and school special pedagogue were created.

Children or their legal representatives can address also the facilities of the educational prevention (diagnostic centres, centres of upbringing and psychological prevention), local authorities (social departments, crisis centres) or advisory facilities (pedagogic and psychological counselling, centres of advisory and psychological services).

(b)

The answer partially follows from the answer on the question No. 9 (a) and from the answer on question No. 7. Besides that, prevention of children against torture, exploiting and neglecting is a part of the basic obligations of medical workers. Ensuring of seeking and dispensary of children endangered by the family environment enables the aimed solution and inter-sector co-operation in the sense of the complex solution of given problems. This activity enables to find soon children with suspicion for physical, psychical and sexual abuse, execution of physical work in a hurtful environment. According to the law on health care, a medical facility is obliged to announce immediately to the prosecutor, investigator or the Police the suspicion for torture or exploitation of a child or another person, who has not a legal capacity, or the legal capacity of he/she is limited.

In accordance with the Criminal Rule, the authorities acting at criminal proceedings (prosecutor, investigator, police) are obliged to accept announcements on realities attest that the criminal act was committed and to execute the matters as soon as possible. It concerns the monitoring and announcements of children abuse, too.

The Police fixes up in the framework of ensuring the protection and anonymity of the person who announces the lines of confidence, where each citizen, i. e. the child too, can call. These announcements are verified in accordance with law.

The Police register the attack and clarifying of criminal activities on the SR territory, where also the criminal acts against youth are registered. One of the issues is the registration of an attack and clarifying of the violence and amoral crimes. On the base of an assessment of these data, necessary measures are taken.

Statistical data inform only on announced and registered criminal acts which were at individual police departments investigated in the framework of criminal proceedings. There is a high probability that a lot of criminal acts connected with sexual abuse of children did not get to the statistics of Police (latent criminality).

(c)

The answer on this question partially follows from the answer on the question No. 9 (a). The Act on Social Assistance regulates the social prevention, social counselling, social-legal protection as the forms of solutions of the finance and social necessity. These forms of the finance and social necessity solutions were till 1998 partially regulated by the law on state administration of social security.

Social prevention is the specialised activity for preventing and stopping of the reasons for arisen, deepening or repeating of the psychical, physical or social disorders in citizen development. The forms of it are the seeking activities, remedial activities, rehabilitation activities, re-socialisation activities, organising of the upbringing and recreation camps. The law explicitly regulates the seeking activity as the seeking for minors

- whose parents are prevented from execution of their rights by the serious obstacle,
- whose parents cannot or do not want to fulfil their parental rights and obligations, or
- whose parents misuse their rights or in a serious way neglect their obligations.

In the same way the seeking activity concerns with minors with disorders of behaviour, minors for whom the foster care should be ensured, minors suspicious from being tortured or sexually abused or minors endangered for other serious reasons.

Social prevention and social counselling is performed by the authorities of the local state administration, it can be in the same way performed by communities and NGO-s on the base of a permit.

One of the developing forms of prevention and counselling is fixing up of the telephone lines. Actually, more telephone lines work, that were fixed up by the NGO-s (UNICEF, the citizens association SLONAD) or the state administration authorities (Ministry of Labour, Social Affairs and Family, Ministry of Interior, Ministry of Defence). The telephone lines are fixed up also at psychiatric clinics.

Protection of children against physical or psychical torture, against sexual abuse, against drug addiction and other social and pathologic phenomena is on of the aims of the Slovak Committee for Rights of the Child (answer to question No. 3). It has also the obligation of proposing the system of providing children with information on their rights, the way of their implementation and execution, as well as examining of the children opinions on their rights, the way of their implementation and execution.

Ministry of Culture ensures through nation-wide organisation National Enlightenment Centre the specialised and methodical activity, counselling and education in the framework of all enlightenment facilities. Actions are focused on the citizens education in the sphere of social prevention in a family, on the free time activities of children and youth, compensating the deficit in the family environment and artistic activities and interests. Special stress is put on social preventive and educational activities through the specialised projects (Youth with auditory defects and its preparation for partnership, marriage, parenthood; Police in the eyes of children – project focused on the sphere of prevention of criminality of children and youth ; Why I am glad to be in the world – project of the primary prevention of drug addiction of youth).

(d)

The Police concentrates in the framework of preventive programmes and actions on regional and local level mainly on the risky category of children and youth.

In 1997 the provision of the Police President was issued on regulation of the working system of the Police in the sphere of the criminal activities of youth and criminal acts committed on youth. On the base of the provision, there were determined workers at the departments of the criminal police of the regional directorates that focus on issues of the criminality of youth and on youth. Also at the district departments of the criminal police, there were determined workers focusing on these problems, besides other actions.

Reality, which was found out at the criminal activities investigations are regularly assessed and used for higher quality process of investigation of criminal acts committed by youth and on youth, as well as at the preventive actions of policemen and other authorities acting in the sphere of care of youth.

Ministry of Labour, Social Affairs and Family of the Slovak Republic follows statistically from 1997 reasons of placement of children to institutional and preventive care. Among reasons for placement, there are: social neglect, torture, addiction of children or parents on habitual substances, criminality, neglect of the obligatory school attendance. From 1999, performance of the social prevention forms is watched separately also for abused, exploited and neglected children (in 1999 for 342 children).

