



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 1231st MEETING*

Held at the Palais Wilson, Geneva,
on Tuesday, 22 May 2007, at 10 a.m.

Chairperson: Ms. LEE

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* No summary record was issued for the 1230th meeting.

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6)

Second periodic report of Slovakia (CRC/C/SVK/2, CRC/C/SVK/Q/2 and Add.1; HRI/CORE/1/Add.120)

1. At the invitation of the Chairperson, the members of the delegation of Slovakia took places at the Committee table.
2. Mr. GREXA (Slovakia), introducing his country's second periodic report (CRC/C/SVK/2), said that, during the period under review, Slovakia had carried out legislative reforms that had had a direct impact on the situation of children in the areas of education, social security, health care, family law, criminal law, access to information, and public administration. All the provisions of the Convention had been incorporated into Slovakia's legal system at all levels. The child's right to express his or her views, to freedom of expression and to freedom of thought, conscience and religion had been reflected in the newly adopted Family Act, the Criminal Procedure Code and the Civil Procedure Code. The Family Act specified parental rights and responsibilities, including the care and representation of minors, the administration of minors' assets and, in the case of divorce, the right of the parent who did not have custody to be informed regularly about the child. The principle of the best interests of the child had been incorporated into the Family Act, Act No. 305/2005 on social and legal protection of children and social guardianship, the Civil Procedure Code and the Civil Code.
3. Certain provisions of the Penal Code that had entered into force on 1 January 2006 protected children and young people from physical and psychological violence when in the custody of one or both parents or their legal guardians. Special provisions governing proceedings against juvenile offenders, including provisions relating to legal representation and detention, had been included in the Criminal Procedure Code.
4. International conventions ratified by Slovakia were directly applicable in its legal system. On 7 July 2006, the Slovak Republic had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. On 27 March 2007, it had been among the first countries in Europe to ratify the Council of Europe Convention on Action against Trafficking in Human Beings.
5. Beginning in 2000, the Slovak Government had begun formulating two-year action plans for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance. The action plans were the Government's basic tool for preventing discrimination and raising public awareness of the principles and provisions of international human rights instruments, including the Convention on the Rights of the Child. In addition to raising public awareness, the 2006-2008 Action Plan addressed the situation of migrants in Slovakia. Its priorities included the prevention of extremism and anti-Semitism, mainly by educating professional groups. The focus on education reflected Slovakia's implementation of the second United Nations Decade for Human Rights Education. In February 2005, Slovakia had adopted the 2005-2014 National Human Rights Education Action Plan and, in January 2006, had established the National Commission for Human Rights Education to coordinate the Action Plan.

6. In the period under review, the system of social and legal protection of children had undergone fundamental changes. Although the new legislation and amendments had been in force for a relatively short period of time, they had already had a positive impact, particularly in the areas of substitute family care and institutional care. The system of assistance to children with behavioural disorders was gradually changing, and emphasis was being placed on cooperation with the parties concerned. Cooperation between municipalities and NGOs was being promoted, and conditions were being created for the provision of substitute family care as a vocation. The main objective of the ambitious reform of institutional care taking place in Slovakia was to deal effectively with the situation of children who could not be brought up in their families. Challenges for the near future included improving the system of rehabilitation for children with behavioural disorders and establishing an independent authority to protect the rights of children.
7. The Slovak Committee for the Rights of the Child, which had been established in 2000, had failed to meet the goals for which it had been established. Its functioning as an advisory body to the Ministry of Labour, Social Affairs and the Family had also proved ineffective.
8. Current education reform promoted education on the rights of the child through recognition of the freedom and responsibility of pupils, differences between pupils and cooperation among pupils. The legislative amendments made since 2002 in compliance with the Convention related to the education of children, including Roma children, from socially disadvantaged environments; the education of children with disabilities; and the transfer of certain government functions in the area of education, particularly those related to the financing of schools, to municipalities and regional governments.
9. The situation of Roma children was inseparable from that of the Roma population as a whole. In April 2003, the Government had adopted the basic theses of the Slovak Government's policies for the integration of the Roma communities, which served as a basis for the formulation of policy in such areas as education, housing and health care. The basic theses had been used to guide the integrated education policy for Roma children and youth, including the development of secondary and tertiary education, the introduction of teachers' assistants in preschool and primary education, and a scholarship programme for secondary school and university students. The Government conducted annual reviews of the basic theses and, at the same time, adopted new priorities for the next period.
10. A number of projects were currently being carried out to improve the access of the Roma minority, including Roma children, to health care. One project had produced positive results, including the development of health education materials for the Roma, training activities for Roma health-care workers, the provision of mobile medical units and the refurbishment of selected health-care centres.
11. In order to counter racially motivated crime against the Roma and their children, the Government had provided support to State prevention programmes, including a pilot project involving specially trained police officers that was aimed at improving cooperation between the police and the Roma communities. The Government had also established a commission to coordinate action to eliminate racially motivated crime. Expressions of racial violence and incitement to racial hatred were punished under the Penal Code and, since 2004, the severity of punishment had been increased.

