



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES**  
**UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 1999**

**SLOVAKIA\***

[4 August 2006]

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\* For the initial report submitted by the Government of Slovakia, see CRC/C/11/Add.17; for its consideration by the Committee, see documents CRC/C/SR.663, 664 and 669 and CRC/C/15/Add.140.

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## I. GENERAL MEASURES OF IMPLEMENTATION

### A. Introduction

1. The Slovak Republic became a State party to the Convention on the Rights of the Child (hereinafter referred to as the “Convention”) on 28 May 1993 effective from 1 January 1993 due to succession after the separation of the Czech and Slovak Federal Republic. In accordance with article 44 of the Convention, the Slovak Republic (hereinafter also referred to as the “Slovak Republic”) has the obligation to submit - through the Secretary-General of the United Nations - a report on the measures adopted to make effective the rights recognized therein and on the progress made on the enjoyment of those rights. The Committee on the Rights of the Child (hereinafter referred to as the “Committee”) considered the initial report of the Slovak Republic on the Convention at its twenty-fifth session in Geneva on 3 October 2000 and then adopted the concluding observations thereon (hereinafter referred to as “concluding observations”).

2. This second periodic report (hereinafter referred to as the “report”) submitted by the Slovak Republic covers the period 2001-2005. The report was prepared by the Ministry of Foreign Affairs and the Ministry of Labour, Social Affairs and the Family of the Slovak Republic in cooperation with relevant ministries and other relevant State authorities on the basis of United Nations General Guidelines concerning the form and content of periodic reports submitted by the States parties to the Convention under article 44, paragraph 1 (b), of the Convention (CRC/C/58/Rev.1) in compliance with the general observations of the Committee and specific observations resulting therefrom. In addition to individual ministries and other relevant State authorities, the Slovak National Centre for Human Rights, an independent institution performing tasks in the area of human rights (more details on the activities of the Slovak National Centre for Human Rights in the field of the rights of the child are found in paras. 6, 7 and 25), the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities and four non-governmental organizations - the Slovak Committee for UNICEF, the Slovak Humanitarian Council, the *Návrat* Civic Association and the Equal Opportunities Centre - participated in the drafting process (more details on the cooperation with NGOs can be found in paras. 26 - 37). The parts of the text that respond directly to the concluding observations appear in bold.

3. In the period covered by the present report, significant reforms were implemented in most areas of the life of the Slovak society and they were also reflected in adopted legal acts mainly in the field of education, social security, health care, family law, criminal law, access to information and public administration. In the Slovak legal system, the rights of the child enshrined in the individual articles of the Convention are mainly laid down in these laws: Act No. 36/2005 Coll. on the family and on the amendment of certain laws amending also Act No. 99/1963 Coll. the Civil Procedure Code as amended; Act No. 305/2005 on social and legal protection of children and social guardianship; Act No. 452/2004 Coll. on substitute subsistence; Act No. 311/2001 Coll. the Labour Code; Act No. 300/2005 Coll. the Criminal Code; Act No. 301/2005 Coll. the Criminal Procedure Code, as well as in other laws and generally binding legal acts.

4. In addition to the Convention on the Rights of the Child, the Slovak Republic is also bound by other international conventions ratified in 2001 and 2002, which further develop the principles contained in the Convention in a significant manner and which represent the most modern and most effective standard of child protection in the international context. They include:

- The Convention on the Civil Aspects of International Child Abduction of 25 October 1980, in effect in the Slovak Republic from 1 February 2001;
- The European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 20 May 1980, in effect in the Slovak Republic from 1 September 2001;
- The Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption of 29 May 1993, in effect in the Slovak Republic from 1 October 2001;
- The Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children of 19 October 1996, in effect in the Slovak Republic from 1 January 2002.

5. **Act No. 136/2003 Coll. and Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination, and on amendments to certain acts (the Anti-Discrimination Law) amended Act No. 308/1993 Coll. on the Slovak National Centre for Human Rights as an initiative of the Deputy Prime Minister of the Government of the Slovak Republic for European Integration, Human Rights and Minorities, Human Rights and Minorities Section of the Office of the Government of the Slovak Republic and the Ministry of Justice of the Slovak Republic. Pursuant to these amendments, the Slovak National Centre for Human Rights has the obligation to draft and elaborate an annual national human rights report on the Slovak Republic that also covers compliance with the rights of the child before 31 January of the previous year. The main tasks of the Slovak National Centre for Human Rights include, in particular, monitoring and evaluating human rights and equal treatment principle compliance under the Anti-Discrimination Law; collecting and providing information on racism, xenophobia and anti-Semitism upon request; performing research and surveys to have data on human rights; collecting and disseminating information in this area; preparing training activities and participating in awareness-raising campaigns aimed at promoting tolerance in society; providing legal assistance to victims of discrimination and expressions of intolerance; publishing expert opinions on matters concerning compliance with the principle of equal treatment, and upon request by natural persons or legal entities or on its own initiative; and rendering human rights services.**

6. **In 2005 the Slovak National Centre for Human Rights drafted and implemented the Rights of the Child Monitoring Project focusing on:**

- **Monitoring the process of mediating substitute family care for children given to pre-adoption care or being adopted under the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;**

- **Monitoring custodial measures enforcement in the education and upbringing provided by youth diagnostic centres, re-educational homes for children and youth and youth re-educational homes;**
- **Monitoring mandatory vaccination of children in the context of the ongoing health-care system reform with a special focus on the vaccination of children belonging to the Roma minority;**
- **Monitoring placement of children in special schools with a particular focus on children belonging to the Roma minority.**

**The Slovak National Centre for Human Rights updated the 2006 Rights of the Child Monitoring Project and its priorities. In 2006, the Rights of the Child Monitoring Project will focus on:**

- **Monitoring compliance with the right of children placed under institutional care or in foster care to see their parents;**
- **Monitoring compliance with the child's right to express his/her views freely in all matters affecting him/her;**
- **Monitoring the protection of the child against violence;**
- **Monitoring compliance with the right to education concerning the children of aliens living in the territory of the Slovak Republic.**

**The priorities of the 2006 monitoring of the rights of the child were subjected to an expert community discussion, and its findings and results will form a part of the 2006 Human Rights Report: Slovak Republic. The rights of the child monitoring projects are available on the website of the Centre at [www.snslp.sk](http://www.snslp.sk).**

**7. The Slovak National Centre for Human Rights included a separate part on "The Rights of the Child", presenting the results of monitoring for the first time in the 2005 Human Rights Report on the Slovak Republic. Pursuant to the law, the 2005 Human Rights Report on the Slovak Republic is available on the website of the Centre: [www.snslp.sk](http://www.snslp.sk). (See the concluding observations of the Committee, paras. 9 and 10.)**

8. In the area of the protection of human rights, and therefore also the rights of the child, the National Council of the Slovak Republic adopted Act No. 365/2004 Coll. on equal treatment in some areas, and on protection against discrimination, and on amendments to certain acts (the Anti-Discrimination Law), effective 1 July 2004. This Act provides for the application of the principle of equal treatment and lays down the means of legal protection in cases of violation of this principle. The law lays down the principle of equal treatment in labour relations, social security, health care, and provision of education, goods and services, where any type of discrimination is prohibited. The adoption of the Anti-Discrimination Act fully incorporated into

the Slovak legislation two important European Communities directives: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation.

9. **In its resolution No. 837 of 7 August 2002, the Government of the Slovak Republic approved the 2002-2004 National Plan of Action for Children aiming at further implementation of obligations resulting from the Convention. The objective of the National Plan of Action for Children was mainly to contribute to building and developing a consistent and effective system for the protection of the rights and interests of children. Governmental and non-governmental entities participated in the implementation of the tasks specified in the Action Plan and, in addition to the conceptual and legislative nature, the tasks also had the nature of specific measures adopted by the individual task performers in the interest of protecting the rights of the child and education in the area of the rights of the child. The Ministry of Labour, Social Affairs and Family of the Slovak Republic, which prepared its implementation report, was the lead coordinator of the National Plan of Action for Children. The Government of the Slovak Republic took note of the implementation report on 17 August 2005.**

10. **In December 2005, the Government of the Slovak Republic approved the Analysis of Child's Rights Protection Efficiency Improvement document that envisages the establishment of a separate legal institution of a child's rights defender, in harmony with its intention to enhance the protection of the rights of the child. Considering that parliamentary elections will be held in June 2006, it can be assumed that the legal institution of the child's rights defender will be established in the coming term of the Government.** (See the concluding observations of the Committee, para. 12.)

11. Pursuing the objective of improving coordination in the fight against trafficking in persons, including children, an expert group for the prevention of and support to victims of trafficking was established in 2005. The commission is established at the Council of the Government of the Slovak Republic for Crime Prevention. On 1 October 2005, the Minister for the Interior of the Slovak Republic appointed a national coordinator for this area. The objective of the expert group was to achieve the development of the National Action Plan for the Fight against Trafficking in Human Beings including Children. The 2006-2007 National Action Plan for the Fight against Trafficking in Human Beings was approved in Government resolution No. 3 of 11 January 2006. With its resolution No. 423 of 10 May 2006, the Government of the Slovak Republic expressed its consent with the adoption of Council of Europe Convention on Action against Trafficking in Human Beings.

## **B. Optional Protocols to the Convention on the Rights of the Child**

12. **The Slovak Republic signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 30 November 2001 and ratified it on 25 June 2004.**

13. **The Slovak Republic signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 30 November 2001. When**

depositing the instrument of ratification of the Slovak Republic to the Optional Protocol in June 2004, the absence of a declaration under article 3, paragraph 2, of the Optional Protocol stipulating that, upon ratification of or accession to the present Protocol, each State party shall deposit a binding declaration setting forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced, was detected. The Government of the Slovak Republic approved the above declaration with its resolution No. 290 of 5 April 2006, and the National Council of the Slovak Republic gave its consent with resolution No. 2205 of 20 April 2006. Currently, the process of coming into force of this Optional Protocol is taking place in the Slovak Republic. (See the concluding observations of the Committee, para. 53.)

**C. Reporting on the Convention on the Rights of the Child and the concluding observations of the Committee on the Rights of the Child**

14. The Slovak Republic raises awareness of the principles and provisions contained in international human rights instruments, including the Convention on the Rights of the Child, by performing tasks and activities also contained in the 2000-2001, 2002-2003, 2004-2005 and 2006-2008 Action Plans for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance. The action plans are the only comprehensive and systematic tool of the Government of the Slovak Republic in the area of preventing discrimination and intolerance. The decision of the Government to be active in the area of preventing all forms of intolerance and discrimination is an expression of its effort to cooperate with NGOs, the Slovak National Centre for Human Rights, and other entities in this area.

- The 2000-2001 Action Plan focused on the increase in the level of awareness of Slovak citizens in the area of human rights in the context of the current United Nations Decade for Human Rights Education and also on the prevention of these negative phenomena and the strengthening of legal awareness among Slovak citizens in the area of the effective use of protective measures.
- The 2002-2003 Action Plan focused on preventing negative phenomena such as discrimination, racism, xenophobia, and related intolerance in society and on strengthening the legal awareness among Slovak citizens in the area of the effective use of protective measures.
- The 2004-2005 Action Plan mainly focused on systematic education of persons belonging to professional groups who are able to influence the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance in the exercise of their profession; systemic education and opinion-making activities of the representatives of State administration and municipality and primary school pupils and secondary school students with respect to migrants; social and cultural activities on human rights and prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and

**other expressions of intolerance. This Action Plan is the response by the Slovak Republic to the declaration of the Second United Nations Decade for Human Rights Education 2005-2014 and Slovakia's obligations arising from its membership in the European Union and other international organizations.**

- **The 2006-2008 Action Plan will continue the efforts to improve the awareness of Slovak citizens in the area of human rights, in the effective implementation of anti-discrimination legislation, and addressing the situation of migrants in Slovakia and other specific activities in the area of preventing negative phenomena in society. Its priorities are further activities in the area of preventing extremism and anti-Semitism mainly by educating professional groups. The reason for these additional activities is the recent trend towards increased expressions of extremism, and also the fact of Slovakia's membership in the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research (ITF) on 15 November 2005. The focus on education is a continuation of the United Nations Decade for Human Rights Education. In this context, one of the objectives of the Action Plan is to ensure cooperation with the newly established National Commission for Human Rights Education at the Slovak National Centre for Human Rights.**

15. **Information on the principles and provisions of the Convention, and human rights issues in general, is also covered in the methodological materials issued by methodological educational centres directly managed by the Ministry of Education of the Slovak Republic. The methodological materials fully implement, in particular, paragraph 16 of the Committee's concluding observations concerning the enhancement of the Government's efforts and the development of systematic and continuing educational programmes on the Convention for all groups of professionals working with and for children. (See the concluding observations of the Committee, para. 16.)**

16. **Reporting on the principles and individual provisions of the Convention and its application in practice is also a part of the activities implemented by, for example, the United Nations Children's Fund (UNICEF) and non-governmental organizations (NGOs) such as *Úsmev ako dar* among others. (See the concluding observations of the Committee, para. 54.)**

#### **D. Education of professional groups in the field of the rights of the child**

(See the concluding observations of the Committee, paras. 15 and 16.)

17. **Ensuring systematic, specialized education of professionals working with and for children in various areas resulted from the tasks adopted within the 2002-2004 National Plan of Action for Children. Systematic human rights education focused on child protection and has become a part of the centrally organized sectoral education and training and education of judges, judge candidates, staff of remand and imprisonment establishments, prosecutors and prosecutor candidates, social workers, educational staff and teachers, police officers working with the youth, and other experts.**

18. **The education and/or training of staff working in social services establishments - the head of the establishment, his/her deputy, head nurse, head of education, social worker - includes the area of the protection of human rights and freedoms, including child's rights and their enforcement in practice. The prerequisite for the performance of their job is compliance with special qualification requirements, including knowledge of the Convention. The enforcement of the Convention in a specific establishment is, inter alia, a sine qua non for the performance of activities by the social services establishments.**

19. Issues linked with the rights of the child and human rights in general are developed well and prudently in further education programmes for teachers and educators. Each year, these programmes are adjusted according to the needs and requirements of teachers. Topics concerning terrorism and human rights violations, minority status in Slovakia, waves of European migration in the twentieth century and their impact on human rights are interwoven in the individual subjects (e.g. history, society and civics). The training for teachers of society and civics focuses on more extensive 30 to 40-hour programmes of continuous education called Human Rights at Schools; Violence and Discrimination in a Slightly Different Way; On Our Way to a Multicultural Society; and We Are Europeans.

20. **Methodological Educational Centres (hereinafter referred to as "MEC") present human rights to new teachers and teachers specializing in this topic in workshops under the Charter of Rights and Freedom, Convention on the Rights of the Child with Application in Practice training package. Primary and secondary school teachers receive basic documents on the rights of the child. Schools have methodological materials on human rights education issued by an individual MEC and cooperating NGOs. Specific human and child's rights education events for teachers and educators, educational and organizational instructions issued by the Ministry of Education for schools and educational establishments and public and administration and municipality in the sector of education for the relevant school-year encourage schools and their founding entities to systematically monitor compliance with the principles of democracy, equality and freedom.**

21. Training of police officers, who participate in the implementation of prevention projects at schools, to work with youth is carried out in the framework of cooperation between the police and primary and secondary schools through the Police Force Academy in Bratislava and the Secondary Police Force Vocational School in Košice.