Question No. 10

According to Article 20 of the convention concerning the alternative care

- (i) please, give the last information (i. e. population divided according to age, sexes, including invalid children and Romany children) on
 - (a) children in facilities with alternative care (e. g. children homes)
 - (b) children in foster care

The last information on children in facilities with alternative care and on children in foster care is given for 1999 (Table No. 3, 4 a and 5).

Table No. 3

Number of children with RIE*in the alternative care from 0 to 25 years of age		6,184
from that	in children homes	3,589
	at special schools with hostels	1,641
	in homes of social services for children	954
Number of children in institutional and protective education		997
Number of children placed in children homes		3,589
from that	girls	1,640
	disabled children	569
	children above 18	173
	children to 3	636
Children placed in children homes, from the total number		3,443
Children placed in the church children homes, from the total number		146
Total amount of children homes		81
from that	number of state children homes	75
	number of non-state children homes	6
Professional substitute families		39
from that	number of state professional substitute families	36
	number of church professional families	3
Number of children in professional substitute families		83
from that	number of children in state professional substitute families	69
	number of children in church professional substitute families	14
Independent groups		59
from that	number of state independent groups	54
	number of church independent groups	5
Number of children in independent groups		595
from that	number of children in state independent groups	544
	number of children in church independent groups	51
Structure of children in children homes according to nationality		
Slovak		3,062
from that	girls	1,411
	disabled children	480
Czech		11
from that	girls	8
	disabled children	3
Hungarian		247
from that	girls	122
	disabled children	45
Romany		266
from that	girls	98
	disabled children	41
Other		3
from that	girls	1

	disabled children	X
Number of children in foster care		2,061
from that	disabled children	42
	children from 0 to 15 years of age	1,388
	children from 15 to 18 years of age	673

*RIE – Ruled institutional education

ii)

Pursuant to the Act on Social Assistance the children in the institutional care are provided a necessary care, i.e. boarding, lodging, education, medical - educational care, other care such as advisory services, hobbies, culture, recreation, personal equipment, pocket money and gifts.

One of forms to provide benefits to children in the alternative care are also contributions to the foster parent's care as amended by the Act No. 265/1998, Coll. of Acts on foster parent's care and foster parent's care contributions.

Currently, the following foster parent's care contributions are provided as the state social benefits:

- a) A single contribution to cover the child's needs
- b) A repeated contribution to cover child's needs
- c) A foster parent's remuneration

Repeated contributions in the foster parent's care are provided in the average number do 3 3000 cases by local state administration bodies. Sources totally spent to the foster parent's care on December 31, 1999 represented the sum of 91 655 thousand SKK (Slovak Koruna) .

iii)

Pursuant to the Act on Family, if the child's interest requires it, the court may entrust a child to the education of other citizen than a parent or to the foster parent's care. If the child's education is seriously endangered or disturbed and other educational measures did not bring any remedy (answer to the question No. 9, letter a) or if parents cannot take care about child's education due to serious reasons, the court may order the institutional care. To order the institutional care is considered for the extreme educational measures and may last only to that time in which reasons disappear for which the court ordered it. Pursuant to the Act on Family court and local state administration bodies constantly watch over performing the educational measures and evaluate their effectiveness. In the context of the above question the following mechanisms are:

- to provide the educational care to families in which the child's education and development are seriously endangered or seriously disturbed and to families of which it was necessary to take the child immediately away and place him/her to the care substituting the parent's care

- to search for citizens that meet conditions to perform the substitute family care and children to whom a substitute family's care should be provided
- to follow the development of children placed in the alternative care
- to follow whether the foster parent's care purpose is met
- to follow conditions for lasting of the institutional care and foster parent's care
- to influence the renewal of the family environment of which the children were taken away

iv)

The support by the state is oriented to such life events that are a natural part of an individual or family life cycle for instance child's birth in the family, education and personal care of a child in the family, his preparation for occupation, a child with a disability in the family, transitional and long-term absence of one parent in the family.

The state social support is one of the tools of the citizen's and family rights to the social security that is guaranteed by the Constitution. Its aim is to provide support to the individual or a family with dependent children in a targeted and differentiated way in such life situations that are recognised by the state to get a support and to come over these situations.

Currently, the following urgent issues are being solved:

- prevention of another decrease in the real value of children allowances and undesirable drop in the children allowances recipients,
- regarding the National program on accepting acquits communautaire - the transfer of the agenda of family allowances to the competence of one entity

The current splitting of the institutional organisation to provide children allowances into four entities causes administrative difficulties at their providing and a different application of legal amendment in the practice.

The Ministry of Labour, Social Affairs and Family will submit a draft of the Concept on building the state social support system to negotiations of the Government within which the transformation of the most extensive state benefit - the children allowances - is assumed. Passing a new Act on Parental Allowances effective from July 1, 2002 should finish this process.

The Concept of the State Social Support considers introducing a new benefit - a social supplement that will be linked to the child's allowances as a basic repeated contribution to families with dependent children. Its purpose should be support to come over another

life event such as a continuous preparation for occupation by a dependent child out of the place of his permanent stay.

In the above-mentioned draft of the Concept on State Social Support, passing of a new Act on Parental Allowance is considered with the effectiveness suggested from July 1, 2001. It will make possible to provide a parental allowance to that parent who takes a regular, personal and all day care about a child till the age of 3 in the amount of a multiplied sum set up by law for the purposes of state social benefits, if the parent has no income from the earning activity and proved a regular care about the child. At the same time, providing the parental allowances is being considered to a parent who takes care about a child with a disability and namely in the amount of multiplied sums set up for purposes of the state social benefits till the age of 6 if the child needs special care and exceptional care with special demands based upon decision of the adjudication physician.