12. In conformity with the Convention, the Slovak Government had taken a number of measures to protect the interests of unaccompanied foreign minors who were seeking asylum. The main objective of such measures was to act in the best interests of unaccompanied foreign minors and enable them to enjoy the same advantages and opportunities as Slovak children.

13. Ms. KHATTAB (Country Rapporteur) commended Slovakia for its successful transition from a centrally planned economy to a modern market economy. Slovakia had improved the quality of its public education system, which was reflected by the high quality of its labour force. She hoped that Slovakia's efforts to uphold children's rights would meet with the same degree of success. The Committee attached great importance to the establishment of an independent authority for children and encouraged the Slovak Government to re-examine its decision in that regard. The delegation should explain why there had been such a long delay in the submission of Slovakia's second periodic report.

14. She requested additional information on the action plans for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance, particularly with regard to budget allocations and the extent to which the action plans targeted children. She enquired whether the 2000-2001 and 2002-2003 action plans had achieved their goal of raising public awareness of protection measures in the area of human rights. She also enquired whether any evaluation of the action plans had been conducted and, if so, what its impact had been. She wished to know why most of the action plans covered a short time span. She asked to what extent Slovak school curricula had taken account of the 2004-2005 Action Plan, which had been based on the second United Nations Decade for Human Rights Education. In that connection, she drew attention to the Committee's general comment No. 1 on the aims of education.

15. She asked whether the Slovak National Centre for Human Rights had a department dealing specifically with children's issues. The delegation should explain the status of the 2005-2014 Human Rights Education Action Plan.

16. She expressed concern about the reservation that Slovakia had made to article 60 of the 1996 Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children. She requested clarification regarding Slovakia's declaration concerning articles 23, 26 and 52 of the same Convention, to the effect that a judgement handed down in a court of a European Union member State in matters relating to the Convention should be recognized and enforced by Slovakia pursuant to the internal rules of community law. She wondered whether that meant that Slovakia recognized the court rulings of European Union member States but not of other countries.

17. Slovakia had made some progress in the area of non-discrimination, particularly with respect to the Hungarian minority and the Roma. She commended the increase in the number of teachers' assistants to improve the education of Roma children and had noted the absence of reports in 2005 concerning unfair trials involving the Roma. There had been no recent reports of the forced sterilization of Roma women; however, one case was still before the European Court of Human Rights, and she requested information on that case.

18. She was concerned that discrimination against Roma children persisted in Slovak society. Such children had a lower school attendance rate than other children in Slovakia and a disproportionately high enrolment rate in schools for the mentally disabled. She was also concerned about the collection of data relating to Roma children. According to paragraph 89 of the report, data collection among the Roma was made difficult by the traditional absence of a declared nationality and the existence of legislation prohibiting statistics based on ethnic origin. She wondered how the Government was able to make plans, devise policies and allocate funds when it did not know the size of the target groups concerned. She referred the delegation to paragraph 8 of the general guidelines regarding the form and contents of reports to be submitted by States parties under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, concerning the collection of data on ethnicity (CERD/C/70/Rev.5).