22. **Training events concerning human rights, rights of the child and treatment of children, and victims of domestic violence and crime are included in the plan of centrally organized instruction and education of the Ministry of Justice of the Slovak Republic annually and implemented in cooperation with civil associations and foreign institutions.**

23. **Starting in 2000, the Government of Slovakia approved their short-term (biannual) strategies and action plans for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance, with the objective of eliminating and preventing expressions of discrimination in society. Action plans focus on:**

- **Intensifying systematic education of members of groups of professionals who have influence on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance in the course of their job (they include mainly officers of the police force, border and alien police, teachers and educators and future teachers and educators, judges, judge candidates, officers of the Corps of the Prison and Court Guard of the Slovak Republic, prosecutors and prosecutor candidates, armed forces and the staff of the Offices for Labour, Social Affairs and Family, journalists from the print media, private and public audio-visual media, public and civil servants, and secondary school and university students);**
- **Systematic education and opinion-making activity of professional groups and the public in the area of preventing discrimination with respect to migrants;**
- **Intensifying the fight against extremism by preparing and applying legislation, improving the efficiency of detecting, investigating, proving and sanctioning racially or other intolerance-motivated crime by systematic education and opinion-making activities in the field of extremism prevention;**
- **Intensifying monitoring, systematic education and opinion-making in the prevention of anti-Semitism;**
- **Implementing activities aimed at addressing the challenges of disadvantaged groups in the population;**
- **Supporting cultural and social sciences activities concerning compliance with human rights and prevention all forms of discrimination, racism, xenophobia, anti-Semitism, and other expressions of intolerance.**

(For more details on action plans, see para. 14 above.)

24. The Migration Office of the Ministry for the Interior (hereinafter referred to as the “Migration Office”) has responsibility for increasing the level of legal awareness and compliance with human rights with respect to asylum-seekers and persons granted asylum. In 2002-2003, the Migration Office, in cooperation with the Slovak Humanitarian Council and the Association of Supervisors and Social Advisors, an educational institution, implemented the “Training of social skills for workers of first contact with asylum-seekers” project of 90 lessons. The Migration Office in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), relevant State administration authorities and NGOs also participate in activities linked with the prevention of crime, prevention of possible trafficking in human beings as well as projects for the prevention of gender-based violence in asylum establishments.

25. **In its resolution No. 446 of 13 May 2004, the Government of the Slovak Republic tasked the Minister of Education of the Slovak Republic with ensuring the elaboration of the 2005-2014 Human Rights Education Action Plan according to the United Nations Guidelines. According to its obligation expressed by the Slovak Republic during the first United Nations Decade for Human Rights Education (1995-2004) in the evaluation questionnaire prepared by the Slovak Republic and submitted to the United Nations, the**

**National Commission for Human Rights Education should be the coordinator of National Plan implementation. The National Commission for Human Rights Education having a supraministerial and suprasectoral nature was established at the Slovak National Centre for Human Rights on 3 January 2006. The Commission held its first meeting on 15 March 2006. The fact that the Slovak National Centre for Human Rights is an independent organization established by law is reason enough to believe that the National Commission for Human Rights is established in compliance with the United Nations guideline envisaging the establishment of such a commission. In the Slovak Republic, the Commission is an independent professional body for human rights education and is active in drafting and coordinating the National Action Plan for Human Rights Education. The Commission performs tasks in the field of human rights education and for this purpose it is responsible mainly for coordinating a basic study on the human rights education situation in the Slovak Republic, for identifying objectives, measures, evaluation and sources of funding, for coordinating the implementation of the National Plan in the interest of efficient and effective use of funds from institutions participating in the implementation of the National Plan, for regular evaluation and control of the implementation of the National Plan, regular revision, review, amending the content and changing activities in the National Plan. The Commission cooperates with State authorities, territorial municipal bodies, interest municipal bodies, and other public institutions and NGOs active in the field of human rights to ensure implementation of its tasks. The Commission can cooperate with national commissions of United Nations Member States established for the implementation of United Nations human rights education programmes and/or foreign regional institutions and NGOs active in human rights education. At its first session, the Commission adopted a resolution under which a five-member working group was established to elaborate methodology (before 30 May 2006) for drafting a basic study on the situation of human rights education in the Slovak Republic. The next session of the Commission will be held in June 2006.**

#### **E. Cooperation with NGOs**

26. In drafting policies, strategies, action plans and legal acts and in implementing them, in particular in the field of substitute family care, social and legal protection of children and social guardianship, State authorities cooperate with NGOs, e.g. *Socia, Úsmev ako dar, Návrat, Rozum a cit*, Association of Social Field Workers, Association of Advisors and Supervisors, and non-State entities that are founding entities of non-State establishments - crisis centres, children's homes and social reintegration centres.

27. NGOs and other entities - *Eudia proti rasizmu*, Milan Šimečka Foundation, Slovak Humanitarian Council, *Spoločnosť ľudí dobrej vôle, Človek v ohrození* Civil Association, Slovak Helsinki Committee, *MPC Prešov, Občan a demokracia*, Transparency International, Katedra Foundation, Slovak Health Care University, *MEMO 98, Barok Film*, UNICEF Slovakia, UNESCO (UNESCO Associated Schools project), and the Slovak National Centre for Human Rights - participate in drafting action plans for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance.

28. During the entire period of the new family law drafting, the *Úsmev ako dar* Civil Association was also actively cooperating with the Ministry of Justice of the Slovak Republic.

29. Since 2001, the Ministry of Education has been implementing an extensive system of partnership-based cooperation with non-profit child and youth organizations. On the basis of this partnership, the representatives of children and youth organizations participate directly in drafting and implementing policies, analyses and action plans. The basic document of this partnership is the State Child and Youth Policy Concept until the year 2007 that resulted from broad consultations with the representatives of non-profit organizations and researchers working with young people. Action plans of the Children and Youth Policy are drafted with the participation of NGOs annually. The technical coordinator of this cooperation is the Youth Council of Slovakia, an umbrella organization of children and youth associations, which has the status of a Ministry of Education Official Partner for work with children and youth. The cooperation of regional youth councils with higher territorial units developed in the context of decentralization. A similar cooperation has also been taking place with the Association of Information and Counselling Youth Centres, an umbrella organization of youth and children counselling centres.

30. The 2005-2014 National Human Rights Education Plan, approved at the operative meeting of the Minister of Education on 8 February 2005, recommends that, in addition to schools, non-profit organizations specialized in human rights also be organizers of activities for pupils to deepen and expand their human rights knowledge, skills and attitudes. The experience shows that the success and effect of such joint actions are significantly higher. The schools cooperate mainly with the *Občan a demokracia*, Amnesty International, UNICEF and *M. Šimečka* Foundation, a non-profit organization.

#### **F. Subsidy support to NGOs**

31. In the field of its competence, the Ministry of Labour, Social Affairs and Family of the Slovak Republic annually grants subsidies from the proceeds of lotteries and similar games in the amount of approximately SKK 70 million to municipalities, higher territorial units, civil associations providing generally beneficial services, and registered churches or religious organizations performing tasks from the Comprehensive Development Programme for Roma Settlements. Every year, the Ministry grants subsidies for humanitarian purposes to natural persons, NGOs, or civil associations amounting to SKK 30-40 million, whereas SKK 2-4 million of this amount go to civil associations whose core activity focuses exclusively on children and youth.

32. State administration in sports and the cooperation with NGOs in sports are legislated in Act No. 288/1997 Coll. on physical culture, as amended. The law specifies tasks for State administration authorities and municipal bodies in the field of physical culture, and regulates relations between State administration authorities and physical culture associations. State care and the protection of the rights of the child concerning the development of talent and child interest activity in sports are derived from this law. This area is also regulated in school legislation - school acts and pertinent implementing regulations.

33. The Ministry of Education has an advanced system of support in place for NGOs where the representatives of children and youth organizations decide on applications for grants. This system of support makes use of the educational aspect of having responsibility for a decision in the area of financial support. At the same time, it is a very strong phenomenon of youth

participation in the decision-making processes of their direct concern. The support applies to more than 70 NGOs working with children and youth at the national, regional and local levels and is provided annually.

34. The Ministry of Education has implemented programmes of support to NGOs for a long time and, in this framework, the Ministry grants State subsidies to national, regional and local associations engaged in regular work with children and youth, thus contributing to sound leisure time spent and development of skills needed for democratic participation. In addition, it grants subsidies to capital investments with the aim of giving support to the institutional sustainability of children and youth organizations. Fifty-two entities, of which 43 were civil associations (7 nationwide, 3 supraregional, 17 regional and 16 local) applied to the 2005 programme of financial support to non-profit children and youth organizations. In 2005, the five associations with the highest approved subsidies included: Slovak Scouting (20.3 per cent of the approved subsidy), *Domka* - Association of Salesian Youth (12.1 per cent), *eRKO* (11.9 per cent), Association of Christian Youth Communities (7.7 per cent) and AMAVET (6.0 per cent). The Association of Salesian Youth - *Domka*, having a supraregional scope of action, is among the five associations with the highest approved subsidy. The total amount of approved subsidies was SKK 66,444,560. In the period from 2001 to 2005, it increased by SKK 17,450,323 (35.6 per cent); it grew in the entire reported period except for 2004.

35. In the period 2001-2004, subsidies from the Ministry of Education to civil associations of children and youth were granted pursuant to Guideline of the Ministry of Education No. 999/2001-72 on the financial support to civil associations of children and youth. Since 2004 financial support to children and youth civil associations has been provided according to the Conditions of 2004-2007 Financial Support to Work with Children and Youth (2007 No. CD 2004-11300/22689-1:12) under the second title of the Programme of Support to Children and Youth Civil Associations. The objective of the support to children and youth civil associations is to support systematic and regular educational work with children and youth in civil associations. The Programme of Support to Children and Youth Civil Associations has the task of creating conditions for systematic and regular work with children and youth, education on active citizenship and democracy, development of children and youth participation in society, development of volunteerism, improvement of professionalism of volunteers and professionals working with children and youth, increasing knowledge of children and youth civil associations and of their activities for children and youth, and development of international activities in the area of youth policy.

36. Support to civil associations in the period 2001-2005:

	2001	2002	2003	2004	2005
National	27 543 509	29 128 130	32 893 182	30 341 886	40 415 770
Supraregional	9 802 226	7 219 483	13 449 501	14 850 520	11 987 706
Regional	3 930 329	5 939 206	6 328 433	6 677 367	11 663 765
Local	7 718 173	5 519 253	3 449 884	7 290 227	2 377 319
Total	48 994 237	47 806 072	56 121 000	59 160 000	66 444 560

Target groups of civil associations supported by the Ministry of Education in 2004:

Number of CA	Slovak Republic
Children under 15	41
Persons at risk of drug addiction	9
Refugees, aliens	2
Compatriots	6
General public	28
Children under 18	37
Youth under 26	43
Risk groups of children and youth	19
Persons with a disability	10
Persons in social need	13
Talented children and youth	17
Persons belonging to a national minority	11
Total	43

37. In cooperation with the Nadácia mládeže Slovenska (in November 2005 its name was changed to Intenda Foundation), the Ministry of Education has created a grant programme called “Participation”, focusing on the support of projects aimed at creating space for active participation of young people in public life and decision-making mechanisms at the level of municipalities. The participation of young people and education on democratic citizenship were also among the priorities of the European Union youth grant programme that was within the scope of competence of the Ministry of Education.

#### **G. Financial coverage of Slovak Republic’s participation in European Union educational programmes**

38. Following its accession to the European Union, the Slovak Republic gained the possibility of making use of European Union Structural Funds, and in the case of the sector of education, this fund is the European Social Fund (hereinafter referred to as “ESF”). The Ministry of Education acts as an intermediary body under the managing authority of the Human Resources Sectoral Operational Programme (hereinafter referred to as “SOP - ĽZ”) and the Single Programming Document NUTS II - Bratislava Objective 3 (Ministry of Labour, Social Affairs and Family). ESF focuses on the support of human resources, employment, education, entrepreneurial spirit, social inclusion and equal opportunities development. It also offers support for vocational training, education and counselling to children and support for equal opportunities in access to the labour market to everyone, with a special emphasis on those who are at risk of social exclusion. In the framework of SOP - ĽZ, the Ministry of Education also acts as an umbrella of other programmes, adjusting training and education to the needs of a knowledge-based society, programmes for vocational counselling development, and support to education of groups at risk of social exclusion. For instance, in SOP - ĽZ Measure 3.3 “Development of Vocational Counselling” three calls for ESF grants were open until September 2005:

Call	Date of the call	Deadline for submitting applications	Number of projects with an impact in marginalized groups	Total number of supported projects	Total number of submitted applications
1.	17.5.2004	26.7.2004	4	14	28
2.	13.10.2004	20.12.2004	7	30	35
3.	21.3.2005	20.5.2005	Projects evaluated by the representative of the Office of the Plenipotentiary of the Government for Roma Communities	17	34

39. In a nutshell - within this measure where concluded contracts amount to SKK 69,623.7243 thousand from European Union funds and SKK 17,233.9549 thousand from the national budget, projects for the target group of socially disadvantaged persons, including children, amount to SKK 26,414.65 thousand from European Union funds and SKK 5,514.08 thousand from the national budget.

## II. DEFINITION OF A CHILD

The term “child” was defined in the initial report. The following more precise information has been provided for a better understanding of this term.

### Capacity to possess rights and duties

40. Under the Civil Code (sect. 7, para. 1) the capacity of a natural person to possess rights and duties is created at birth. A conceived child, when live-born, shall also have this capacity. This capacity shall terminate at death (sect. 7, para. 2). In this type of capacity, the valid legislation does not distinguish between a child and an adult. The only exception is the second sentence where this capacity is also explicitly accorded to a conceived child when live-born. This capacity is equal for everyone and it cannot be restricted.

### Legal capacity

41. Under the Civil Code (sect. 8) the capacity of a natural person to acquire rights and assume duties through legal actions (legal capacity) is created in full scope upon attaining the age of majority. Majority is attained at the age of 18. Provisions of the Civil Code regulating majority will have implications in those areas where other codes do not provide special provisions. The Labour Code stipulates special regulation of employment capacity of a natural person - an employee in section 11, paragraph 2. In contrast to this, the legal capacity of a natural person as an employer shall also arise upon reaching 18 years of age (sect. 8, para. 2). If a person attained majority according to the Civil Code, he/she is also considered a person of full age in other areas of law only when these do not include special provisions.

42. Before the age of 18, majority can only be attained upon marriage. Majority attained in this manner shall not be lost upon the termination of marriage or its being declared null and void. A minor older than 16 years of age may also enter into marriage, though only in exceptional cases and with the permission of a court. Prior to attaining legal age, minors have only the

capacity to undertake such legal actions that are adequate to intellectual and mental maturity corresponding to their age. There is an exemption from this general legislation of legal capacity of minors. The Civil Code recognizes the capacity of a minor older than 15 years of age to make testament, though only in the form of a notarial deed.

43. New legislation of the Family Act that came into effect on 1 April 2005 introduced more exemptions to the general understanding of legal capacity. Consent of a minor child's parent is also needed for adoption under the Family Act. However, the child's consent to adoption is also required when the child is able to assess the implications of adoption (see also para. 126 below). The Penal Code includes a separate legislation of criminal liability (so-called liability for unlawful acts), where the criminal liability age-limit for committed crimes is set at 14 years (for more details on criminal liability, see paras. 49-50 below).

### **Permission to enter into marriage**

44. Section 194 of the Civil Procedure Code regulates the proceedings to qualify a minor to enter into marriage. A minor who wants to enter into marriage is entitled to lodge a motion with a court that shall decide on permission for entering into marriage. Prior to reaching a decision, the court shall hear the person that wants to enter into marriage whether he/she really wants to enter into marriage, in the absence of other persons, and the court shall also hear the person the marriage shall be entered into with. Section 13 of the Family Act regulates, that in exceptional cases, the court may allow a minor older than 16 to enter into marriage on serious grounds when it complies with the social purpose of the marriage. Without this permission, the marriage shall be void and the courts shall proclaim it void even without being petitioned to do so.