Within prevention and decrease in institutionalising of children, several measures have been taken and forms are extended to perform the institutional education, e.g.:

- introduction of professional substitute families (in the year 1999, 39 families with 83 children)
- introduction of independent groups (in the year 1999, 59 groups with 595 children)
- transformation of large capacity homes for children of the hostel type to "family models" providing the care
- placement of children in the substitute family care (in the year 1999, roughly 300 children, i.e. 27 % approximately changed the institutional education for the substitute family care)
- return of children from the institutional education to the original family (in the year 1999 of 1080 children roughly 300 children returned i.e. 27 % approximately)
- work with the family (legal protection of families and their members, social and economic security of families, support to the housing development of families, employment of the family members, education of children and youth by preparing them for marriage and parenthood.

v)

The Centre of Advisory and Psychological Services provides the advisory and psychological care to families to individuals, couples and families through a network of 46 territorial workplaces and 20 detached workplaces. This care is provided free of charge.

NGO-s working in the area of assistance to children are provided subsidies from the state budget for projects they present according to objectives and character of projects e.g. advisory activity, social work in field, work with children that live in alternative care,

organisation of the education and recreation camps, free time activities, anti drug activities.

In the case of material and social need, the local state administration bodies provide social advisory services, social and legal protection, social services, and social assistance benefits and make the social prevention. They organise the education-recreation camps in their competence. With the exception of some social services, the social assistance is free of charge.

vi)

In the context of the Convention the objective of the Committee is to protect rights of children and youth that were left and orphaned. Having this target, the Committee coordinates activities by member organisations in compliance with its objective based upon incentives from children and young people. Based upon own initiative it presents incentives to relevant bodies to start proceedings due to breaching or not performing duties set up by law in the area of children's and youth's rights. It publicly shows up failures that revealed in decisions and activities by the state and self-government bodies and legal and physical entities. It initiates the public opinion development and increases the legal awareness in the area of children's rights. It suggests and initiates short-term and conceptual solutions in the area of observing the children's and civil rights.

The activities developed by the Committee may be divided into two basic areas:

- 1) in solving concrete cases of breaching rights of children and youth in the substitute care, left and orphaned children.
- 2) in making proposals for short-term and conceptual solutions of problems to increase the legal awareness (e.g. the project "the Children's Parliament"; project "Education to the Healthy Life Style"; other activities such as media campaigns, co-operation with homes for children at their activities; co-operation with experts in the area of assistance to children etc.)

The Committee was offered the membership in the Slovak Committee for Child's Rights (answer to the question No. 3, letter a).

Question No. 11

i)

The latest data on adoptions are for the year 1999 available (Table No. 6). The international adoptions are not statistically indicated as separate data.

	No. of children	Of them up to 15 years	Decision by court	Decision by institute	Adopted by a couple	Adopted by an individual	Adopted by the husband of the mother	Adopted by the wife of the father

In 1999, No. of children placed in the care of future adoptive parents	295	295	157	138	278	17	X	X
In 1999, the children adopted by a valid decision of the court	465	459	X	X	302	18	143	2

ii)

Pursuant to the Act on Family, the relationship arises between the adopting parent and adopted child by adoption that equals to the relationship between parents and children and adopted child and adopting parent's relatives, i.e. the relationship between relatives. Mutual rights and duties cease by the adoptions that were between adopted child and his original family. The foster parent's rights and duties also cease that was appointed to perform these rights and duties on behalf of parents.

iii)

The Slovak Government by its decree of March 3, 1999 gave its approval to conclude the Convention on Protection of Children and Co-operation at International Adoptions, May 29, 1993 and imposed a task upon the Minister of Justice to establish a working group to prepare the ratification of the Convention.

Till December 2000 the Minister of Justice was given a task by the Government to present a draft of legislative measures to perform the Convention based upon results of the working group.

The Slovak Republic signed the Convention on June 1, 1999.

The intersectional working group was established by decision of the Minister of Justice of April 28, 1999 and at its first session was held on June 2, 1999. In the meantime, the working group finished its work regarding the Convention and made its recommendations. Material for negotiations of the Government with the proposal for measures to ratify and perform the Convention will be presented in the month of September / October 2000.

Basic health and social care
(Article 6, par. 2, 23, 24, 26 and 18, par. 3 and 27 par. 1 - 3)

Question No. 12

a) Accessibility of buildings and transport

Within the social assistance to citizens with disabilities it is possible to provide selected social assistance forms to citizens, including children with disabilities. The accessibility

to buildings and transport is not directly reached by them because of the universal planning design, however through them it helps to overcome obstacles caused by existing inaccessibility of buildings and transport based upon the individual compensation principle: It is especially:

- contribution in cash to purchase aids (e.g. mechanical or electric chair, staircase lift)
- contribution in cash to purchase a motor vehicle (if a child cannot use public transport means or railway transport because of their inaccessibility)
- contribution in cash for transport (provided in equal situations as at the contribution in cash to purchase a motor vehicle)
- transport service (provided in equal situations as at the contribution in cash to purchase a motor vehicle) .