19. She requested information on the outcome of the annual reviews of the basic theses of the Slovak Government's policies for the integration of the Roma community. She enquired whether the pilot project to improve cooperation between the police and the Roma communities had been successful; the delegation should explain how the pilot project had been funded, and the role of the media in its implementation.

20. Most of the 7,000 children currently in institutional care were Roma, and most of the facilities offered long-term care; consequently, the children apparently had difficulty in integrating into society when they reached the age of 18. She wished to know how the principle of the best interests of the child was applied in practice, particularly since that principle was not reflected in the Penal Code.

21. She asked what progress had been made with regard to the proposal to establish a committee for children and young people in order to coordinate activities, programmes and policies relating to the protection of children's rights. In conclusion, she wished to know why Slovakia had lowered the minimum age of criminal responsibility.

22. Mr. KOTRANE (Alternate Country Rapporteur) commended Slovakia on its very clear report and detailed written replies. Slovakia's numerous legislative reforms in recent years demonstrated its commitment to protecting children's rights. Slovakia had also ratified most of the relevant international instruments, and he asked whether it intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

23. The information contained in paragraph 63 of the report was somewhat misleading and did not seem to be in line with the provisions of the Convention whereby all minors were entitled to legal assistance in paternity suits. In that connection, he asked whether minors under the age of 18 who were allowed to marry were recognized as having full legal capacity.

24. The delegation should clarify whether children were allowed to form associations without the authorization of adults.

25. Ms. VUCKOVIC-SAHOVIC said that NGOs in Slovakia seemed to be less active than their counterparts in other East European countries, such as Hungary and Romania. She had been

surprised at the absence of NGOs dealing with children's issues at the Committee's pre-session meeting with the State party's representatives and at the fact that Slovak NGOs had not submitted an alternative report to the Committee. Although the State party asserted that the Government paid due attention to NGOs and provided them with the necessary financial support, according to the Committee's sources the NGOs had not had access to the final version of the second periodic report prior to its submission to the Committee. In that connection, she referred the State party to the Committee's general comment No. 5 on general measures of implementation.

26. Mr. SIDDIQUI said that the report contained little information on the collection of data relating to children. He asked whether there was a centralized system for the regular collection of data relating to vulnerable groups, such as street children and Roma children. He wished to know whether there were any plans to repeal existing legislation on the protection of personal data that prohibited statistics on ethnic origin.

27. He asked whether the steady increase in social welfare benefits for children had continued after 2001. He wished to know what steps were being taken to ensure the transparency of budget allocations for children and whether NGOs were consulted on such matters. He questioned the soundness of legislation that made parents who were unable to provide minimum maintenance for their children liable to criminal penalties.

28. Ms. SMITH said that it was not clear from the report and the written replies which body was currently responsible for monitoring protection of children's rights. In his introductory statement, the head of the delegation had referred to the establishment in the near future of an independent authority for that purpose. She enquired how soon that body would be established and how it would be organized. She requested additional information on the Slovak National Centre for Human Rights and the outcome of its application for accreditation.

29. It appeared that the children's helpline was not accessible nationwide and was not free of charge. The delegation should explain how the helpline was funded.

30. Mr. ZERMATTEN said that no information had been provided on the participation of groups of children in public life or on mechanisms at the local, regional and national levels to promote such participation. He asked whether children were consulted on draft legislation affecting them.

31. Referring to reports of police violence against children, including reports by the Council of Europe's Commissioner for Human Rights in 2006, he enquired whether steps were being taken to address that problem through education and awareness-raising.

32. Mr. PARFITT said that the transfer of government functions in the area of education to municipalities and regional governments could have negative consequences for children and their families if it was not accompanied by regulations to ensure consistency, training and funding. He asked what steps the central Government was taking to ensure quality health care and education at the local level.