### **Succession**

45. The Constitution of the Slovak Republic guarantees succession in article 20, paragraph 1, second clause. Rights of inheritance of descendants are explicitly protected by both the Civil Code and the Civil Procedure Code when enforced before a court. Under section 469 of the Civil Code (so-called incompetence to inherit), anyone who committed an intentional criminal offence against the testator, his/her spouse and children, or behaved in an outrageous way against the declaration of testator's last will, shall not inherit. However, this person may inherit if the testator forgave this act. A nasciturus - conceived child, provided live-born, may also inherit (see para. 59). When this provision mentions a child, it is understood to mean legitimate children, children born out of wedlock, and adopted children. Descendants - minor and major children of the testator - enjoy special protection of the law, where they are declared so-called unpretermitted heirs. The testator may disinherit a descendant only in special cases laid down by the law.

46. The Civil Code distinguishes between statutory succession and testamentary succession. In statutory succession, the descendants belong to the first group of heirs who inherit together with the surviving spouse in equal shares. Under the law, the second group of heirs also includes persons living together who are also understood to include persons in need of the testator's maintenance. In testamentary succession, the law lays down the minimum amount of the inheritance share in such a way that minor descendants must be given at least their statutory inheritance. In case the testament contradicts this requirement, it shall be void in this part.

47. Section 476 (d), paragraph 2, of the Act also includes situations when minors above 15 years of age make a last will. They can make their last will only in the form of a notarial deed.

48. The legislation on probate proceedings stipulated in sections 175 (a)-175 (zd) of the Civil Code does not include any special provision concerning the treatment of minors. Principles of representation of minors and of expression of their opinion (see paras. 134-140) apply to these proceedings.

### **Criminal liability**

49. The new Penal Code - Act No. 300/2005 Coll. - has lowered the criminal liability age-limit from 15 to 14 years of age. Under the Penal Code, a person who has reached the age of 15 and is under the age of 18 at the time of committing an offence shall be considered a juvenile. Individual mental maturity (determined, inter alia, in a mandatory psychological examination of juveniles from 14 to 15 years of age - the so-called conditional sanity legislated in the new Criminal Procedure Code) shall serve as a correctional reference for determining the juvenile's criminal capacity and choosing mainly educational procedures aiming at his/her correction. Lowering the age-limit shall result in appropriate relapse prevention using all available means. Most paedopsychologists and paedopsychiatrists hold the view that the acceleration of mental and physical development of youth in recent decades has had the consequence of juveniles of at least 14 years of age being, in fact, capable of distinguishing and assessing the consequences of their actions and the related criminal consequences in all crimes.

50. Under section 95 of the Penal Code, a juvenile shall not have criminal liability when at the time of the commission of the crime, he/she did not attain such level of his/her mental and moral maturity as to recognize its unlawfulness or control his/her actions. Misdemeanour of small significance committed by a juvenile does not constitute a crime. This provision responds to the different levels of maturity among juveniles of 14 years of age. Thus, the law requires that a juvenile be capable of realizing that the act being committed is an act against the standards of society or that he/she be capable of controlling his/her conduct in an appropriate way considering his/her level of development.

### **Compulsory school attendance**

51. In the Slovak Republic, the right to education is guaranteed by the Constitution, which guarantees the right to education to everyone and stipulates compulsory school attendance. Citizens have the right to free education at primary and secondary schools and, depending on the abilities of the individual and the potential of society, also at universities (more details in chapter VII).

52. In the Slovak Republic, compulsory school attendance is 10 years and it continues at least until the end of the school year, in which the pupil reaches 16 years of age. The institutions within the sector of education guarantee equality and exercise of the right of the child to education in the spirit of the constitutional statutes. Since, based on the Constitution, the education at primary and secondary schools is free, it is provided by schools founded by the State or municipal bodies. In addition to these schools, there are also private and church schools. The State also contributes to the education of pupils and students according to a prescription.

The pupils subject to compulsory school attendance who are unable to attend the school due to their health condition are exempted from the obligation of going to school in person. A State school authority shall arrange such a form of education for them, which will allow achieving the same education as when attending school. A headmaster shall allow secondary school students, who completed compulsory school attendance, to suspend studies for a maximum period of three years at their request or that of their legal guardians.

53. To support regular school attendance of children from socially disadvantaged environments living at or below the poverty line, the institution of scholarships encouraging children from such environments to attend school regularly and to achieve better results has been introduced (for more details see para. 95 and/or paras. 84-95).

### **Employment of children**

54. Employment of children and juveniles is regulated by Act No. 311/2001 Coll. - the Labour Code. The capacity of a natural person to possess rights and duties as an employee within employment relations, and the capacity to acquire rights and assume duties through his own legal actions, arises on the day the natural person reaches 15 years of age. However, an employer shall not agree on a date for starting the employment before the day on which the child concerned completes compulsory school attendance. A child under the age of 15 may perform exceptionally light work, the nature and scope of which do not present a risk to the child's health, safety, further development or school attendance. In such cases, the competent labour inspectorate, in agreement with a health protection body, shall give its permission for light work to a child under 15. The permit shall determine the number of hours and other terms and conditions under which light work can be performed.

### **Service in the armed forces**

55. The legal system of the Slovak Republic rules out recruiting persons under 18 years of age into the armed forces, i.e. to draft children and/or to recruit them in the Armed Forces of the Slovak Republic, or to have them join the armed forces of another State. Under section 5, paragraph 1, of Act No. 570/2005 Coll. on conscription, male citizens are subject to universal conscription on 1 January of the year in which they will reach 19 years of age. Reaching the age of 18 is also the requirement for admission into civil service stipulated in Act No. 346/2005 Coll. on the civil service of professional soldiers in the Armed Forces of the Slovak Republic and on the amendment of certain acts. It means that a citizen may become a professional soldier after he/she has reached 18 years of age.

56. The conscription duty includes the obligation of the citizen to submit to drafting and to serve emergency military service, or alternative military service instead of the emergency military service in times of a crisis. Emergency military service is military service a citizen has the obligation to perform, when he is under the conscription duty at the time of a crisis according to article 1, paragraph 4, of Constitutional Statutes No. 227/2002 Coll. on State security in time of war, state of war, state of emergency and state of crisis. Drafting shall take place in time of war and state of war; the President of the Slovak Republic shall decide on the years of birth of registered citizens conscripted for drafting upon a proposal by the Government of the Slovak Republic; dates of drafting shall be decided by the Minister of Defence of the Slovak Republic.

57. Voluntary assumption of conscription duty is laid down in section 6 of Act No. 570/2005 Coll. on conscription. A citizen who has no conscription duty under the law, or an alien, may voluntarily assume conscription duty on the basis of a written application from 1 January of the calendar year in which they reach 19 years of age.

58. In the context of the country's effort to professionalize the Armed Forces, conscripts ceased to be drafted to serve mandatory military service and alternative military service, and no regular drafting of conscripts has been carried out since 1 August 2005 on the basis of Order of the Minister of Defence No. 21/2005, which ended serving mandatory military service, alternative military service and civilian military service.

### **Capacity to court proceedings**

59. Proceedings before civil courts are regulated in Act No. 99/1963 Coll. the Civil Procedure Code as amended in connection with Act No. 40/1964 Coll. the Civil Code as amended. Two types of capacity to act in court proceedings are distinguished:

- The capacity to act as a party to court proceedings; and
- Procedural capacity, i.e. the capacity to act independently before a court.

60. Under section 19 of the Civil Procedure Code, a person having the capacity to possess rights and duties has the capacity to act as a party to the proceedings. Section 7 (see para. 40) of the Civil Code regulates this capacity. Thus, it is established at birth and terminates upon death; a conceived child, if live-born, shall also possess this.

61. Parties have procedural capacity, i.e. the capacity of the party to act independently or through a chosen representative before the court and to perform procedural actions, in the scope of their legal capacity under substantive law (see paras. 41-43). The Civil Procedure Code regulates procedural capacity in section 20 in such a way that every party may act independently in the scope of his/her capacity of possessing rights and duties acquired through own acts. Thus, a child has a limited procedural capacity; however, a child possesses full capacity to act as a party to the proceedings. These provisions are in full compliance with the principle of child protection, because a child may have the capacity to purchase, e.g. a bicycle, but to claim liability for defects of the purchased item before a court will require higher degree of mental maturity. As the law does not lay down an exact age-limit for legal capacity, the court shall objectively assess the case in every situation. Section 22 of the Civil Code stipulates that a natural person that cannot act independently before a court must be represented by a legal guardian, unless otherwise provided by the law. The parents are the legal guardians of the child. Situations in which a conflict between a child's and a legal guardian's interests may arise are exempted from this rule. In this case, the court shall appoint a so-called child's guardian *ad litem* for the purpose of these proceedings.

62. In cases where both parents of the child are deceased, deprived of the exercise of their parental rights, have their exercise of parental rights and duties suspended, or do not have full legal capacity, a court shall appoint a child's custodian who will represent the child before the court (and also ensure his/her upbringing and education and administer his/her property). In such cases, the custodian becomes the legal guardian of the child.

63. Under section 91, paragraph 3, of the Family Act, a minor parent may act before a court in cases of paternity determination and do so by a consenting declaration of the parents. Under the Family Act, a child alleging that a certain man is his/her father can make a motion for paternity determination by a court.

64. Section 194, paragraph 1, of the Civil Procedure Code is an exemption from the principle of mandatory statutory representation of a child. The person who intends to enter into marriage is eligible to file a motion for the permission to enter into marriage. In all cases, a court may decide, when the circumstances of the case so require, that a person with restricted legal capacity must be represented by his/her legal guardian even if the case allowed his/her own action.

### **Judicial care for minors**

65. Judicial care for minors represents procedural protection of the situation and interests of minors in the exercise of parental rights and duties. Issues concerning situations when the parents fail to comply with their parental duties, do not live together, and/or cannot agree on the exercise of parental duties are taken on there. The court shall approve some legal acts performed by the minor's legal guardians when it is in his/her interest. The court shall encourage the parents or guardians of the minor to perform duly their duties concerning custody of the child. It handles natural and legal persons' motions and notifications concerning the minor's education and upbringing and takes appropriate measures. The court shall usually ascertain the opinion on the appropriateness and usefulness of measures proposed or considered by the court, of the childcare authority or of natural persons and legal entities that know the situation. Where appropriate, the minor shall also be interviewed. If a legal act performed by the legal guardian of the minor requires court approval to become valid, the court shall approve it when it is in the interest of the minor. The court shall supervise the administration of the minor's property performed by a custodian or guardian.

66. Sections 176-180 of the Civil Procedure Code explicitly regulate judicial care for minors. In matters concerning custody of minors the court shall decide without undue delay, however, not later than six months from the start of the proceedings. Proceedings may be extended only when evidence cannot be taken on serious and objective grounds. In these proceedings judgement shall be made within 10 days from the day of its rendition in contrast to other judgements where 30 days will suffice. Proceedings in cases concerning minors are so important that the court shall start to act even without a motion, *ex officio*, usually on the basis of a motion by natural persons or legal entities that will inform of the necessity to regulate the child's situation. Courts shall render judgements concerning upbringing and maintenance of the minor, even without a motion, when the situation in the family changes. Proceedings on placement under institutional care can also be commenced without a motion, because these proceedings concern matters of custody of minor children. The principle of the best interest of the child is applied in the entire system of the protection of minors before the courts (see paras. 125-127).

### **Adoption**

67. The legal consequence of adoption that arises upon a final court decision is that the legal relation established between the adoptive parent and the adopted child is the same as the one between parents and children. In the same way, this law grants them the right to inherit in the

first group of heirs with all rights of unpretermitted heirs (sections 473 and subsequent ones of the Civil Code, see also paras. 45-48). Any mention of a child in the Act shall be understood to mean a child born in or out of wedlock and an adopted child anywhere. The purpose of this legislation is to create conditions that allow the child to grow up in a complete and stable family environment.

68. Adoption is regulated by the Family Act. Adoptive parents shall have the same rights and duties in raising children as parents. They must comply with the statutory requirements to qualify for child adoption. If the minor is capable of assessing the impact of adoption in the adoption proceedings, his/her consent is required. The adoptive parent shall be entered instead of the adopted child's parent in the register of births. A court may cancel adoption only on serious grounds, which are in the interest of the minor.

69. Proceedings to declare adoptability represent a new institution that links up with the new adoption legislation stipulated in the Family Act and regulated in section 180 (a) of the Civil Procedure Code. A court may open these proceedings upon a motion of the authority for social and legal protection (and also without this motion) when it determines that the requirements for adoption as laid down in the Family Act are satisfied. The child and his/her parents shall be parties to the proceedings. They also include the child's minor parent who reached 16 years of age even when he/she is not the legal guardian of the child. The parents shall not be parties to the proceedings when they are deprived of their parental rights and duties, when they were deprived of their full legal capacity, or when they are not capable of assessing the consequences of adoption. In such cases, the custodian shall be a party to the proceedings. Parents shall not be a party to the proceedings when they gave prior consent to the adoption of the child. The court shall rule on adoptability without undue delay, but not later than three months following the opening of the proceedings. Exceptionally, this time limit may be extended by a maximum of three more months. Proceedings to declare adoptability pursuant to the Civil Procedure Code fully transpose one of the requirements of intercountry adoption under the Convention on the Rights of the Child and on cooperation in intercountry adoption, into the legal system of the Slovak Republic.

70. Sections 181 to 185 of the Civil Procedure Code regulate proceedings to declare adoptability. It can only be started upon the prospective adoptive parent's motion. The adopted child, his/her parents and/or custodian, adoptive parent and his/her spouse are parties to the proceedings. When a child's parent is a minor, he/she enjoys the status of a party to the proceedings with a view to his/her partial legal capacity. In the proceedings, the court shall focus on proving basic material conditions for the formation or cancellation of the adoption with a view for all prerequisites to ensuring due upbringing of the adopted child and creation of an appropriate family environment. The court shall hear the adopted child only when the child is capable of understanding the meaning of adoption and the interview is not in conflict with his/her interests. If the adopted child is not to be heard, he/she should not be summoned. The court shall decide on the adoption before the lapse of one year from the filing of the motion for adoption. Prior to a court's decision on the adoption, the minor child must spend at least nine months in the custody of the prospective adoptive parent. Adoption of the child by a foster parent, custodian or a person having the child in alternate custody of at least nine months is

exempted. In adoption, entries in the register of births are changed - adoptive parents are entered instead of the parents in the register. The adopted child shall have the adoptive parent's family name. A court may cancel adoption on serious grounds that are in the interest of the minor, upon a motion filed by the adopted child or the adoptive parents (or without any motion) within six months from the day the adoption decision became final. Cancellation of adoption restores the original relations between the adopted child and his/her original family.

### **Association**

71. The freedom of association and assembly is regulated in articles 28 and 29 of the Constitution of the Slovak Republic. The exercise of the right of assembly is legislated in Act No. 84/1990 Coll. on the right of assembly, which lays down the rights and duties of the convenor of the assembly and the State authority and municipal bodies. The above-quoted legal provisions clearly imply the right of children to free assembly with the objective of enforcing their rights and legitimate interests that are protected by the Constitution and the law.

72. The same may also be said about the right of association. Everyone has the right to associate with others in clubs, societies and other associations. Act No. 83/1990 Coll. on association of citizens, as amended, gives a more detailed provision. This law, following up with article 29, paragraph 1, of the Constitution of the Slovak Republic, allows everyone, i.e. also children, to associate in various associations with the purpose of developing interest activities.

73. Legal provisions that allow effective support to children in all spheres of their life include Act No. 34/2002 Coll. on foundations, Act No. 213/1997 Coll. on non-profit organizations providing generally beneficial services, as amended, and Act No. 147/1997 Coll. on non-investment funds.

74. Some 661 civil associations focusing on the satisfaction of interests of children in the area of culture, sports, education, technical activities, tourism, health protection, the environment, etc., were established under this law in the reported period 2001-2005. Twenty-one foundations, 200 non-profit organizations providing generally beneficial services and 145 non-investment funds, which combine pecuniary means earmarked for generally beneficial purposes, including the protection of children and their rights, were established during the same period to support the rights and health of children, and to protect their rights ensuing from the Convention.