Based upon decision of the Government and in compliance with the Regulation No.192/94, Coll. of Acts on General Technical Conditions for Constructions Used by Persons with a Limited Capability to Move, a time schedule to modify current schools with compulsory school attendance is in preparation for needs of integrated education of students with special diagnostic needs. It is divided according to the type of health disablement (physical, impaired seeing and hearing) and will be in every district with the time limit from January 1, 1999 for the period of 10 years.

b) Rehabilitation of supporting services for families

As a significant form of support and at the same time making the situation in families with a disabled child easier, the personal assistance may be considered. Though it is not mentioned in the Act on social assistance as a social service but as a direct payment to the citizen in the form of contribution in cash to the personal assistance, from the viewpoint of its final effect it has all signs of facilitating and supporting service to a child with a severe disablement and his family.

The state budget subsidies provided to the civic associations are determined beside other to support financially reconditioning-rehabilitation and social-rehabilitation stays for families with children with a severe disablement that are organised by the civic associations themselves.

Another form of financial support of non-governmental entities providing the social assistance to citizens with a severe disablement is distribution of contributions obtained from lotteries and yields from other similar games to non-governmental entities.

Rehabilitation and supporting services to pupils with special educational needs is done through special pedagogic advisory services. The Research Institute of Children's Psychology and Pathopsychology as a governmental institution runs the Children's Centre that provides psychological, medical, rehabilitation, special pedagogic and social-advisory services to children and their parents free of charge.

c) Credited education

All children mentioned in the letter b) have a possibility to get equal education degrees as the intact population with the exception of children with a mental disablement. However, if the character of disablement was changed, they have the opportunity to increase their education.

Question No.13

a)

In the year 1999, 82.2 % of inhabitants were supplied by drinking water from public water pipelines (of the total number of 5 395 thousand inhabitants). In the year 1990 it was 75.2% inhabitants. Drinking water from public wells managed by self-governments or household wells supply the rest of inhabitants.

b)

In areas with a worse environment that we monitor, the situation develops more favourably in last years due to changes in the production structure. Enterprises that polluted the atmosphere and water stopped the pollution especially due to the production decrease, cancellation or closing down the organisations. A lower impact of polluted atmosphere, waste waters and soil upon children is a consequence of it.

Question No. 14

a)

In the year 1999, a publication by V. Mayer "AIDS" was issued. The evaluating study about the vaccination program of intravenous drug addicts against the B type hepatitis that was done by the Institute of drug addictions - Centre for treatment of drug addicts in Bratislava. Results of this study were presented at several home and international conferences.

Further on the following publications were issued:

- PhDr. A. Nociar, CSc. et al. "Survey of research results on alcohol, tobacco and drugs at pupils and students of primary and secondary schools in Slovakia in years 1994 - 1998"
- PhDr. A. Nociar, CSc. et al. "Comparison of the ESPAD research (European survey on alcohol, tobacco and drugs) in Slovakia in years 1995 - 1999"
- PhDr. M. Petiová, Mgr. M. Bielíková " Situation analysis of the position of the youth in SR in 1999"
- PhDr. M. Petiová, Mgr. M. Bielíková " Social-pathological issues of the youth in SR in 1999"

b)

At the beginning of 90-ties the following health and educational programs for children and youth were gradually implemented in Slovakia:

- schools supporting health (the WHO project aimed at health support that should be understood as a combination of the health education and other activities the schools develop with the objective to protect and support the health of pupils and employees. Participation of State health institute in SR consists in the professional co-ordination of individual schools to suggest and implement activities following from the project and in the co-operation to set up recovery measures. It is for instance a higher state health supervision, monitoring of food quality in school canteens, better conditions for movement activities, emphasise put upon necessity to change the way of life, objectivity at evaluation of a harmful substance concentration in the atmosphere).
- health supporting kindergartens (It is a program oriented to support the health of children in the pre-school age. The objective is to set up priority issues that touch the environment and health in individual kindergartens and suggestions to solve, test and evaluate the movement activities of children and teachers. It should find out about cardiovascular capability including a direct intervention to prevent a passive way of life and determine risky factors related to the stress and consequently a direct intervention - by individual consultations).

Question No. 15

Regarding the Article 26 of the Convention concerning the social security please mention how the new social security system (reference to the paragraph 132 of the report) will implement provisions of the Convention.

The current sickness insurance and social security system contains the legal entitlement of children. Of the sickness insurance, these are legal entitlements in defined cases and namely after finishing the compulsory school attendance and reaching the age of 15 years. Of the pension security, it is the entitlement of a dependent child to the orphan pension in the case of the breadwinner's loss. At the moment, the effective legal amendment contains the entitlement to the orphan pension for a dependent child regardless whether special conditions for the entitlement to the pension were met from the side of the deceased.

The new social insurance system is in preparation as well as the Social Insurance Act related to it. The children's entitlement of the sickness insurance will be preserved pursuant to the draft of the Act under the condition of the child's insurance relationship with set up conditions. It is suggested to let the orphan pension in the pension system providing that the entitlement to this pension will arise only if the parent who died met the condition of a minimum insurance period necessary for the entitlement to the disablement pension (it is assumed that it will be not longer than 5 years).

Based upon what was mentioned above, we may say that the changes in the social security will begin generally as to the transition from the security system to the insurance system that will have the insurance character and therefore the entitlement following of it will belong only the insured persons.