33. Mr. FILALI asked how decisions relating to the Slovak Committee for the Rights of the Child had been followed up, since that institution had been recognized as a failure by Slovakia.
34. He asked whether there had been cases where the Convention on the Rights of the Child had been directly invoked in Slovak courts.
35. He noted that special training in human rights was provided for police officers with a view to preventing police violence and impunity. He enquired whether officers who had broken the law had been brought to justice, since the prosecution of officers who committed offences would send an important message to other officers.
36. He wished to know whether a judge had the right to award sole custody of a child to one parent and, if so, on what basis. He wondered how the rights of the other parent would be affected and whether the best interests of the child were taken into account in such cases.
37. Ms. ALUOCH, referring to paragraph 173 of the report, said that, although it was clear that the headmaster of a school had the obligation to address problems of degrading treatment in cooperation with the management of the school without delay, there appeared to be no provision for the victims themselves. She asked whether children who had been subjected to such treatment could be placed in another institution, or whether the headmaster's intervention was deemed sufficient. Moreover, corporal punishment was conspicuously absent from the types of degrading behaviour referred to in paragraphs 173 and 178. In 2005, the Slovak Government had stated its intention to prohibit corporal punishment in the home, but it was unclear whether the Penal Code, which had been in force since January 2006, explicitly prohibited corporal punishment.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

38. Ms. FELLEGI (Slovakia) said that the submission of Slovakia's second periodic report had been delayed owing to the many legal adjustments that had been required for Slovakia's accession to the European Union and the North Atlantic Treaty Organization (NATO).
39. The action plans were funded by the State with the aim of involving the general public in preventing racism and xenophobia. Two United Nations Children's Fund (UNICEF) projects had been selected for the current year, along with several smaller projects in universities and schools. Most of the projects were carried out by NGOs, although such organizations were not as proactive in protecting children's rights as they were in other fields.
40. Ms. VUCKOVIC-SAHOVIC said that, if NGOs in Slovakia did not have sufficient experience or means to deal with children's issues, it was the Government's responsibility to assist them. If necessary, Governments should seek technical assistance from European organizations or the United Nations system.
41. Ms. FELLEGI (Slovakia) said that Slovakia supported NGOs, both in terms of yearly projects and financial support, and encouraged them to participate in the committee involved in establishing an office of the children's ombudsman.

42. Ms. ŠEBOVÁ (Slovakia) said that, although the Slovak Committee for the Rights of the Child had narrowed its scope, it was still considering how best to implement the Committee's recommendations, either by establishing a ministerial committee, or by creating an independent office.

43. Mr. KHUN (Slovakia) said that the Slovak National Centre for Human Rights had been established in 1994 with United Nations support. The Centre's functions had been severely limited until the adoption of the Anti-Discrimination Law in 2004. The Centre was responsible for promoting, protecting, monitoring and researching children's rights. It also provided legal advice to persons in difficulty and responded to complaints. Since 2005, it had been an observer in the European Network of Children's Ombudspersons. The Centre, which had been monitoring children's rights for two years, selected its priorities according to current problems facing children in Slovakia. In 2007, it had given priority to the right of children to contact their biological parents; domestic violence; and the monitoring of unaccompanied minors.

44. Ms. SMITH asked whether the Centre had been accredited by the International Coordinating Committee. She wished to know whether Slovakia planned to establish an office of the children's ombudsman, or simply an advisory body to government ministries.

45. Mr. FILALI said that it was not clear whether there was a body for handling complaints from children. If that body was the Slovak National Centre for Human Rights, he wished to know how complaints from children were followed up.

46. Mr. KHUN (Slovakia) said that, despite its current category C status, the new structure and staff in place since the adoption of the Anti-Discrimination Law meant that the Slovak National Centre for Human Rights would strive to become a fully-fledged human rights institution. He hoped that the Centre would be accredited by October 2007.

47. With regard to the children's ombudsman, he said that the Ministry of Labour, Social Affairs and the Family had decided not to create an intergovernmental body but rather a special independent body that could initially be an independent section within the Centre before acquiring full independence in accordance with the Paris Principles.