### **Religion**

75. The Constitution of the Slovak Republic guarantees freedom of thought, conscience, religion and belief in article 24, paragraph 1. This right also includes the right to change religion or belief. Everyone has the right to be religiously indifferent and the right to manifest freely his/her thoughts. Article 24, paragraph 2, of the Constitution guarantees the right of everyone (i.e. also of minors) to manifest freely his/her religion or belief.

76. **The sector of education gives individual churches the possibility of religious education according to a parent's interest and decision. Alternative teaching of compulsory subjects of ethics or religion is provided according to a written decision by the pupil's legal guardian at primary schools, first and second grade of secondary schools and**

**first to sixth grade of eight-year grammar schools. A written decision of the child's legal guardians is needed for children under 15 years of age. Children over 15 shall decide independently. Parents may also enter pupils attending the compulsory subject of religion in the classes of non-compulsory ethics classes and vice versa. The content and the professional level of the subject of religion is the responsibility of the competent bodies of churches or religious societies (for more details, see paras. 134 and 151-155).**

### **III. GENERAL PRINCIPLES**

#### **A. The right to non-discrimination**

77. The Slovak legal system does not allow any form of discrimination against children. Under article 12 of the Constitution, fundamental rights and freedoms shall be guaranteed to everyone regardless of sex, race, colour, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status. No one shall be aggrieved, discriminated against or favoured on any of these grounds. Article 41, paragraph 3, of the Constitution guarantees equal rights to children born both in and out of wedlock.

78. The "Field survey of the rights of children from a Romany settlement taking into account their discrimination and specific problems" was conducted in the framework of the 2004-2005 Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, anti-Semitism and other Expressions of Intolerance. The objective of the survey was to collect credible data on the situation concerning compliance with human rights of children from Romany settlements, taking into account specific problems. The results of the survey were the basis for the 2004 Human Rights Report: Slovak Republic, drafted by the Slovak National Centre for Human Rights.

#### **Roma children**

##### **Institutional framework**

79. In its efforts to create an effective institutional framework for the affairs of the Roma community, the Government of the Slovak Republic created the position of the plenipotentiary of the Government for addressing the Romany minority issues in February 1999. The new institutional framework for addressing the Roma minority issues was approved by resolution of the Government No. 1196 of 17 December 2003. In January 2004, the Secretariat of the Plenipotentiary of the Government for Roma Communities transformed into the Office of the Plenipotentiary of the Government for Roma Communities. In addition to the existing field office in Prešov, regional offices have been opened in Košice, Spišská Nová Ves, Rimavská Sobota and Banská Bystrica. Thus, it was possible to develop a permanent professional workplace with a higher number of employees capable of ensuring effective and efficient implementation of programmes in cooperation with regional and local municipal bodies. The office is also ready to apply for funds for its programmes outside the State budget, mainly from European Union Structural Funds.

80. **Since the drafting of the Strategy of the Government for addressing the Roma Minority problems and the Set of its implementation measures - I Stage (1999), the Government has adopted several fundamental strategies, policy materials and action plans aimed at addressing the Roma ethnic minority challenges in the period from 1999 to 2006:**

- **The Progress Report on addressing the Roma issues (1999);**
- **The Strategy of the Government for addressing the Roma Minority problems and the Set of its implementation measures - I Stage (1999)**
- **The Strategy of the Government for addressing the Roma Minority problems translated in the Set of concrete measures for the year 2000 - II Stage (adopted in 2000);**
- **Priorities of the Government relating to Roma Communities (adopted in 2002) - the Comprehensive Development Programme for Roma Settlements and the Social Field Workers Programme became the basic priorities;**
- **Basic Theses of the Slovak Government's Policies for the Integration of Roma Communities (adopted in 2003);**
- **Priorities of the Government relating to Roma Communities for 2004 (adopted in 2004);**
- **Integrated education policy for Roma children and youth, including the development of secondary and tertiary education (adopted in 2004);**
- **The National Action Plan of the Slovak Republic regarding the Decade of Roma Inclusion 2005-2015 (adopted in 2005);**
- **The Long-term Housing Policy for Marginalized Population Groups and the Model of its Funding (adopted in 2005).** (See the concluding observations of the Committee, paras. 19 and 24.)

81. In the period from 1999 to 2006 the Office of the Plenipotentiary of the Government for Roma Communities elaborated several fundamental materials with a view to improving the situation of the Roma in the Slovak Republic. It includes the following materials:

- **Basic Theses of the Slovak Government's Policies for the Integration of Roma Communities** - they provide a framework of basic objectives and methods for tackling the area of education, housing, employment, health and human rights. They should serve the central State administration authorities as the basis for their further translation into concrete steps and short-, medium- and long-term objectives so that they complement each other, create prerequisites for cooperation and deliver the expected result, which is the integration of the Roma minority.

- **The 2002-2003 Evaluation Report of the Government's materials concerning the Roma Communities (the 2003 Basic Theses of the Slovak Government's Policies for the Integration of Roma Communities, the 2002 Priorities of the Government with respect to Roma Communities and the 2001 Strategy of the Government of the Slovak Republic for addressing Problems of the Roma Community)** summarizes the steps of the Slovak Government with respect to the Roma in 2001-2003 with an emphasis on the evaluation of these governmental materials.
- **The Evaluation of 2003 Basic Theses of the Slovak Government's Policies for the Integration of Roma Communities and of the 2004 Priorities of the Government with respect to Roma Communities Integration.** The evaluation summarizes the tasks specified for individual ministers and government departments to be implemented in 2003.
- The Government adopted the **2004 Priorities of the Government of the Slovak Republic relating to Roma Communities** on 28 April 2004. They reflect the current development of the Roma issue in Slovakia. Specific attention is paid mainly to the social situation of marginalized groups of the population and the possibilities of their success in the labour market and housing. Social fieldwork, education and influencing public opinion continue to be long-term priorities.
- Since 2003, Slovakia has been involved in the World Bank and Open Society Institute project called the **2005-2015 Decade of Roma Inclusion**. On 12 January 2005, the Government approved the **National Action Plan of the Slovak Republic regarding the Decade of Roma Inclusion 2005-2015**, which is the final version of Slovakia's objectives in the individual priorities of the Decade (education, housing, employment and health) with its resolution No. 28/2005. It defines the timetable of their implementation and the manner of their funding. The National Action Plan builds on the Basic Theses of Slovak Government's Policies for the Integration of Roma Communities, adopted by the Government in 2003. (See the concluding observations of the Committee, paras. 19 and 20.)

### **The most important legislative changes in the period 2001-2005**

82. Act No. 346/2004 Coll. repealing Act No. 74/1958 Coll. on permanent settlement of the travelling population, was adopted on 27 May 2004. Though the Act does not explicitly mention the Roma, it was mostly applied to them in practice. Sanctioning the travelling way of life was in sharp violation of the freedom of movement and residence guaranteed in article 23 of the Constitution and stipulated in article 2 of Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

83. Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain other acts (the Anti-discrimination Act) was adopted on 20 May 2004. In addition to a general prohibition of discrimination on any grounds, this law also includes definitions of direct and indirect discrimination, harassment, instruction to discriminate, instigation to discriminate, and victimization. It also includes a negative definition, i.e. cases of admissible different treatment. Under this law, differences of treatment shall not constitute discrimination if they are objectively justified by the nature of occupational activities

or the circumstances under which such activities are carried out, provided that the extent or form of such differences of treatment are proportional and necessary in view of these activities or circumstances under which they are carried out. They include, for instance, cases of different treatment on grounds of age (more advantageous working conditions for juveniles), gender (special working conditions for women) or disability. The law has also introduced a new legal institute in the proceedings before the court, which is the reversed burden of proof, i.e. transferring the burden of proof to the defendant, in so-called prima facie cases. It means the defendant has the obligation to prove that there was no violation of the principle of equal treatment if the evidence submitted to the court by the plaintiff gives rise to a reasonable assumption that such violation of this principle (i.e. the discrimination) indeed occurred. Another improvement the law introduced is that when the court establishes a violation of the equal treatment principle and an appropriate satisfaction would not suffice, the court may also rule - in addition to damages - cash compensation for non-pecuniary damage. Considering that the Anti-discrimination Act aims at ensuring compliance with the equal treatment principle in various areas of life, 20 previous acts were amended with provisions prohibiting discrimination at the same time. They include, for instance, the School Act (Act No. 29/1984 Coll. as amended) and the Healthcare Act then valid (Act No. 277/1994 Coll. as amended). These provisions have also been incorporated into the new Healthcare Act (Act No. 576/2004 Coll. as amended) (on the Anti-discrimination Act, see also para. 8).

## Education

84. **The right of persons belonging to national minorities and ethnic groups to an education in their mother tongue is guaranteed in article 34 of the Constitution of the Slovak Republic. The details of national minorities and ethnic groups education are mainly laid down in Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act), as amended. Currently, several policies and documents of the Ministry of Education have the education of Roma children and youth at all types of schools incorporated. Key governmental materials targeted at Roma children and youth education include “Current Situation in the Education and Instruction of Roma Children and Pupils, including the Development of Secondary and Tertiary Education” (2003); “Integrated Education Policy for Roma Children and Youth, including the Development of Secondary and Tertiary Education (2004)”. (See the concluding observations of the Committee, paras. 19 and 20.)**

### *Teacher’s assistant*

85. In 2002, the profession of a teacher assistant as educational staff working in kindergartens, primary schools and special primary schools in the framework of the School Act amendment was introduced. The teacher assistant is an educational staff member performing the educational process at school and preschool establishments and participating in the creation of conditions necessary for overcoming mainly linguistic, health and social barriers encountered by the child in the educational process. Today, there are some 850 teacher assistants working at schools. A high number of teacher assistants (many of them being Roma) work at schools with a high presence of Roma children.

*Special schools*

86. In the school system of the Slovak Republic, neither ethnically oriented schools nor schools segregated in any way from the main school system exist. The network of special schools provides education to pupils having special educational needs due to their disability preventing them from attending other types of schools according to Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act), as amended. Education received at special schools, except the education from special schools for mentally disabled pupils, is equal to the education received at primary and secondary schools.

87. The status of a special primary school (originally “special segregated school”) in the school system of the Slovak Republic has been legislated in Act No. 229/2000 Coll. amending Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act). The wording of the School Act valid before 1 September 2000 made it possible to also send pupils lacking prerequisites for mastering the primary school to a then special school. In practice, therefore, it could be possible to have cases where pupils without a disability - e.g. pseudo-mentally disabled pupils - were sent to a special school.

88. The amended wording of the law clearly states that a special school for pupils with a mental handicap is meant for pupils with mental handicaps and/or pupils with multiple disabilities in combination with a mental handicap. Pupils are placed in these schools on the grounds of their disability and not based on an ethnic principle. No cases of wrong placing of pupils should occur in practice under consistent compliance with the valid wording of the School Act.

89. Based on the data of the Socio-Graphical Mapping of Roma Settlements, it was determined that in 2004 special schools were attended by 7,195 Roma children, though this number is not complete (*source: Súhrnná správa o Rómoch na Slovensku*, Institute for Public Affairs, Bratislava 2002). Collecting data on the Roma population faces problems linked with the traditional absence of declaration of (ethnic) nationality by the Roma, on the one hand, and the prohibition of making special statistics on the basis of ethnic origin in compliance with Act No. 428/2002 Coll. on the protection of personal data, on the other. Key indicators of the rate of over-proportional representation of Roma children at special schools for mentally disabled children cannot be identified on the basis of available data.

**90. Appropriate testing methods taking into account specific features of Roma children from socially disadvantaged environments play an important role in the elimination of wrong placement of children into special schools. Educational-psychological counselling centres play an irreplaceable role in diagnostics. It is possible to expect certain positive changes due to the implementation of new diagnostic tools created in the framework of the “Reintegration of Socially Disadvantaged Children from Special Primary Schools into Standard Primary Schools”. PHARE project is searching for a solution to the high number of Roma children at special schools.**

**91. On 10 February 2006, Methodological Guidance of the Ministry of Education of the Slovak Republic No. 3/2006 on the implementation of school integration of pupils with special educational needs at primary and secondary schools came into effect. Primary schools, secondary schools and counselling establishments ensuring or participating in**

**school integration of pupils with special needs follow this guidance. The guidance gives concrete details of those provisions of the School Act that apply to pupils with special educational needs.**

**92. On 1 January 2006, Methodological Guidance No. 12/2005 regulating the procedure applied by educational and psychological counselling centres when assessing school readiness of children from socially disadvantaged environments upon admission to the first grade of primary schools came into effect. This guidance regulates the procedure applied by educational and psychological counselling centres when assessing school readiness of children from socially disadvantaged environments after they have reached the age of 6 upon admission to the first grade of primary schools. Children showing significant deficiencies in communicating in the school language of instruction established upon admission to the first grade of primary schools need to be examined using individual psychological methodology in order to identify the possibilities of their schooling and to arrange appropriate conditions for their education. The new “School Readiness Test” methodology developed in the framework of PHARE SR0103.01 Reintegration of Socially Disadvantaged Children from Special Schools into Standard Schools project is preferentially applied in the individual psychological examination of children from socially disadvantaged environments and with insufficient command of the school language of instruction. Established lowered levels of psychosocial development of the child or insufficient command of the school language of instruction is a reason for submitting a proposal to the competent State administration school authority that shall decide on placing the child into a zero grade of the primary school with the consent of the legal guardian. Identifying areas of a child’s retardation allows his/her inclusion into specific stimulation programmes organized by educational and psychological counselling centres. When diagnostic examinations of the child from socially disadvantaged environments exclude a mental disability of the child, the educational and psychological counselling centre shall not suggest admission into a special primary school. In cases of the child’s schooling in the zero grade or the first grade of a special primary school, it is recommended that a repeated diagnostic examination be carried out with the RR Screening method elaborated in the framework of the above PHARE SR0103.01 project. (See the concluding observations of the Committee, paras. 47 and 48.)**

#### *The Roma language*

93. In the Slovak Republic, the Roma language was codified in 1971, when a commission of the Union of Gypsies - Roma in Slovakia then existing (1969-1973) adopted a binding standard of the Slovak dialect of the Roma language. Standardization of the Roma language in Slovakia is one of the priorities undertaken by the Office of the Plenipotentiary of the Government for Roma Communities. A working group - the Language Commission at the Office of the Plenipotentiary of the Government - was established with this objective as early as 2001. The language commission arrived at a clear recommendation of making the East Slovak dialect - the East Slovak Roma language - the basis of the Roma language standardization. Some 85 per cent of the Roma in Slovakia use it as their conversational language. The work of the commission resulted in a grammar of the Roma language - “Romani chhib” - and the Key to the Slovak Roma Language Textbook that also includes a basic dictionary. Currently, the commission works on the preparation of other specialized literature.

94. Accelerating the implementation of the Roma language curriculum is only possible provided there are enough teachers teaching in the Roma language and the project of the State Pedagogic Institute on the verification of the effectiveness of the Roma language, literature and facts of life curricula at primary and secondary schools is completed. This project has been scheduled for the period 2003-2009 when the entire project can be comprehensively assessed and the Roma language curriculum verified. The project implementation progress is partially evaluated on an annual basis through the annual reports of the State Pedagogic Institute, the coordinator of the experiment. The current number of teachers teaching in the Roma language is insufficient and therefore the project includes the training of a sufficient number of teachers teaching in the Roma language.

#### *Scholarships*

95. One of the forms of support to secondary and university students is the scholarship programme of the Office of the Plenipotentiary of the Government for Roma Communities in cooperation with the Open Society Foundation and certain NGOs (e.g. Milan Šimečka Foundation). These scholarships are mostly granted to Roma students and material need is not a necessary condition for their granting, though the social situation of the family is taken into account in the decision-making on the scholarships.