Pursuant to the Article 26 of the Convention the states party recognise every child's right to social security advantages including the social insurance and take necessary measures to reach a full applying of this right in compliance with the every state law. The intention of the state relates to this provisions and namely to pay family allowances to all dependent children what will more thoroughly meet principles of the Convention on the Rights of the Child.

Family allowances provided to all dependent children, well targeted and regarding the income situation in families correspond to providing of this benefit in countries of the European Union.

Family allowances with the effectiveness assumed from July 1, 2001 paid off to all dependent children in the family (for the benefit of roughly 1.4 million of dependent children) together with a minimum amendment of current coefficients suggested to calculate their level and income limits in order to provide children allowances in a higher sum will require total costs of 4 338 billion SKK (see the Table No.7) for 5 monthly instalments. Total costs to pay off children benefits in the year 2001 including the supplement to children allowances for children that would be provided only to June 30, 2001 will reach 89 536 billion SKK, i.e. by 74 million SKK more compared to the budget for the year 2000.

The social assistance system provided to citizens with a severe disablement has been amended by the Act on Social Assistance in the form of social services and contributions in cash to compensate social consequences of the citizen's (including child's) disability. The system is aimed to mitigate or remove consequences of disadvantages that the children have (indirectly also their families) in their natural environment compared to children without disability. The support is oriented to the area of:

- mobility (movement and orientation in own flat or family house, their neighbourhood or transport to more distant places from the place of residence),
- communication (communication with the environment, receiving and accepting of information of the most various kind by means of different information carriers),
- self-sufficiency at current daily activities (assistance at self-servicing, personal and household hygiene, assistance at study, work, family, culture, sport and other activities within the civic engagement),
- compensation of various kinds of higher expenses related to a severe disablement (for instance for a motor vehicle operation or compensation aids, a costly diet or care about dog with a special training).

• Individual contributions in cash are provided to a child or his parent based upon dependence in a particular area as a result of a complex and highly individualised assessment and not on a principle of a universal compensation for disablement. It follows that the character and extent of the children's dependency on various assistance forms is always dependent not only on the character and degrees of their disablement but also on personal assumptions, kind and extend of activities, their family environment and wider social and environmental circumstances.

Table No. 7

Range	No. of children	Average amount of children allowances	Costs per month	Costs per 5 months
To 1.37	711 550	800	569 240 000	2 846 200 000
Over 1.37 to 2.0	358 450	570	204 316 500	1 021 582 500
Over 2.0	376 000	250	94 000 000	470 000 000
Total	1 446 000		867 556 500	4 337 782 500
Average No. of children to which children allowances were provided from January to May 2000	Average amount of children allowances from January to May 2000 in SKK	Costs per one month in SKK	Costs per 7 months in SKK	
1 070 000	694	742 580 000	5 198 060 000	
Totally				9 535
842 500				

Question No. 16

a)

The answer comes partly from answering the question No. 15.

In the year 1999, the social law protection and social prevention was provided to 35 007 children. Of this number the social prevention was provided to 19 235 children because of behaviour disorders (e.g. the school attendance neglected, criminal activity, drug addiction, return from the re-socialisation and crisis centre, return from the institutional education, imprisonment etc.).

Within the educational activity of the social law protection (influence upon the improvement of relations between parents, parents and children and reestablishment of the family environment) 334 336 cases were recorded by the statistical survey of the Ministry of Labour, Social Affairs and Family. Within decision-making activity of the social law protection, 726 warnings, 514 supervisions, 1 limitation were imposed. Further on, 292 children were immediately placed in the institutional care and 78 children were immediately given to other citizen's care than the parent's care (answer to the question No. 9, letter a). Within the social work in the field, 73 750 visit were held the natural family environment and 16 698 visits in institutions in the year 1999.

The statistical data mentioned above correspond to activities developed by the local state administration bodies.

b)

Pursuant to the Act on Social Assistance, the objective of the social assistance is to mitigate or overcome the citizen's material and social need with his active participation in the natural social environment, to prevent causes for arising, deepening or repeating of the psychic, physical and social development disorders and to guarantee the citizen's integration to the society.

In compliance with the Social assistance act, forms that solve material social needs are as follows:

- social advisory services
- social law protection
- social services
- social assistance benefit
- social services and contributions in cash for compensation

The application of a particular form of the social assistance depends from individual assessment of the extent of the citizen's material and social need, i.e. also child's needs. As examples of measures in the context of question we may mention the possibility to provide social services in some of social service facilities (home for alone standing parents, shelter home, crisis centre, re-socialising centre, foster care facility, respectively. children's home). A part of the care in every of above mentioned facilities is besides other also providing of advisory services.

The Act on Social Assistance mentions explicitly that special qualification assumptions (answer to the question No. 4) are required from the head of the social services facility, his representative, nurse in chief, head of education and social employee of the social service home, pensioner's home and children's home. NGO-s that intends to develop its activities in social services, social prevention and social advisory services should present a document about professional capability to provide social services, social advisory services and social prevention to the relevant state authority.

Beside meeting assumptions as set up by law to perform functions, it is necessary to add that responsible entities organise various types of education activities for their workers, such as seminars, training courses, social - psychological training courses. As an example we may mention for instance a training course for professionals that work with children and namely the implementation of the preventive program " Say it directly" for workers of the Centre of Advisory and Psychological Services. American lecturers trained them and a team of lecturers that work to implement it, gets a feedback from practice and supervisions and develops this program constantly. It is a preventive program aimed to strengthen the child's personality, communication skills, self-acceptance and self-protection.