48. Both quantitative and qualitative methods, together with the relevant statistics and visits to refugee camps and children's institutions, were used to monitor children's rights.

49. Ms. KHATTAB requested additional information on the possible establishment of a ministerial body to coordinate the protection of children's rights.

50. Ms. MRÁZKOVÁ (Slovakia) said that, following an in-depth analysis of the possibility of establishing an institution for protecting children's rights by the Ministry of Labour, Social Affairs and the Family, in 2005 a proposal to create an independent institution had been put forward. The Slovak Government had made a commitment to resolve the issue by the third quarter of 2007.

51. Ms. KHATTAB asked whether an independent institution would be mandated to monitor and coordinate government activities in order to ensure that the entire executive was working together according to a specific plan.

52. The CHAIRPERSON wished to know who would be in charge of the institution and whether it would function as a separate body. There was still some confusion as to how child protection policies would be coordinated.
53. Ms. MRÁZKOVÁ said that the institution would be independent and would have the authority to coordinate child protection policies. Its mandate would be established by the relevant legislation. Past experience had shown that there was a need for an institution that could influence policies rather than just coordinate them.
54. Mr. CITARELLA said that, if the institution was independent, it would not be able to coordinate or guide government policy. On the other hand, if it was a body within the Government, it would not be independent.
55. The CHAIRPERSON said that it was the Committee's experience that coordination was difficult even in inter-ministerial bodies.
56. Mr. GREXA (Slovakia) said that the Slovak National Centre for Human Rights was a fully independent body, in accordance with the Paris Principles. It had its own budget but was not responsible for policymaking. The Centre held annual sessions attended by representatives of government ministries, NGOs and universities, all of whose opinions were taken into account in establishing the annual action plan for monitoring children's rights. In the light of that experience, there were plans to set up an independent body for the promotion and protection of children's rights, along with a policy-coordination commission, whose members would be appointed by the relevant government ministries.
57. The CHAIRPERSON wished to know why members of the Centre's staff were part of the delegation.
58. Ms. FELLEGI (Slovakia) said that the Slovak National Centre for Human Rights was fully independent of all government ministries and its director was appointed by a special council of independent experts.
59. Slovakia's anti-discrimination legislation was being amended in an ongoing process that involved NGOs. Slovakia was also obliged to implement relevant European Union directives. The very concept of children's rights was still evolving in Slovakia, and NGOs would undoubtedly be given a role to play when legislation was amended.
60. Slovakia allocated sufficient budgetary resources for its largest minority, Hungarians. Classes were given in Hungarian at primary and secondary schools and at one university. Several periodicals were published in Hungarian and news was broadcast in Hungarian on the State television channel. Over the past year, the authorities had not received a single complaint about discrimination against the Hungarian minority from individuals or organizations.
61. Ms. ŠIKROVÁ (Slovakia) said that Roma pupils did not have fewer educational opportunities than the rest of the population. Schooling was compulsory for a total of 10 years for all Slovak children, regardless of their ethnic origin. Parents or guardians were obliged to register all children by the age of 6.

62. Ms. HERCZOG asked whether the State encouraged all parents to send their children to school. She wondered whether the rights of the child and non-discrimination were taught in schools. She enquired whether children from minorities, including the Roma, were allowed to attend all schools and were fully integrated in them. The delegation should provide information on school attendance and the success rates of children from ethnic minorities. She wished to know what proportion of children attending special needs schools were from the Roma community.

63. Ms. KHATTAB asked what measures had been taken to ensure that Roma children attended school and did not drop out, and how school attendance was monitored. She wondered how the authorities responded if Roma children dropped out of school.