#### **Health care**

96. In the long term, the health condition of the Roma population is worse compared to the majority population. Its quality is also adversely influenced by a poor socio-economic situation and lower level of education.

97. **Based on the resolution of the Government of the Slovak Republic, the Ministry of Health is implementing the PHARE 2003-004-995-01-06 project called “Improved Roma Minority Access to Health Care in the Slovak Republic”. The task of this project is to ensure health care availability for marginalized Roma communities in selected localities in a systematic manner and improving Roma minority access to health care. The Ministry of Health is responsible for the implementation of the project. The project is being implemented with funds coming partially from the State budget and partially from foreign sources - the PHARE funds. Funds amounting to EURO 1,590,000 have been earmarked for:**

- **The acquisition of teaching aids for health education for the Roma;**
- **Medical equipment for health centres;**
- **Mobile medical units - field outpatient units with equipment;**
- **Training activities for Roma health-care field workers;**
- **Refurbishment of selected health-care centres.**

98. **In 2005, contracts for implementing the health-care field workers system and training activities were concluded in the framework of this project implementation. Contracts for reconstruction works were concluded with only five successful municipalities. The representatives of the Ministry of Education visited selected localities and met their mayors, representatives of schools and health-care workers. The objective of this meeting was to obtain information on the current progress of the project and to agree on further cooperation. The field health-care assistant component has been in place for four months now. During this period, contracts were concluded with all 40 assistants. They attended courses from December 2005 to February 2006 and submit project progress reports every month.**

99. **The Ministry of Health and the Public Health Office met for the first time in March 2006 to consider further continuation of the project. Equipment for health-care centres and mobile ambulances were delivered before the end of February 2006. Work has already begun on the five health-care centres.** (See the concluding observations of the Committee, paras. 35 and 36.)

100. Ideas of the key governmental documents concerning the Roma minority have also been reflected in the laws on the professions of doctor of medicine and pharmacist; nurse and midwife; and also in the ethical code of the individual categories of health-care workers. At the request of the Ministry of Health Care, the Slovak Health University drafted the 2005 Progress Report on the Action Plan for Preventing all Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and other Expressions of Intolerance and the 2006/2007 Action Plan for Preventing all Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and other Expressions of Intolerance. In 2005 and at the beginning of 2006, training events on education, health of pregnant Roma women, disease prevention and health protection were carried out for Roma assistants.

101. The Office of the Government of the Slovak Republic gave the Ministry of Health funds in the amount of SKK 300,000 to implement educational projects with the aim of increasing the knowledge of the Roma community on reproduction health issues. The SPOLU Civil Association implemented projects in three municipalities in 2004. Two subprojects focusing on the comparison and causes of Roma population mortality have been implemented under the National Health Support Programme project called "The Health Status, Mortality and Education of a Special Group of the Population - the Roma".

### **State prevention programmes to curb racially motivated violence against the Roma and their children**

102. Resolution of the Government No. 278 of 23 April 2003 which approved the Basic Theses of the Slovak Government's Policies for the Integration of Roma Communities includes a recommendation to the Ministry of the Interior for media presentation of clarified cases with the objective of preventing racially motivated crime.

103. At the end of 2001, the Ministry of the Interior established a Commission for Addressing Racially Motivated Violence that changed its name to the Commission for Coordinating Action on the Elimination of Racially Motivated Crime in March 2003. The change of the name resulted from a desire to make its scope more accurate and larger. Members of the Commission

are staff from the Ministry of the Interior and the Police Force. The representative of the General Prosecution Authority and the representatives of various NGOs participate in the work of the Commission from the beginning. The Commission has an active cooperation with the Office of the Plenipotentiary of the Government for Roma Communities. The main task of the Commission is to exchange information and knowledge from the area of racially motivated crime and coordination of common steps in the elimination of all forms of racial discrimination.

104. Pursuing better knowledge for police force officers on the extremist scene in Slovakia, on the forms of racially motivated crime and on the manner in which it is committed, and on its penal law classification for the needs of tactical guidance in its detection, clearance and documenting, the Police Force Presidium issued the Methodology of Detection, Clearance and Documenting Crime Motivated by Racism, Ethnic and Other Intolerance or Crime Committed by Extremist Group Supporters in 2001 and also in 2002. Expressions of racial violence and incitement to racial hatred are sanctioned under the Penal Code. They include mainly the crimes of violence against a group of people and individuals; defamation of a nation, race or conviction; incitement to ethnic and racial hatred; genocide; support for and propagation of movements leading to the suppression of civil rights and freedoms; persecution of the population and qualified elements of the crime of murder (there is a heavier penalty for the crime of murder committed on specific motifs). A specific motif means, inter alia, commission of crime of nationality, ethnic or racial hatred, or hatred on ground of skin colour) and bodily harm (there is a heavier penalty for the crime of grievous bodily harm and the crime of bodily harm committed on specific motifs). Since 2001, racially motivated crime has been subject to stricter sanctions. The Penal Code also includes an attribute of elements of crime - belonging to an ethnic group - in cases of a defined group of criminal offences.

105. To sanction and prevent the criminal activity of usury in a more effective way the Project for Combating the Criminal Activity of Usury was drafted in 2004. Achieving the tasks resulting from the project and mainly the willingness of the Roma to cooperate with the Police Force significantly improved the results of the work in 2004. An effective fight against the crime of usury is not possible without the cooperation of the aggrieved Roma. The Police Force does not approach people on the basis of an ethnic principle in performing its basic functions. Nevertheless, forms, methods and approaches that would take into account more sensitive police approaches mainly to the group of Roma population are being sought.

106. To improve the cooperation between the police and the Roma communities, the Ministry of the Interior presented the Project of Police Specialists for the Work with Roma Communities to the Government in 2004. It is divided into three stages. A working group for the implementation of the project was established in the first stage (until 31 August 2004). The second stage (until 1 March 2006) envisages a model trial operation with the specialists. Eighteen police officers were allocated to the service. The project should be officially opened after completion of the third stage in 2007.

### **Standard of living**

#### *Community social work*

107. Life in segregated Roma settlements primarily in the eastern part of the country is, for their inhabitants, often bleak and hopeless. The people live in a state of general lethargy; they

are neither capable nor willing to do anything to improve their situation. They opt for short-term passive life strategies only aimed at the satisfaction of basic needs. They often do not understand the world around them and perceive it as hostile. An autonomous system of values has developed in this environment. It has kept on reproducing because the children growing up in these localities accept this model automatically and the entire situation is repeated in a cyclic way. The fact of high percentages of Roma children living in settlements has a rather significantly negative effect on their motivation to learn. Many parents of Roma pupils show no interest in the results of the work of their children. Despite the legal obligation of parents to ensure school attendance, school attendance of these children is a serious problem. Slovakia has a system of 10-year compulsory school attendance. The environment in which they grow is putting them in a disadvantaged position. Children do not do any, or only very little, homework and they spend their leisure time in the streets. Neither the parents nor the community encourage them to work or to learn.

**108. The Programme of Community Social Work (formerly the “social field work”), implemented in such a way as to contribute to eliminating the causes of social deprivation through permanent work of a community social worker and community social worker’s assistant in a concrete community, contributes to remedying the existing situation. Citizens affected by, or at risk of, social exclusion (including marginalized Roma children), citizens living in closed socially isolated communities with relatively high levels of social need, and social pathological phenomena caused mainly by long-term unemployment, have become the target groups of the Programme.**

**109. The role of the Programme is to remove barriers of disadvantages and to create conditions for equal participation of groups at risk in the economic and social life of the society. In the first stage, the Programme prioritized segregated Roma communities suffering from social exclusion. The Programme smoothly continued in the meaning of the social programme of the field social workers in a way that allowed participation of population groups at risk. The stages of programme implementation include:**

- **In 2002-2003, the Office of the Plenipotentiary of the Government for Roma Communities implemented an introductory programme of field social workers;**
- **The implementation of the Programme of social field workers continued under the PHARE Programme in 2004-2005;**
- **In 2004, the Ministry of Labour, Social Affairs and Family allocated funds amounting to SKK 6.6 million to the support of the programme with a change in community social work for the period 2005-2007;**
- **The Social Development Fund has implemented the programme of Community Social Work in its full scope (including financial management and project funding) effective 1 January 2006.**

**Currently, 218 community social workers, 377 community social worker’s assistants and 17 coordinators are involved.** (See the concluding observations of the Committee, paras. 19 and 20.)

110. To improve care for Roma children living in segregated Roma settlements, measures to improve their living conditions have been adopted. Since 2004, funds for building centres of personal hygiene and laundry rooms have been given to municipalities, which have segregated settlements in their territory, in the framework of the subsidy policy of the Ministry of Labour, Social Affairs and Family. In 2004, the Ministry contributed SKK 12 million to 10 municipalities and in 2005, the amount was SKK 8 million to 8 municipalities.

### **Children without Slovak citizenship**

111. A child who is not a national of the Slovak Republic and is not accompanied by parents or other adults who could be awarded custody of him/her in the territory of the Slovak Republic shall be called an “unaccompanied minor”. Police units of the Border and Alien Police of the Presidium of the Police Force who identify the minor child usually have the first contact with unaccompanied minors. Next, the police will identify, with the help of an interpreter, the reason for and intention behind crossing the State border, in particular, whether the child was not forced to cross the State border by another person (kidnapping), or whether the child is not travelling to meet his/her parents in the Slovak Republic or another country.

112. The competent police force unit will inform the nearest Office for Labour, Social Affairs and Family immediately. During non-working days or holidays the competent border and alien police force unit or an NGO shall immediately report to the authority for social and legal protection of children in whose territory the child was found. In cases of minor children, these police force units are competent to receive asylum applications. A minor can neither be detained nor administratively expelled. When the minor needs medical treatment, it is provided immediately.

113. A court shall appoint the authority for social and legal protection to the custodian of the unaccompanied minor. The custodian has the duty to perform his/her function duly and in the best interests of the child. The authority is accountable for its performance to the court. The custodian’s decision with respect to any significant matter concerning the minor needs a court decision. Every child present in the territory of the Slovak Republic is guaranteed the right to the protection of his/her rights and interests and the provision of the necessary assistance in the search for his/her parents or relatives and/or in family reunification, or assistance in the legitimate opening of the asylum procedure.

114. The authority for social and legal protection of children and social guardianship enforces measures so that the unaccompanied minor during his/her stay in the territory of the Slovak Republic receive care appropriate to his/her culture, language, religion and traditions of his/her country of origin. The authority also participates in the search for parents or other members of the family for the purpose of the unaccompanied minor’s family reunification. The authority notifies and proposes to the embassy of the country, where the unaccompanied minor has his/her habitual residence, measures adopted in the interest of his/her return when it is evident that the country in which the minor has a habitual residence is safe.

115. In the territory of the Slovak Republic, care for unaccompanied minors is provided in a children’s home that arranges a medical examination for the minors. When the age and mental development of the child allow, the children’s home for unaccompanied minors has the obligation to seek the view of the child on all matters concerning him/her and, in particular, to

determine the child's opinion on his/her replacement, reunification with the family, return to the country of origin, and asylum. The children's home for unaccompanied minors shall ensure interpreting in a language the child understands and, at the same time, create conditions for Slovak language lessons when appropriate and meaningful for the development of the child.

116. The Migration Office pays extra attention to minor aliens - asylum-seekers. The Office creates optimum conditions in its establishments with the aim of ensuring human rights protection to persons seeking asylum in the Slovak Republic. The Civil Procedure Code regulates initiation of the asylum procedure for an unaccompanied minor younger than 18 years of age. Upon a motion filed by the authority for social and legal protection of children and social guardianship, the court shall adjudicate in a provisional measure that a minor child that is left without any care, or whose life and health are at serious risk, be temporarily placed in the care of a natural person or legal entity specified in the ruling.

117. The Migration Office has adopted the following measures concerning unaccompanied minors who are asylum-seekers to protect their interests in compliance with the Convention:

- To act in the best interest of the minor on the basis of his/her individual needs;
- Not to discriminate, i.e. to prevent any form of discrimination and to give a minor alien all advantages and possibilities enjoyed by children who are nationals of the Slovak Republic;
- To enable social participation and participation in decision-making in the family and community life, in cases of special needs of disabled minor individuals. When minors participate in decision-making, the weight of their opinion is determined by their age and maturity.

118. In taking care of this risk groups of asylum-seekers, the Migration Office has a close project-based cooperation with NGOs, mainly the Slovak Humanitarian Council and UNHCR. In the framework of the European Refugee Fund project, the permanent presence of social workers within the 24-hour controlled supervision of these groups of asylum-seekers was ensured in the asylum establishments of Brezová pod Bradlom and Rohovce. The project on the Protection of the Rights of Unaccompanied Minors Present in the Territory of the Slovak Republic in Asylum Procedure was signed in the framework of the European Refugee Fund. The objective of the project is to implement a system of universal social care and legal protection of unaccompanied minor aliens present in the territory of the Slovak Republic that goes beyond the basic care provided to these asylum-seekers by the State. The School Act also regulates the area of instruction and education provided to alien children. To remove language barriers, elementary and advanced language courses of the official language are organized.

### **Children with disabilities**

119. Under the Constitution of the Slovak Republic and valid legislation, children with disability or children with special educational needs enjoy equal rights of participation in active life. The Government adopted a set of measures called "the National Programme for the Development of Living Conditions for Citizens with Disabilities in All Areas of Life". The National Programme is a systemic step on the way to creating a process of a gradual, conceptual

solution to several problems in the life of disabled children, including the creation of conditions for preventing the occurrence of disability, early diagnosis and therapy, record-keeping and appropriate inclusion into social and working life. Its objective is to create equal conditions and integration of persons, including disabled children, into the life of society. Progress in national programme implementation is continuously assessed and the commitments are adjusted as needed.

120. In the area of education of children with special educational needs, the current legislation in the field of education in the Slovak Republic allows for the following ways of education:

- Education in the form of individual integration in the standard school system;
- Education in the form of social integration in special classes of standard schools;
- Education in special schools - segregated education;
- Education in preschool establishments in the form of individual integration, in special classes or in special kindergartens.

121. Educational and psychological counselling centres, educational and psychological prevention centres, diagnostic centres, curative and educational sanatoriums and special educational counselling establishments assist these children and their legal guardians. The competent State administration school authority has the obligation to arrange for children who cannot go to school in person due to their health such a form of education, which will allow the achievement of the same level of education as when attending school.

122. In the area of health care, disabled children are provided dispensary care according to the nature and severity of their disability, which is to be understood as active and systemic monitoring of sick insured persons or insured persons at risk of health, their examination and treatment. The attending physician classifies the insured persons for dispensary care. Children, in particular disabled children, are also given spa care in children spa sanatoriums. Consent of the legal guardian or of the person in whose custody the child was placed as a substitute for parental care is required for spa treatment of children until they complete compulsory school attendance. Cooperation agreements in health care concluded by the Ministry of Health of the Slovak Republic with other countries include provisions on cooperation in preventive health care. Children younger than 6 years of age, severely disabled children, and children with mandated institutional education are exempted from fees for services linked with the provision of health care.

123. Since 1 July 1999, a new scheme of social assistance (Act No. 195/1998 Coll. on social assistance, as amended) has been implemented within the social security system. Compensations aimed at assisting citizens, severely disabled children and their families to mitigate or overcome the social consequences of disability form a significant part of the Social Assistance Act.

124. Compensation takes the form of social services and of cash allowances to compensate social consequences of severe disability. Allowances are granted individually or in combination, in the area of mobility (access to personal items, to community facilities), communication (communicating with the surrounding world, availability of various types of information),

necessary everyday life activities and household work, and higher expenditure. However, compensation in the form of social services or cash allowances is not linked with a particular type of disability but always derived from the individual needs of a specific child.

### **B. The best interests of the child**

125. Children and youth are guaranteed special protection in the Constitution of the Slovak Republic. The principle of the best interest of the child, or consideration of the best interest of the child, is reflected in the Family Act, Social and Legal Protection of Children and Social Guardianship Act, Civil Procedure Code and the Civil Code.