Education, leisure time and cultural activities (Article 28, 29 and 31)

Question No. 17

In order to make the access to education to all the Act on primary and secondary school system was revised (the School Act) that cancels a possibility to avoid the compulsory school attendance. Thus, a possibility was eliminated to exclude a citizen from education

and a general access to education is guaranteed as well as 100 % school attendance of all children.

Question No. 18

Human rights and especially the rights of the child are contained and taught in the entire school education system.

The Slovak Republic joined the international project ASP UNESCO (Associated School Project UNESCO). The ASP global objective is the education for peace, human rights, international understanding, and tolerance as well as the environmental education.

The program of the ASP schools provides a possibility to students to get information, contacts and experiences over the framework of the school curriculum, to organise seminars, debates, exhibits and other events aimed at human rights, democracy education against racism and xenophobia. At the moment 20 schools are involved in the ASP project, of them 5 secondary, 8 grammar schools and 7 secondary vocational schools.

Education for human rights is a part of the education at all school degrees and several pedagogic documents, e.g. Program of children's education in kindergartens (1999), a syllabus to the Civic education (1997), a syllabus to the Ethic education (1997), a textbook Basic laws for secondary schools (1995).

The education for human rights at universities is organised as a part of the professional education of students. A higher attention to this issue is devoted at faculties that prepare teachers, social workers as the human rights and education for their understanding is a direct part of the curriculum of social and humanitarian subjects as well as a part of the university graduate's target profile. In the postgraduate study the education activities with the above-mentioned orientation are provided by several NGO-s that organise especially short-term activities (lectures, debates, seminars, and courses) oriented to human rights based upon own decision and regional interests.

The postgraduate education of teachers for human rights is organised by the Ministry of Education through its organisations that meet this task in the following forms:

postgraduate education of teachers that teach the civic education and ethic education
co-operation with NGO-s

active participation in conferences and publishing in proceedings to the above topic
seminars for district methodologists of the civic education and ethic education with a relevant program and distribution of methodological materials.

Special protection measures (Articles 22, 30, 32 - 40)

Question No. 19

- i)
- a)

The Act No.283/1995, Coll. of Acts on refugees says that if it concerns a foreigner younger than 15 years and a foreigner that is deprived of the capability to perform legally or whose capability to perform legally is limited, his representative or tutor may perform on his behalf.

In compliance with the Article 221 of the Convention, in the draft of the revised act on refugees the words " a foreigner younger than 15 years are replaced by words "low age foreigners and thus the diction of the above provisions is in compliance with the Article 1, part I. of the Convention.

The above legislation amendment means in the practice that the Migration Office in its care about low age foreigners respects fully the humanity principle. The low age refugees get a tutor for the purpose of the asylum proceedings (as a rule it is a qualified social worker directly from the refugee's camp).

The revision of the Act on Refugees in order to unify the family recognises the refugee's statute not only to the refugee's husband but also to her unmarried children till the age of 18 years.

b)

The Office of border and foreigner's police recommended to the Government in 1997 to accept a draft to join the Convention of 1954 concerning legal statute of persons without any state citizenship, its Supplement and Convention of 1961 concerning reduction of the number of persons without any state citizenship. However, the objection to the Article 27 of the Convention concerning the legal statute of persons without any state citizenship was applied. The SR joined the above-mentioned international conventions in this year and the National Council SR ratified them, while the objection to the Article 27 was accepted.

c)

The Migration Office principally cares that the refugee's children are accommodated in the Migration Office facilities together with their parents.

ii)

Rights and duties of refugees are amended by the Act on Refugees. Pursuant to this Act if a foreigner is given a refugee's statute a permanent stay is permitted to him on the Slovak territory. By decision about the refugee's statute the foreigner acquires the same position as the Slovak citizen (with the exception of right to vote and duty of the basic army service).

It means that the education of refugee's children over the level of the basic education is done on the same level as at children of Slovak State citizens.

Question No. 20

i)

a)

From 1991 as the Convention entered into force, the Penal Code was revised many times. After very revision its compliance with international agreements, including the Convention was verified. The result was a necessary revision of the Penal Code as mentioned in the answer to the question 9, letter a). The laws respect the age level of 18 years at trespassers in the criminal proceeding, detention and imprisonment.

b)

The legislation concerning the current judiciary system for youngsters was revised again and re-evaluated in the legislative intention of the new Penal Code and Penal Rules. The Slovak Government on May 31, 2000 has already passed it. The complex amendment of issues related to youngsters in the social law, civic law and also penal law is assumed. It will be supported by all documents of the United Nations Organisation and the Council of Europe. It considers reducing the age level at responsibility for a crime from 15 to 14 years, a group of youngsters to 18 years, corresponding forms to negotiate the youngster's issues, exceptionally of the detention, a complex system of measures and establishment of special court senates for youngsters. The approval of new penal codes is assumed in the year 2002 at soonest.

c)

The above problem is sufficiently amended by the Act on Detention and Act on Imprisonment. Valid provisions of the above legal standards are in compliance with provisions of the Article 40 of the Convention that are used on the side of accused and sentenced youngsters and are fully respected and applied with the responsibility by the prison security and judiciary corps.