64. Ms. ŠIKROVÁ (Slovakia) said that parents of children from ethnic minorities received State aid in the form of food and transport subsidies. While no school could refuse to admit any children living within its catchment area, parents could choose to enrol their children elsewhere. Under legislation adopted in 2000, only children with physical or mental disabilities determined by specific tests were admitted to special needs schools, and parental consent was required. In recent years, much progress had been made towards integrating children with disabilities in regular schools. Large numbers of Roma children in eastern Slovakia attended special needs schools simply because that was where the largest Roma community lived. In any case, under the new personal data protection legislation, it was unlawful to distinguish between Roma and other children. However, statistics were kept on children “living in socially disadvantaged conditions”, and many children in that category were Roma. One measure that had been taken to assist such children was to allow them to start school one year earlier than usual.

65. Ms. KHATTAB asked whether the parents of Roma children attending special needs schools in eastern Slovakia had the choice of sending their children to regular schools.

66. She requested information on why members of small religious minorities, including Muslims, were unable to perform legally recognized marriages. She asked what was being done to prevent violence against women and children. She wished to know whether the Slovak authorities planned to take any measures based on the findings of the Secretary-General’s study on violence against children. She asked whether any action had been taken to address the problem of trafficking in young Roma women in Slovakia. She requested more information about the child helpline; she was concerned that the helpline number was too long.

67. Mr. KOTRANE requested additional information about the minimum age for marriage, the age of consent and the legal responsibility of married persons under the age of 18. He wondered if the State had envisaged setting up a fund to assist the children of divorced parents in the event that one of the parents failed to pay the agreed maintenance allowance. The delegation should provide accurate figures on the number of children living below the poverty line and explain what measures had been or would be taken to reduce that number. He wished to know when and by whom legal guardians were appointed for unaccompanied juvenile asylum-seekers.

68. Ms. HERCZOG asked if Slovakia offered parents assistance in bringing up their children. She wished to know what the authorities were doing to offer quality day care, in particular for disadvantaged children, such as Roma. While data protection legislation outlawed explicit

distinctions between Roma and other Slovaks, the States parties were required, under article 8 of the Convention, to respect the right of the child to preserve his or her identity, including nationality, and she wondered how Slovakia reconciled that contradiction. Despite the State party's efforts to improve public health care, the number of children in residential care had remained high, and she wondered if families were receiving sufficient levels of health-care support. She wished to know how the authorities reacted to the numerous refusals to adopt or foster Roma children in Slovakia and how those children's ethnic origin had been revealed in view of the data protection legislation. Recalling that the European Union had made mediation and other forms of restorative justice compulsory in cases of family conflicts, she asked how the Slovak authorities addressed the problem of domestic violence.

69. Ms. AIDOO requested additional information on the type of work performed by children, and figures on children employed in the worst forms of child labour, the places where children were so employed and the impact on their well-being, including risks to their safety, education, health and moral upbringing. She also wished to know what penalties were applied to offending employers.

70. She was concerned at the high number of cases of sexual abuse, including rape, involving young women and very young girls, often within the family or at school, and she wondered whether such offences reflected social attitudes towards women. She enquired whether the Government had contemplated including gender-awareness in its comprehensive awareness-raising and training programmes and introducing the concept of sexual exploitation into Slovak legislation. She wished to know how cases of rape and sexual abuse were resolved and whether the victims were ever penalized. With regard to economic exploitation and sexual abuse, it would be useful to have information on how data were collected and whether reporting was mandatory. Lastly, she wished to know if children were afforded protection from their families in the reporting and data-collection process.

71. Mr. KRAPPMANN asked the delegation to confirm that many children left school after attending only one year of secondary education, as the report implied. He wondered whether those children passed any examinations before leaving and whether the Government was considering prolonging compulsory education beyond 10 years as part of its ongoing reforms. He requested detailed information on attendance and dropout rates, broken down by social/ethnic group or region. He asked for specific figures on unemployment rates among the population under the age of 18. He enquired whether any information was available on the activity of unemployed school leavers and whether any measures had been taken to integrate them in the labour market. In paragraph 139 of the second periodic report, student school councils were referred to as self-governing bodies, and he wished to know precisely what responsibilities those councils had.

The meeting rose at 1 p.m.