126. Under the Family Act, the court shall consider the child's interest when deciding on divorce, the exercise of parental rights and duties, or when approving parental agreements governing the exercise of parental rights and duties. The court shall always consider, in particular, emotional links, developmental needs and the child's stability. If necessary for the best interest of the minor, the court limits parent's visitation rights with respect to the minor, or it deprives the parent of this right. The parents have the duty to exercise their parental rights and duties in such a way as to protect the minor's interests. The court may also accord the child's minor parent, provided he or she is older than 16, parental rights and duties if it is in the interest of the child. The court may regulate the minor's visitation regime with respect to close persons of the deceased spouse or of the spouse declared dead.

127. The court shall rule educational measures in the interest of the minor. They include reprimand, supervision of the minor, limitation of the minor's harmful conduct and the minor's or his/her parents' obligation to submit to social counselling. Act No. 305/2005 Coll. on social and legal protection of children and social guardianship stipulates other types of educational measures which an authority for social and legal protection of children may award a minor. When the parents live a permanently disordered life, fail to comply with their parental duties or do not ensure the minor's upbringing at all, the court shall limit parental rights and duties. When the parent abuses his/her parental rights, mainly by mistreatment, abuse, negligence or other forms of ill-treatment of the minor, the court shall deprive the parent of his/her parental rights.

### **C. The right to life, survival and development**

#### **The right to life and survival**

128. Under the Constitution of the Slovak Republic, everyone has the right to life, and human life is worth protecting before birth. Act No. 73/1986 Coll. on artificially induced abortion regulates the condition for artificial termination of pregnancy in view of the protection of a woman's life and health and in the interest of responsible family planning. Upon a woman's written application, her pregnancy shall be terminated during the first 12 weeks of pregnancy, when there are no serious health complications. Induced abortion on health grounds may be performed with a woman's consent or on her initiative if her life or health or the healthy development of the foetus is at risk or in cases of genetically impaired development of the foetus.

129. Since 1989, the number of artificially induced abortions has shown a long-term decline in the Slovak Republic. In spite of a sharp decline in the number of abortions their continuing relatively high number in women and girls younger than 19 years of age should be addressed.

	2001	2002	2003	2004	2005
Total number of abortions	22 792	22 141	21 159	20 075	19 332
Natural abortions	4 766	4 759	4 937	4 768	4 905
Artificially induced abortions	18 026	17 382	16 222	15 307	14 427

130. Unwanted pregnancy is mainly prevented by education of family planning and responsible parenthood in the family, at school and health-care establishments. In the sector of education, the policy of education to matrimony and parenthood has a multidisciplinary nature. It includes ethical, social, psychological and biological knowledge linked with human reproduction and human relations in the broadest meaning of the word. In addition to family and schools, many State and non-State entities, including churches, have programmes to influence young people.

### **The right to development**

131. First of all, parents, who can also receive State assistance under certain statutory conditions, ensure the child's development. Systematic and consistent care for education, health, nutrition and universal development of the minor is a part of parental rights and duties. Equally, parents have the duty to maintain their children until they are capable of earning their own living.

132. A broad network of preschool facilities, primary and secondary schools and school facilities ensures the development of each child. Under the valid legislation, special schools in cooperation with special educational counselling (special educational counselling centres and child integration centres) and educational psychological centres ensure the development of children with special educational needs. Children also have the possibility of learning in integrated classes under the supervision of special educators and psychologists.

133. The Slovak Republic has a broadly developed network of elementary schools of arts giving basic education in individual artistic specializations. They are attended by children interested in developing their musical, dancing, graphic or literary and theatrical talent, and also by those who prepare for studies at secondary schools of arts, conservatories, and universities with an artistic focus. From 1 January 2005, elementary schools of arts within the scope of competence of municipal bodies are funded from the proceeds of taxes from the income of the territorial municipal bodies, and non-State schools of arts are currently financed from the Ministry of Education title in the State budget.

### **D. Respect for the views of the child**

134. **In the legal system of the Slovak Republic, the child's right to express his/her views, the right to freedom of expression, and the child's right to freedom of thought, conscience and religion have been reflected in several newly adopted legal provisions. A child capable of forming his/her own views has the right to freely express his/her views in all matters of his/her concern. The views of the child must be paid appropriate attention corresponding to his/her age and mental maturity.**

135. **The Civil Procedure Code regulates the manner in which the view of a minor who is a party to the proceedings is determined in compliance with the Convention. The court shall determine the view of a minor through his representative or the competent authority**

**for social and legal protection of children, i.e. in a mediated way or by interviewing the minor in the absence of the parents or other persons responsible for the upbringing of the child - i.e. directly. A minor may be interviewed during a court hearing or outside of it.**

136. **The new Family Act also laid down the obligation to hear a minor as a part of his/her adoption proceedings, when the child is capable of assessing the implications of an adoption, in compliance with the Convention. The court shall determine whether the minor is capable of assessing the implications of adoption (for more details on adoption, see paras. 61-71 above).**

137. **The valid Criminal Procedure Code has regulated the interviewing of children as witnesses and victims in such a way that the interview can be repeated only when necessary. In proceedings before the court, this evidence can be taken by reading the deposit if so ruled by the court. The Criminal Procedure Code distinguishes two aspects as regulated in article 12 of the Convention. The first aspect expresses the right of the child with respect to his/her parents. The second covers the right of the child to be heard in all proceedings of concern to him/her. Under the Criminal Procedure Code “the adoptive parents may arrange access to information concerning the parents of their adopted child or give information they have if it is in the interest of the adopted child and if not regulated in another manner in a specific legal provision”.**

138. **The child has the right to be interviewed in a manner appropriate to his/her age and mental maturity. This shall apply both to judicial and administrative proceedings in which measures of social and legal protection of children and of social guardianship are decided. The implementation of these actions shall not expose the child to discretionary interference with his/her privacy and he/she must be given all information of his/her concern in a manner corresponding to his/her age and mental maturity.**

139. **In the educational process, students have the possibility to form their own views and express them to their teachers and school management through student school councils. A student school council as a school self-governing body was incorporated in the legislation as early as 1990. (See the concluding observations of the Committee, paras. 17 and 18.)**

140. **The Human Rights Olympiad, organized for the past five years, in which more than 4,000 secondary school students from the Slovak Republic participate every year, plays an important role in creating room for the presentation of secondary school students' views and attitudes. From individual school rounds to regional and national finals, the structure of the contest includes a knowledge component and attitudes component and involves the enforcement of their own rights and also respect for the rights of others.**

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality**

141. **Slovak legislation takes fully into account the commitments resulting from articles 7 and 8 of the Convention that lay down the child's rights to a name and a nationality and the right to preserve his/her identity, including nationality, name and family relations. The right of the**

child to acquire a nationality is legislated in Act No. 40/1993 Coll. on the citizenship of the Slovak Republic as amended. The Act has been amended several times and under current legislation, a child shall acquire the citizenship of the Slovak Republic, if:

- At least one of the parents is a national of the Slovak Republic;
- He/she was born to stateless parents in the territory of the Slovak Republic; or
- He/she was born to foreign parents in the territory of the Slovak Republic and he/she does not acquire the nationality of either of them.

142. Where no foreign nationality is proved, a child shall be considered a national of the Slovak Republic if:

- He/she was born in the territory of the Slovak Republic; or
- He/she was found in the territory of the Slovak Republic, the parents being unknown, unless it is proved that the child acquired the nationality of another State by birth.

143. A child born to a foreign national and a national of the Slovak Republic shall be a national of the Slovak Republic even when it is proved later that a national of the Slovak Republic is not his/her parent. When a child who is not a Slovak national is adopted according to a specific piece of legislation by an adoptive parent or parents, of whom at least one is a national of the Slovak Republic, he/she shall acquire Slovak nationality by adoption.

144. Acquisition of Slovak nationality is made simpler for a child. An applicant may be granted Slovak nationality without satisfying the requirement of five years of permanent residence if he/she has permanent residence in the territory of the Slovak Republic at least three years before reaching 18 years of age, provided at least one of his/her parents has been granted Slovak nationality after his/her birth but did not apply for Slovak nationality for this child.

145. Act No. 300/1993 Coll. on names and surnames legislates the issue of the child's right to a name. The name of the child born in the territory of the Slovak Republic shall be determined by agreement between the parents. If no such agreement is reached, a court shall decide on the name. When the other parent is unknown, the name of the child shall be given by declaration of one of the parents. When none of the parents is known, the name of the child shall be decided by a court upon a motion by the municipality or municipal district that keeps the register of births in which the entry of the birth of the child concerned is made.

146. After birth, a national of the Slovak Republic acquires the common family name of his/her parents. When the child's parents have different family names, the child shall acquire the family name of one of them as agreed at the time of contracting the marriage. When the parents are not married and have different family names the child shall have the family name as agreed on by the parents. It is possible to determine by agreement only such family name as one of the parents had at the time when the agreement was reached.

147. A child born within 300 days from the final divorce judgement shall acquire the family name agreed to by the divorced spouses at the time of entering into marriage, provided there is no final denial of paternity by the former husband of the mother's child. When the mother is not married and the child's father is unknown, the child shall acquire the mother's family name she had at the time of his/her birth until paternity is determined. When none of the child's parents is known, the court shall determine the name of the child upon a motion from the register of births where the entry of the birth of the child is made.

148. Name and family name legislation respects the interests of the child not only in the regulation of his/her right to a name and family name but also when changing it. The change of the minor's name or the minor's family name shall not be permitted if this change is in conflict with the minor's interests. Change of name and family name of a minor older than 15 years requires his/her consent.

### **B. Freedom of expression**

149. Article 26 of the Constitution of the Slovak Republic guarantees the child's right to freedom of expression. Within the meaning of the quoted article of the Constitution, freedom of expression and right to information shall be guaranteed to all. Everyone has the right to express his/her opinion in words, writing, print, images or by other means and also to seek, receive and disseminate ideas and information freely, regardless of State borders. Freedom of expression and the right to seek and disseminate information may be restricted by law only if it concerns measures necessary in a democratic society to protect the rights and freedoms of others, national security, public order, and public health and morals.

150. As stated above, a child has the right to freedom of expression. This right includes the freedom to seek, receive and disseminate ideas and information of any kind, regardless of State borders whether orally, in writing, through arts or any other means according to the choice of the child.

### **C. Freedom of thought, conscience, religion and belief**

151. A child's right to freedom of thought, conscience, religion and belief is guaranteed in article 24 of the Constitution of the Slovak Republic. This right also includes the right to change religion or belief. Everyone has the right to be without religious affiliation. The Constitution guarantees everyone the right to express his/her thoughts, the right to freely express his/her religion or belief, either alone or in association with others, privately or publicly, in worship, religious acts, maintaining ceremonies, or to participate in religious instruction.

152. In the area of relations between the State and the church, a shift in the quality of relations occurred due to the ratification of the international treaty regulating the relation between the Slovak Republic and the Holy See in 2000 (the Basic Treaty between the Slovak Republic and the Holy See published in the Collection of Laws of the Slovak Republic under No. 326/2001 Coll.), and the effect of the national agreement between the State and the 11 registered churches and religious societies in 2002 (the Agreement between the Slovak Republic and Registered Churches and Religious Societies, published in the Collection of the Laws under No. 250/2002 Coll.).

153. The content of both pieces of legislation is in direct relation to the provisions of article 14 of the Convention. In these agreements, the Slovak Republic proclaimed guarantees to the effect that care for children and their upbringing are the right and duty of their parents. At the same time, the parents and other persons and establishments for institutional and protective education have the right to educate children in harmony with the principles of the religious belief and moral philosophy of their church and religious society. Thus, the parties to the agreement recognized the priority of parents' rights and duties in the education of their children that are always performed in compliance with their conviction.

154. In addition to the statutes mentioned in the initial report of the Slovak Republic, the following documents ensure the child's right to freedom of thought, conscience and religion:

(a) The Concept of State Policy towards Children and Youth in the Slovak Republic until 2007 approved by resolution of the Government No. 1213 of 19 December 2001.

According to this concept, State policy towards children and youth covers:

- (i) The influence of the State through State institutions and other State mechanisms, ensuring conditions for the development of children and youth, inter alia, and also conditions for their participation in social and political life, including legislative measures;
- (ii) The creation of conditions for shaping young people into independent personalities (capable of making choices, of controlling their personal and social life as full participants in society), solidarity (having interest in others, capable of cooperation with and for them, empathic), responsible (capable of assuming responsibility for their deeds, of honouring commitments) and engaged (capable of declaring respect for values, of commitment to a good thing and of acting according to them);
- (iii) The creation of conditions for creating and shaping value orientation of children and youth within moral and societal standards;
- (iv) Preventive protection and measures protecting children and youth against negative phenomena affecting them;
- (v) When implementing civic and political participation, the various action plans understand, based on the above concept, the participation of children and youth as the way of life in democracy in the broadest meaning of the word. The purpose of participation is to learn and apply democratic principles of civil society based on the understanding of external attributes of democracy (e.g. the mechanism of elections, of public administration institutions and the like) as well as of its understanding as a continuous and permanent, active and responsible involvement in life and the development of micro-, mezzo- and macro-environment. Participation of children and youth does not mean confrontation with the views and attitudes of adults, but creation of conditions for joint decision-making by adults and children in matters concerning them;

(b) The Treaty between the Slovak Republic and the Holy See on Catholic Upbringing and Education: The Government of the Slovak Republic expressed its consent with the conclusion of the Treaty between the Slovak Republic and the Holy See on Catholic Upbringing and Education in its resolution No. 32/2004 of 14 January 2004. The purpose of the Treaty is to regulate the terms and scope of the exercise of the right to education according to article 42, paragraph 1, of the Constitution of the Slovak Republic, which also includes the freedom of choice in the selection of pertinent educational establishment by parents or legal guardians. In the framework of the respect for this right, they also have the right to their religious belief in which the instruction of their children should take place. The implementation of the Catholic Upbringing and Education Treaty is ensured through the enforcement of the above-mentioned right to education. The right of natural or legal entities to establish school institutions is clearly linked with the matter of the Treaty. Concluding the international Treaty between the Slovak Republic and the Holy See on Catholic Upbringing and Education ensures the implementation of the right of the Catholic Church in this field;

(c) The Agreement between the Slovak Republic and Registered Churches and Religious Societies on Religious Upbringing and Education: The Government of the Slovak Republic expressed its consent with the conclusion of the Agreement between the Slovak Republic and Registered Churches and Religious Societies on Religious Upbringing and Education in its resolution No. 33/2004 of 14 January 2004. Pursuant to Act No. 308/1991 Coll. on the freedom of religious belief and the status of churches and religious societies, as amended, the Government of the Slovak Republic and 11 registered churches and religious societies together prepared a draft agreement that builds on the Agreement between the Slovak Republic and Registered Churches and Religious Societies published in the Collection of Laws No. 250/2002. Recognizing the right to education and to the exercise of this right in religious education according to the principles of individual registered churches and religious societies, article 12, paragraph 2, of this Treaty gives parents the right to educate their children in harmony with the principles of the religious belief and moral philosophy of their registered church and religious society. The Agreement responds to the basic rights of parents and legal guardians to enrol their own or adoptive children in a school or schooling institution of their choosing.

#### **D. Freedom of association and peaceful assembly**

155. These rights belong to the so-called political rights. They are included in articles 28 and 29 of the Constitution of the Slovak Republic (see paras. 71-74 above). Civil associations are a part of the so-called non-profit, non-governmental sector governed by Act No. 83/1990 Coll. on the association of citizens. This legal provision does not define civil associations. However, association may be understood as a community of citizens brought together by a concrete goal corresponding to their interests that will bring benefit (moral, ecological, economic, cultural, educational, physical, etc.) to society, groups of citizens or individuals.