The contact between youngsters and their families is unlimited in writing and visits are possible pursuant to provisions contained in legal norms regarding the youngster's real status (accused in the detention or sentenced in the imprisonment).

d)

This issue is amended by the Act on detention and regulation of the Ministry of Justice that issued Rules for the detention performance. Relevant provisions of the above legal norms fully respect provisions of the Article 37 of the Convention. From the side of the Prison security and judiciary corps are relevant provisions of the Act of the regulation applied in the practice.

The records from regular inspections in institutes of the Prison security and judiciary corps are also a proof of it. They were done by inspecting prosecutors, inspections by other bodies, explicitly determined in the relevant above-mentioned legal norms and records from inspections done by the Committee of the Council of Europe "CPT" - the Committee to prevent torturing and inhuman treating of persons deprived of the personal freedom that were held especially in the year 1995.

e)

This issue is also amended by the above quoted legal norms that are sufficient in relevant provisions and are in compliance with the wording of the Article 37 of the Convention. They solve and guarantee legal rights of youngsters in the detention and imprisonment. These persons may submit applications, complaints and petitions to the

state bodies, dispatching of which must be immediately done and registered by the relevant institute of the Corps in order to guarantee their legal rights.

If a person (accused or sentenced) asks for it, he may talk to the director of the institute, prosecutor, judge or body that just performs the inspection in the institute. Another guarantees are boxes in every institute of the Corps that are lockable and located in places normally accessible to accused or sentenced persons. They are determined for applications, complaints, petitions and proposals by these persons addressed to the state bodies and legal representatives in closed envelopes. A worker collects the content of these boxes daily beside the holiday days and he guarantees to dispatch them to addressers without any delay. The insufficiencies presented by accused youngsters are solved without any delay by the Prison security and judiciary corps.

f)

The education of youngsters is amended by the Act on Imprisonment ("The Imprisonment of Youngsters") and regulation that issues Rules for the Imprisonment Performance. The Prison security and judiciary corps organise the professional preparation for the future occupation in the context of relevant provisions contained in the above mentioned legal rules under the professional pedagogic supervision and in the co-operation with school authorities (finishing of the compulsory school attendance or full secondary education).

The health care area and other social issues are amended by relevant legal regulations, provisions about the health care and basic social rights of sentenced persons. The Prison security and judiciary corps applies these legal provisions in the standard way.

g)

reformatory and rehabilitation services provided to young trespassers and their effectiveness

The issue of reformatory and rehabilitation services provided to young trespassers is amended by the Act on Imprisonment in the part " Imprisonment Performance at Youngsters" in its provisions about dividing of youngsters to work, forms and methods of the cultural and reformatory work, physical training and sport activities and care after the reformation process of youngsters is finished. Further on, the above issue is amended by the regulation that issues the Rules for imprisonment performance and namely in provisions: imprisonment performance by youngsters, cultural and reformatory works with youngsters, hobby actives by youngsters and preparation for dismissal of youngsters from the imprisonment. Then in the provision about participation of church organisations, participation of civic hobby associations, participation of courts and prosecution and participation of the local state administration bodies communities and other organisations. The Prison security and judiciary corps respects these legal provisions in a full extent.

ii)

The Ministry of Justice keeps statistical data about the number of sentenced persons in the context of combination possibilities of the statistical sheet. - Tables No. 8, No.9 and No. 10

"Selected statistical information - the youngsters" provide data about young trespassers

Table No. 8

No. of sentenced persons	1997	1998	1999
total No. of sentenced	22 405	22 417	21 550
of No. of sentenced youngsters	3 654	3 027	2 659
of the total No. of youngsters			
women	195	143	143
men	3 459	2 884	2 516

Table No. 9

No. of sentenced youngsters sentenced for specially monitored crimes	Total in 1998	men	women	Total in 1999	men	women
theft	1558	1492	66	1187	1111	76
breaching of household freedom	261	240	21	166	155	11
malicious health damage	175	172	3	170	163	7
robbery	159	156	3	154	151	3
hooligans	163	159	4	114	112	2
sexual misuse	101	90	11	95	88	7
rape	11	11	x	12	12	x
murder	7	6	1	8	8	x

Table No. 10

	year 1998	year 1999
Number of sentenced youngsters	3027	2659
Nationality of Slovak sentenced youngsters	2734	2407
	Czech	6
	Ukrainian	3
	Russian	1
	Polish	x
	Hungarian	282
	German	x

	other	1	3
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Question No. 21

A draft of the new Labour Code says about limits to enter the employment that relate to the Article 32 of the Convention.

The physical person that did not reach the age of 15 years may exceptionally take easy jobs that do not endanger his health, safety, future development or school attendance at performing or participating in cultural and art performances, sport and advertising activities by their character and extent. The physical persons that did not reach the age of 15 years are permitted to perform easy jobs by a relevant labour inspectorate after agreement with the occupational safety body. In the permit the number of hours and conditions under which the job can be done are defined.

Within the revision of the Penal Code, the illegal employment of children was amended from September 1, 1999. According to this provision that person is convicted that

- illegally employs a child younger than 15 years while it prevents the compulsory school attendance,
- commits such a crime to a child that was entrusted to him for his care, misusing his dependence or getting any benefit of it,
- commits such a crime under the threat of violence or to several children.

By imprisoning from five to twelve years is punished everybody that will cause a damage to health or death by doing so.