156. The legal system of the Slovak Republic does not permit associations:

- Aiming at denial or restriction of personal, political or other rights of citizens on grounds of their ethnic origin, gender, race, descent, political or other conviction, religious conviction, social status, incitement to hatred and intolerance, support of violence or other violations of the Constitution and/or laws;

- Pursuing their goals in a manner contrary to the Constitution and the laws;
- Which are armed or have armed units. (Associations whose members hold or use firearms for sporting purposes or hunting shall not be considered among such associations.)

### **E. Protection of privacy**

157. Privacy of persons, including children, is mainly protected by the Constitution of the Slovak Republic. Article 19, paragraph 2, guarantees that “everyone shall have the right to be free from unjustified interference in his/her private and family life”. Under the Constitution, home is inviolable and a house search is admissible only in connection with criminal proceedings and only upon a reasoned written order issued by a judge. Secrecy of letters, communications and other written documents, including protection of personal data, shall be guaranteed.

158. Article 4 of the Preamble to the new Family Act stipulates for everyone, regardless of age, that “... the parents have the obligation to ensure a peaceful and safe environment in the family”, where also the protection of a child’s privacy is considered. The Civil Code protects the personality of human beings by guaranteeing their right to life and health, civil honour and human dignity, privacy, and name and expressions of personal nature.

### **F. Access to appropriate information**

159. Guaranteeing the child’s right to know his/her parents under article 7 of the Convention became an issue in the drafting of the new Family Act mainly in the context of “legalizing” unreported deliveries. The issue of providing information on the parents of the adopted child to the adoptive parents is approached prudently and bearing in mind compliance with article 3 of the Convention as the primary concern in a specific case. From a psychological point of view, it is very important to determine under what circumstances and in what way the adoptive parents should tell the child the truth without destabilizing their relation.

160. This is also the fact referred to in article 7 of the Convention where it is stated that the child shall have, as far as possible, the right to know his/her parents. The wording in the new Family Act, in section 106, paragraph 3, is therefore formulated in the same spirit and reads “If it is in the interest of the adopted child, the adoptive parents may facilitate the child’s access to information concerning his/her parents or give information they have unless a separate regulation provides otherwise.” On the other hand, knowledge of one’s own origin is an important aspect in the building of one’s own identity. This has been proved by several organizations helping adopted persons in their search for their own identity.

161. The issue of the child’s rights in the context of access to appropriate information is also taken into account in Act No. 308/2000 Coll. on broadcasting and retransmission, Act No. 16/2004 Coll. on Slovak Television and Act No. 619/2003 Coll. on Slovak Radio.

162. Broadcasting programmes for minors defined as programmes in the public interest focus on education and information delivery. The broadcaster has the statutory obligation to ensure a diversified programme structure and, in particular, a majority proportion of programmes in the

public interest. Child and youth programme broadcasting on the basis of the law is also regulated in the Slovak Radio Act and the Slovak Television Act pursuant to which diverse kinds of child and youth programmes are a part of the programme service of the Slovak Television and the Slovak Radio.

163. In cases of licensed broadcasters, production, investments and broadcasting of programmes in the public interest, i.e. also programmes for children, are taken into account in decision-making concerning licence granting. Protection of minors (including appropriate information to which minors have access) in broadcasting is regulated mainly in the Retransmission Act, under which the broadcaster has the following duties and restrictions:

- The duty to ensure that no programmes or other parts of the programme service that may disturb the physical, mental or moral development of minors, in particular those which contain pornography or brutal unjustified violence, are broadcast;
- Broadcasting of programmes or other parts of the programme service that may be a threat to the physical, mental or moral development of minors or disturb their mental health and emotional status is prohibited from 6.00 a.m. to 10.00 p.m.;
- The obligation to consider the age aspect in planning individual programmes for broadcasting and other programme services for minors;
- The obligation to introduce and apply a uniform system of programme signs addressed to parents and educators of minors, which indicates programme appropriateness for the minors aged 7, 12, 15 and 18 years. This obligation also applies to the programme offer and broadcasting and programme reviews published in periodicals and other mass media.

164. Protection of minors is also ensured in the broadcasting of commercials and tele-shopping:

- The broadcaster has the obligation to ensure that his commercials and tele-shopping broadcasting for minors or with the participation of minors contain nothing that could damage their interest and ignore their special sensitivity;
- The broadcaster has the obligation to ensure that broadcast commercials and tele-shopping cannot threaten the physical, mental or moral development of minors or disturb their mental health and emotional status. Broadcast commercials and tele-shopping must not:
- Directly invite minors to purchase goods or services by exploiting their inexperience and trust;
- Directly encourage minors to convince their parents or other persons of the need to purchase the offered products or services;

- Show minors in dangerous situations without a reason;
- Encourage minors to purchase goods that are forbidden to be sold to them.

165. The broadcaster has the duty to ensure that:

- No commercials and tele-shopping of erotic services, erotic goods and erotic audio-text services are broadcast from 6.00 a.m. to 10.00 p.m.;
- His/her tele-shopping broadcasting contains no invitations to order, sell or rent goods or services addressed to minors;
- Broadcast commercials and tele-shopping of alcoholic beverages are not targeted at minors and mainly do not show minors drinking these beverages;
- Broadcast commercials of medications are not meant for children;
- Broadcasting of programmes for minors is not interrupted with commercials or tele-shopping.

166. The Council for Broadcasting and Retransmission imposes on the broadcasters effective sanctions for violations of individual duties. Protection of minors is also taken into account in the legislation under preparation - the Press Act and the Audio-Vision Act. The draft Press Act provides for special protection of minors in the process of acquiring, processing and publishing information as well as in the process of their dissemination through the communication media. The responsibility of the communication media with respect to minors as recipients of the disseminated information also includes appropriate protection against communication containing violence or otherwise damaging their interests.

167. Within the protection of minors, the draft Audio-Vision Act regulates the duty of a uniform system of programme signs for the protection of minors - graphic symbols of audio-visuals, audio recordings of artistic performances, multimedia pieces and programmes of the television service, from the point of view of their inaccessibility, inappropriateness or appropriateness for children aged 7, 12, 15 and 18. The draft law also regulates restriction of minors' access to audio-visual pieces, recordings of artistic performances and multimedia pieces made only for adults. Currently, Act No. 445/1990 Coll. on conditions of sale and dissemination of printed media and other matters potentially endangering morality regulates the issue.

168. Activities linked with children's access to appropriate information is an inseparable part of the activity of organizations within the jurisdiction of the Ministry of Culture. One of the organizations is *Literárne informačné* centrum publishing the *Slniečko* children's journal. Each issue of this children's journal includes a column entitled "Let Me Tell You about a Nice Book".

169. Children's access to information is also regulated by Act No. 270/1995 Coll. on the State language of the Slovak Republic under which audio-visual pieces in a foreign language for children younger than 12 years of age must be dubbed into the Slovak language.

### **G. The right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment**

170. Article 16, paragraph 2, of the Constitution of the Slovak Republic makes it clear that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. This right is respected with regard to children at schools and school facilities. The conclusions and recommendations of the European Convention for the Prevention of Ill-Treatment are observed with respect to children and juveniles at schools and special educational establishments in the Slovak Republic.

171. The new Penal Code has lowered the age of criminal liability from 15 to 14 years. In case of minors, the sentence of deprivation of liberty is reduced to half. Thus, it cannot happen that a minor offender is sentenced to serve an exceptional - lifelong - sentence. The upper limit of the sentence must not exceed seven years and the lower limit two years. A court may impose on a juvenile the unconditional sentence of deprivation of liberty only when it is obvious that in view of the circumstances of the case, another sentence would not achieve the objective of the sentence according to the Penal Code. In cases where the juvenile committed the crime in a particularly contemptible manner, or when the juvenile is particularly dangerous to society, the court may impose the sentence of deprivation of liberty up to 15 years when it is obvious that the sentence of deprivation of liberty of 7 years would not suffice. Juveniles serve the sentence of deprivation of liberty in establishments for convicted juveniles. On the other hand, the law expanded the possibilities for determining the sentence of deprivation of liberty below the upper limit without any restrictions.

172. The new Criminal Procedure Code regulates special proceedings against juveniles in a separate part. A juvenile, for example, must have a defence lawyer as early as the charges are filed, and he/she may be taken into remand custody only when its purpose cannot be achieved in another way, even if there are legal grounds for remand custody; trial and public plea-bargaining cannot be held in his/her absentia and the like.

173. The most frequent expressions of degrading treatment among pupils and students at schools and inmates of reformatory establishments include various forms of bullying and sexual harassment. In cases of suspicion of physical or psychical mistreatment, bullying of children or of risks to their moral development, the headmaster of the school has the obligation to immediately address the problem in cooperation with the management of the school. In cases where the legal guardians of the children do not comply with the measures imposed by the school, the headmaster has the duty to contact the competent social affairs department, medical doctor - paediatrician and the competent police force unit.

174. The educational and organizational guidance materials issued by the Ministry of Education for schools and school facilities, public administration and municipal authorities in the school system for each school year give detailed information on activities under preparation and possibilities for helping children at risk, as well as on effective prevention and assistance. In the area of social pathology prevention, primary schools make use of prevention programmes and projects recommended by the Ministry of Education such as the "Health-Promoting Schools" project of the World Health Organization; the "Way to Emotional Maturity" programme of the

Research Institute of Child Psychology and Pathopsychology; and “Before It Is Not Too Late”, “School without Alcohol, Cigarettes and Other Drugs”, “We Want to Breathe Clean Air”, “Protection against Torture, Inhuman or Degrading Treatment or Punishment” projects, among others.

175. The incidence of domestic violence also necessitated legislative amendments in the Civil Code and regulation of relations between spouses, in particular with respect to acquisition of property, property distribution after termination of marriage and cancellation of the right of common residential tenancy after divorce. The amended legislation ensures that the common flat or house must be left by the abuser and not the victim when cohabitation proves impossible due to domestic violence. The law also regulates cases when the abuser and the victim continue to live together in their common flat. Though the courts in the past ordered the flat into the exclusive tenancy of the victim after divorce the abuser was allowed to stay in the flat until the victim found him a housing substitute. Under the new legislation, the court shall not order housing substitute to the abuser in such cases. In its decision concerning further tenancy of the flat, the court shall mainly take into account the interests of minor children and the opinion of the landlord. These provisions of the Civil Code aim at civil law sanctioning of domestic violence, educating abusers and preventing further commission of acts of domestic violence.

176. In addition, the courts have the possibility of provisional measures temporarily prohibiting entry into the house or flat in which a close person or person in one’s care lives and where there is reason to believe that this person is the victim.

177. Rules applicable to ordering provisional measures in special cases have been regulated since 1 September 2003. Ordering provisional measures in special cases has tackled the situation and procedure by the court in cases when the child is left without any care or when his/her life or healthy development are at risk or seriously disturbed. The court rendering provisional measures must decide within 24 hours from the delivery of the motion. The time limit of 24 hours from the submission of a case to an appeal court is also applicable to the decision on the appeal. The ruling shall be enforced in such a way that the court, in cooperation with State authorities (police, authority for social and legal protection and prevention), shall deliver the minor child to the custody of a specified natural person or social services establishment.

178. The most frequent forms of violence against children in families include negligence in maintenance, sexual abuse, disproportionate punishment, and physical and mental mistreatment. Children are primary victims of violence in cases when they are the direct object of ill-treatment, abuse and mistreatment. Children become secondary victims of violence when they are witnesses of violence committed against persons close to them in their environment (mostly their mothers).

179. The Slovak Republic pays special attention to vice crimes in which victims suffer significant emotional trauma and sometimes even lifelong mental damage. In 2004, a total of 131,244 criminal offences were committed, of which 875 were vice crimes. Of the 875 vice criminal offences, 713 were clarified in 2004. In 2004, out of the 823 vice crime victims, 584 were children. In 2005, vice crime dropped by 81 criminal offences compared with 2004. Out of a total of 794 offences, 626 were clarified. Compared with 2004 (713), this is a drop of 87 clarified offences. Out of a total of 715 victims in 2005, children numbered 504. Minors were victims in 8.3 per cent of cases of violent crime and in 15.7 per cent of cases of

mistreatment of a close person and of the person in the abuser's care. Juveniles were mostly victims of rape (16.3 per cent) and intentional bodily harm (7 per cent) (for more details on vice crime, see chap. VIII).

180. Health-care providers - holders of authorizations or licence to independently carry out health-care practice - have the duty of notification in case of suspicion of child negligence, mistreatment or abuse. They have the obligation to notify immediately the prosecutor, investigator or police authority of their suspicion of negligence, mistreatment or abuse of a minor person or other person without or with limited legal capacity.

181. Articles 19 and 34 of the Convention are reflected with respect to aliens in all instructions concerning the rules of conduct in asylum establishments. Crime prevention in the establishments of the Migration Office of the Ministry of the Interior and of the Slovak Republic also deals with these issues. In 2004, the Sexual and Gender-Based Violence among Asylum-Seekers in the Slovak Republic project on sexual violence prevention and monitoring was carried out by a United Nations volunteer from Belgium in cooperation with the Migration Office, UNHCR and the Slovak Humanitarian Council (SHC) in the Gabčíkovo asylum establishment. No case of abuse of minors was found in asylum establishments. Established deviations from standard care of minors were remedied by social workers through talks with mothers. At the end of 2004, social workers, nurses and private security service (PSS) staff were trained on these issues. The training was organized by UNHCR and carried out in the Adamov-Gbely, Brezová pod Bradlom, Gabčíkovo and Rohovce asylum establishments. Social workers from SHC and officers from the Police Detention Office of Medved'ov also participated.

182. Currently, the asylum establishments are in the process of improving their security system, internal security and outside protection against unauthorized entry into these establishments by unwanted persons. The Migration Office adopts technical, organizational and personal measures in asylum establishments to enhance protection of asylum-seekers, in particular vulnerable groups of asylum-seekers. They include the creation of a so-called safe housing, common areas using regime in asylum establishments hosting various groups of asylum-seekers, ensuring permanent supervision of the security of residents by PSS (closed circuit, visual supervision, regular patrolling). A uniform information system of pictograms was designed as part of the effort to improve the security situation in asylum establishments and installed in all Migration Office asylum establishments at the beginning of 2006. The security situation in the establishments of the Migration Office is monitored not only by their in-house staff, but also in cooperation with the police.

## **V. FAMILY ENVIRONMENT AND SUBSTITUTE CARE**

### **A. Parental care**

183. The right of parents to take care of their children and to bring them up in conformity with their own ideological and philosophical beliefs is enshrined in the Constitution of the Slovak Republic, which guarantees the protection of matrimony, parenthood and family. The rights of parents can be restricted only by law. Parents taking care of their children are entitled to assistance from the State. On the other hand, they are responsible for creating a harmonious family environment in which all family members can feel safe.

184. Parental rights and responsibilities are provided for in more detail in a new law on the family effective from April 2005. They include, in particular, consistent and regular care for the upbringing, health, and overall development of children, the representation of children and the administration of children's assets. Parental rights and responsibilities towards children arise only for those parents who have full parental rights. These rights arise at the birth of the child and cease to exist, except for the child maintenance obligation, when the child becomes of age. The father and the mother have identical legal status with regard to their common children, irrespective of whether they are married to one another or not. The father who is not married to the mother of a child acquires parental rights and responsibilities only upon the determination of paternity by a consensual declaration of parents before a competent authority or by a final decision of the court. Holders of parental rights and responsibilities may not effectively relinquish them of their own volition.

185. The court may also recognize parental rights and responsibilities with regard to personal care for a child if the child's parent is a minor over 16 on the condition that the parent shall exercise those rights in the best interest of his/her child. If one of the parents dies, parental rights and responsibilities towards the child are assumed by the surviving parent.