Legal amendments relating to children's work cover all children; therefore it is not possible to answer the question put in the relation to the Romany children in a special way.

Question No. 22

With regard to the unfavourable drug situation on the Slovak, the Government accepted the National Program on Combat against Drugs in 1995 (hereinafter NPCD). The NPCD sets up the basic objectives, principles and starting points for drug issues, drug addiction and problems closely related to it, including criminality caused by drugs. The NPCD objective is a complex solution of the drug addiction issues. It sets up tasks to individual sectors and other participating entities in combat against the drug addiction. It is aimed at four basic areas - prevention, treatment, rehabilitation and re-socialisation; the application of the law in combating drugs; mass media policy; international co-operation. Tasks are regularly controlled and evaluated and the NPCD tasks are annually revised and supplemented pursuant to the latest needs of the practice. The top body developing activities in this area is the Committee of Ministers for drug addiction and drug control, the task of which is not only to make a space for the NPCD application but also to define priorities of the anti drug policy for individual directions and time periods. On the regional

level commissions have been established at all local state administration bodies and many self-governmental bodies the role of which is to meet the NPCD tasks, to set up basic priorities of the antidrug policy in a given region, to co-ordinate a co-operate with participating entities in this area.

The regular statistical surveys, studies, research and development monitoring are one of backgrounds on which the antidrug policy of the state has been built up. They are a necessary fundament for developing and constantly applying of particular programs and antidrug activities. For instance, the research is done for couple of years that finds out about smoker's habits, data about alcohol using and misusing of drugs at children at primary schools.

The research under the title TDA (tobacco, drugs, and alcohol) was done at pupils of primary schools, students of secondary schools and their teachers. Another of plenty of activities of this character is the ESPAD project (European School Survey Project on Alcohol and Drugs).

The state health institutes in the co-operation with the Ministry of Education and Secretariat General of the Committee of Ministers for drug addiction and drug control joined the project. The project was determined for 16 years old students of secondary schools and its results serve for the international comparison of individual European countries that joined the project. One of last studies developed in the sector of the Ministry of Education is the study by Pétiová et al.: Opinions and attitudes of young people living in re-education homes for youth tot the drug consuming. This study was developed under the auspices of the Ministry of Education and Institute of information and prognoses in the education system.

As regards the problem of misusing substances, including alcohol and tobacco the following legal regulations have been accepted:

- Act No. 219/1996, Coll. of Acts on protection against misusing of alcohol and establishment and operation of detention centres.
- Act No.139/1998, Coll. of Acts on narcotic and psychotropic substances and preparations as last amended
- Act No. 268/2000, Coll. of Acts on handling precursors, narcotic substances and psychotropic substances and amendment of the Act No. 455/1991, Coll. of Acts on business licenses as last amended
- Act No. 67/1997; Coll. Acts on protection of non-smokers.

Question No. 23

a)

At analysing and evaluating issues in the area of children's sexual misuse and in order to improve the work, new crime categories were supplemented from September 1, 1999 in the revision of the Penal Code. They deal with the above-mentioned issues; for instance endangering of moral, production of children's pornographic works, distribution

of children's pornographic works, keeping of children's pornographic works, illegal employment of children, torturing of a close and entrusted person etc.

b)

The Police Corps with the financial support of the Dutch party developed a project of the co-operation with schools under the name "Behave yourself normally" that is oriented to the age category of children from 11 to 12 years. From September it runs at 15 primary schools and 1350 children joined it altogether.

The project is composed of twelve topics in which issues of violence, drugs, alcohol is also included. The project is done in the form of lectures and debates with participation of selected and trained police workers and class teachers.

c)

The answer follows from answering the question No. 9.

d)

One of tasks that came from the Decree of the Government for the Police Corps was to establish legislative, personal, organisational and other conditions for a gradual establishment of specialised workplaces of the criminal police in the area of crimes committed by the youth and to youth. The objective is to improve work at preventing and avoiding the youth criminality and criminal activities committed to the youth.

The above task has been met only partly. At the present time a draft to establish specialised workplaces dealing with the youth criminality and crimes committed to the youth is being developed. The workers of the criminal police that work in this area will also deal with issues of the sexual misusing of children.

In 1997 the Slovak Government accepted measures for combating the children's pornography and sexual misusing of women and children. A part of them were also tasks for individual ministries that participate in this issue. The Ministry of the Interior, Education, Health, Labour, Social Affairs and Family met these tasks. In 1999 the Government passed "Complex program on combating the crime" in which this issue is also included.

e)

The Government supports social, educational and health care programs aimed at protection of women and children against misusing, drugs, harmful practices etc. In this context the Government accepted measures for combating the children's pornography and sexual misusing of women and children. A part of these measures is:

- to initiate the co-operation between the Police Corps and sectors of schools, labour, social affairs and family, health care on the level of ministries and also lower managing and executive workplaces to solve negative phenomena affecting children and youth,

- to initiate and organise discussions and debates with illustrative examples for the protection of children and youth against sexual ways of misusing children and youth within the education process in the school sector,
- to initiate and organise methodological presentations within meetings of parents in the form of professional lectures and debates about possibility to increase the safety of children and youth as well as ways to protect children against a possible sexual misusing,
- to introduce and organise special preventive-educational programs for the protection of children and youth under the auspices of professional workers from centres of educational and psychological prevention and pedagogic-psychological advisory centres in the school sector.