186. Parental rights and responsibilities of parents do not become extinct. Parental rights and responsibilities of parents who are alive can be suspended, restricted or terminated only by a judicial decision. Parental rights can be suspended only if a serious impediment prevents one or both parents from exercising their rights. Parental rights may be restricted only in the best interest of children. The court restricts the exercise of parental rights only if:

- Parents have a long record of leading a disordered life;
- Parents completely fail to exercise their parental rights and responsibilities; or
- Parents do not ensure the upbringing of their child.

In case of any change in that situation, the court may revoke its decision and decide to impose supervision over the upbringing of the minor child.

187. The most serious interference with parental rights is the deprivation of those rights. In this case, parents continue to have the maintenance obligation towards their minor child. The court may deprive the parents of their parental rights only if they misuse their parental rights and responsibilities (e.g. through physical or psychological mistreatment) or, notwithstanding previous warnings, seriously fail to exercise their parental rights and responsibilities. In such situations the court deprives parents of their parental rights and responsibilities with respect to all of their children. If only one parent is deprived of his/her parental rights, these rights are fully assumed by the other parent or, in the absence thereof, the court appoints a guardian whose task is to ensure the child's upbringing, to represent the child and to administer its assets. If the grounds for depriving parents of their rights and responsibilities cease to exist, the court may reverse its decision, including on its own initiative.

## **B. Parental responsibilities**

188. Parents are primarily responsible for a consistent and regular care of the child's upbringing, health, nutrition and overall development. Parents have the right and obligation to represent their minor children and administer their assets. When exercising their parental rights, they have a duty to respect the best interests of their child. The relations between parents and children consist of mutual rights and responsibilities that cannot be assigned to other persons or relinquished, and are not subject to prescription or limitation. In cases of parents who are unable to take care of their children, these relations may be regulated by a judicial decision. In assessing the level of fulfilment of parental responsibilities, the court must give separate consideration to each parent.

189. The law on the family provides that the obligation to take care of a minor child pertains also to the person who is not the child's parent, but is married to his/her parent and lives with him or her in the same household. Both spouses are responsible for meeting the needs of their family established by marriage in conformity with their abilities, possibilities and property situation. The satisfaction of the needs of the family also includes personal care for children and for the household. Decisions on family matters are taken jointly by both spouses. If they fail to agree on fundamental issues, the decision is taken by a court on a motion filed by one of the spouses. The right of the parents to educate their children and the right of the child to parental upbringing are considered as fundamental human rights. Third persons or the society have no right to interfere with the legal relationship between the parent and the child. If a parent is taking proper care of his/her child, the State may not restrict his/her parental rights and responsibilities and/or deprive him or her of these rights.

## **C. Separation from parents**

190. Under the legislation in force, State authorities may interfere with parental legal relationships only in exceptional circumstances. The rights of parents can be restricted or suspended and minor children can be separated from their parents against their parents' will only by a lawful judicial decision. Such separation may be necessary if a child is abused or neglected by his/her parents, or if his/her parents live apart and it is necessary to determine the place of residence of the child.

191. In cases of divorce, the court rules on the post-divorce exercise of parental rights and responsibilities towards the child and decides mainly on the custody of the child and on the representation of a minor child and administration of the child's assets. When making this decision, the court makes sure that the right of the minor child to maintain his/her relationship with both parents is respected and that the parent who has not been given the custody of the minor child has the right to be regularly informed about the child. To better assess the matter, the court may also hear a minor child provided that the child - given his/her age and level of development - is capable of forming his/her own views. The court also determines how the parent who has not been given custody of his/her minor child should contribute to the child's maintenance, or approves the agreement of the parents on the amount of maintenance. In making its decision the court always takes into account the best interests of the minor child. If neither parent is given custody of the child, the court issues a maintenance order binding on both parents.

192. Parents may agree on visitation rights for their minor child even before the court rules on the dissolution of their marriage. The court does not interfere with such agreement and the agreement need not be approved by the court. The decisive circumstances for visitation are both on the side of the minor child - age, health condition, relationship to the parent who does not have custody, daily regime - and on the side of his/her parents - their relationship, family situation, time and financial possibilities, etc. Where it is in the interest of the healthy development of the child, the court restricts or prohibits contacts between the child and the parents.

193. The divorce usually represents a traumatic experience not only for parents, but also for minor children. They can overcome this difficult moment in their lives with the free help of psychological counselling services provided by the relevant local Offices of Labour, Social Affairs and Family. Professional psychological help is provided with a view to restoring marital relations and in the interest of preventing the divorce from having an adverse impact on children. Children need psychological assistance that must be provided or ensured for them before the divorce of their parents, during divorce proceedings and after the divorce. In addition to professional psychological assistance, children and parents may be provided with or referred for professional social counselling.

Year	Number of divorces	Divorce rate (number of divorces per 100 marriages)	Percentage of divorces involving minor children
2001	9 817	41.3	70.1
2002	10 960	43.7	70.2
2003	10 716	41.2	69.7
2004	10 889	39.0	67.3
2005	11 553	44.2	65.9

#### **D. Family reunification**

194. Repatriation of a child that was born to a citizen of the Slovak Republic in the territory of another country and has been abandoned, or the return to the Slovak Republic of a child having habitual residence in the Slovak territory is - unless it can be done by the child's parent, relative or other person having custody of the child - carried out by the competent authority for social and legal protection of children and social guardianship. The child's parent, relative or the person who has custody of the child is provided with assistance when assuming custody of the child. The costs incurred by the competent authority for social and legal protection of children and social guardianship in connection with returning a child to the territory of the Slovak Republic may be recovered from the child's parents or other persons responsible for his/her upbringing. When it is evident that the parent or the person having custody of the child will not assume care of the child after his/her return or repatriation to the territory of the Slovak Republic, the child will be provided substitute care through the intermediary of the competent authority for social and legal protection of children and social guardianship. The same procedure may be applied by the facility for institutional or protective education in which the child had been placed by a judicial decision before leaving the Slovak Republic.

195. The number of children whose return or repatriation was carried out by the competent authority for social and legal protection of children and social guardianship is as follows:

Year	Return	Repatriation
2004	15	12
2005	6	23

196. Family reunification is also organized by the Migration Office in conjunction with the International Organization for Migration (IOM) and in active cooperation with non-governmental organizations. All these institutions join in creating optimum conditions for the return to the country of origin of unaccompanied minor asylum-seekers who find themselves on the territory of the Slovak Republic.

197. The number of voluntary returns of minor asylum-seekers is shown below.

- Year 2002
  - 7 minor children accompanied by at least one parent
  - 2 unaccompanied minors
- Year 2003
  - 6 minor children accompanied by at least one parent
  - 4 unaccompanied minors
- Year 2004
  - 5 minor children accompanied by at least one parent
- Year 2005
  - 7 minor children accompanied by at least one parent
  - 5 unaccompanied minors

198. Asylum-seekers enter the Slovak territory mainly from economically weak Asian countries suffering from political problems (India, China, Afghanistan, Bangladesh), former Soviet republics (Chechnya, Moldova, Georgia, Armenia), or from certain African countries (Somalia, Nigeria, Sierra Leone).

199. The following table gives the statistics on the number of asylum-seekers in the Slovak Republic, separate data on minors not accompanied by parents or close relatives, and data on school-age children of asylum-seekers.

Year	School-age children of asylum-seekers	Unaccompanied minors	Total (asylum-seekers)
2002	123	1 371	9 743
2003	115	705	10 358
2004	115	195	11 395
2005	115	100	3 549

### **E. Illicit transfer and non-return of children abroad**

200. The Slovak Republic joined the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980 (in force for Slovakia from 1 February 2001) and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 20 May 1980 (in force for Slovakia from 1 September 2001). In conformity with these conventions, the Centre for International Legal Protection of Children and Youth (hereinafter referred to as the “Centre”) performs the role of the central authority that has the duty to take all necessary measures to prevent illicit transfers of children and secure the immediate return of children that have been transferred or detained without legal authority.

201. Since its creation in 2001, the Centre has seen a constant growth in the number of cases. Their number increased from 11 cases involving child abduction and visitation schedules as provided for in the conventions handled by the Centre in 2001 to 16 cases in 2002, 36 cases in 2003, 54 cases in 2004 and 75 cases in 2005. The overwhelming majority of cases involved the illicit transfer abroad or keeping very small children abroad by one of their parents. In some cases on record a child was unlawfully transferred to the territory of the Slovak Republic, and the central authorities of other countries asked the Centre to arrange the return of the child abroad.

202. An instrument which effectively complements the Hague Convention on the Civil Aspects of International Child Abduction is Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility (Brussels II bis) which entered into effect for the Slovak Republic on 1 March 2005. Since the so-called parental abduction did not entail criminal liability in Slovakia before 1 January 2006, it had not been possible to arrange for the return of illicitly transferred children from the countries that were not State parties to the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980. However, the new Penal Code in force since 1 January 2006 has introduced a new predicate offence of parental abduction. This enables the Centre to cooperate with the National Central Bureau of Interpol and to also seek immediate return of children illicitly transferred to the countries that are not State parties to international conventions dealing with abduction.

### **F. Restoration of custody of children**

203. **Most measures related to interventions in families result from or precede judicial decisions. The new law on social and legal protection of children and social guardianship is therefore harmonized with the relevant provisions of the Family Act, mainly as regards court measures designed to secure the upbringing of the child, special provisions concerning adoption, custodianship, guardianship, guardianship at litem or property guardianship, or extension of the range of educational measures, including institutional care.**

204. **The law on social and legal protection of children and social guardianship lays down the requirements and rules governing contacts between children placed in an institution and their parents with the aim of safeguarding their relationships and creating the conditions that would enable the parents to regain custody of their child. It also lays down the right of these institutions to create conditions for enabling parents to stay in the institution. Moreover, the new law gives the child the right to meet with his/her grandparents, siblings or other close persons. (See the concluding observations of the Committee, paras. 27 and 28.)**

#### **G. Children deprived of a family environment**

205. **The area of substitute family care is regulated mainly by the Act on the Family. The Act contains several structured, complementary and interdependent provisional measures designed to replace parental custody of minor children in those cases where the parents do not have or are incapable of having custody of their children. Substitute care can be instituted only by a judicial decision. It means entrusting a minor child to the custody of a natural person other than the birth parent (hereinafter referred to as “alternate custody”), foster care or institutional care. When issuing a decision on the form of substitute care, the court always takes into account the best interests of the minor child. Alternate custody or foster care are preferred over institutional care.**

206. **The new legislation also expanded the competencies of NGOs, which work predominantly in the area of substitute family care. The citizens’ association *Návrát* (The Return) effectively and closely cooperates with State administrative authorities, mainly in the area of preparing adoption applicants and prospective foster parents and in the area of mediating adoption and foster care.**

207. **The list of children that need substitute family care is kept by the designated Office of Labour, Social Affairs and Family. The task of the Office is to facilitate the development of a personal relationship between the child and the applicant within two months of the date on which the child was entered on the list of children available for substitute family care. The two-month time limit may be reduced if this is in the best interests of the child. A suitable applicant from the list of applicants kept by any local Office of Labour, Social Affairs and Family may enter the process of developing a personal relationship with the child. Non-State entities that have accreditation for the preparation of substitute family care and for facilitating the establishment of a personal relationship between the child and the applicant can be also involved in this process.**

208. **A new Act No. 627/2005 Coll. on allowances promoting alternate custody, which took effect on 1 January 2006, is also designed to promote the system of substitute family care, including foster care. The Act regulates the provision of financial contributions by means of which the State encourages alternate custody of a child by a natural person other than the birth parent. (See the concluding observations of the Committee, paras. 27 and 28.)**

### Types and amounts of allowances

Type of allowance (also applies to foster care)	Age of the child	Situation before 31 December 2005	Current situation From 1 January 2006
		Amount in SKK	
Lump sum allowance payable at the time of placement in alternate custody	0-6	5 840	8 840
	6-15	7 180	8 840
		7 650	8 840
Lump sum allowance payable at the time of termination of alternate custody		7 650	22 100
Repeated contributions for the child	0-6	2 340	3 320
	6-15	2 880	3 320
	15+	3 070	3 320
Repeated allowances for substitute parents		1 430*	4 230**
Special repeated allowances for substitute parents taking care of a child with a severe disability		-	1 740

\* Per each child placed in custody of a substitute parent.

\*\* Irrespective of the number of children placed in custody of a substitute parent, payable in a single sum. If three or more siblings have been placed in custody of a substitute parent, + SKK 3,000/month.

209. Children's homes are institutions for social and legal protection of children and social guardianship that have the task of executing three types of judicial decisions:

- Court decisions on institutional care (if the child cannot be placed in alternate custody or foster care and if other educational measures failed to bring an improvement);
- Court decisions on provisional measures (temporary measures imposed by the court before deciding the case on merits);
- Court decisions on educational measures (custodial measures imposed by the court if a less stringent measure did not lead to the improvement in the child's situation; maximum duration of educational measures is six months; after the expiry of this time limit the court reviews the effectiveness of the measure and, depending on the results of the review, may decide to impose another educational measure).

210. **Children's homes replace the natural family environment of children, with emphasis being laid on the provisional character of placement in the institution. Act No. 305/2005 Coll. stipulates that founding entities of children's homes must create the necessary conditions by 31 December 2006 for placing every diagnosed child under 1 year of age exclusively in foster families. Furthermore, by 31 December 2008 it will be necessary to create the necessary conditions in children's homes to enable the placement in foster families of all children under 3 years of age (except for children whose health**

**condition does not make it possible). Temporary placement in children's homes will enable a systematic review of the implementation of the decisions and measures taken to improve the child's family environment, including the implementation of financial measures (such as travel allowances for parents visiting their children in children's homes, food allowances during the child's stay at home, weekends, vacations, etc.).**

**211. Children's homes provide institutional care either in foster families or in separate diagnosis groups, in separate groups, or in separate specialized groups consisting of a specified number of children which have separate food, and administrative and budgetary arrangements. Children placed in foster families are taken care of by married couples - employees of the children's home, or by a natural person - employee of the children's home. The maximum number of children in a foster family is six if foster parents are a husband and wife. If there is only one foster parent, the maximum number of children is three. The number of children in separate diagnosis groups is no more than eight; they are taken care of by a minimum of four educators and professional staff members (diagnosis) and one additional staff member (e.g. assistant educator). Separate groups and separate specialized groups consist of 10 children that are taken care of by two to four educators and one additional staff member. Children under 3 years of age are placed in groups with a maximum of six children taken care of by no less than four educators or nurses and one additional staff member. (See the concluding observations of the Committee, paras. 27 and 28.)**

212. Individual plans of the child's personality development are drawn up for every resident of children's homes. They include, in particular, the plan of educational work with the child and the plan of social work with the child and the child's family. The plans are drawn up in cooperation with the municipality and the competent authority for social and legal protection of children and social guardianship or in cooperation with an accredited body. Individual plans of the child's personality development are assessed at least once monthly. In cases of children with severe disabilities, individual plans also include the programme of rehabilitation aimed at boosting the child's inner potential to overcome personality-related and social consequences of severe disability. Children's homes create the necessary conditions to enable the children to meet with their parents.

213. Children are provided care in children's homes until they reach legal age; institutional care may be extended to the age of 19. Moreover, young adults may request to be allowed to stay in a children's home until they are capable of leading an independent life but not after the age of 25. According to the law, they become capable of leading an independent life when they have housing of their own and earn their own living. After a child or a young adult leaves the children's home, the home continues to maintain contact with the child and his/her family or with the young adult for at least another two years. As regards young adults with disabilities who are incapable of leading an independent life because of their health condition, children's homes ensure their placement in a sheltered housing facility or other facilities offering the services that correspond to their needs, acting in cooperation with municipal bodies, and authorities for social and legal protection of children and social guardianship, or with accredited entities.

## **H. Intercountry adoptions**

214. **The Slovak Republic ratified the International Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions (com. MFA SR No. 380/2001 Coll.). The Convention entered into force for the Slovak Republic on 1 October 2001.** (See the concluding observations of the Committee, paras. 29 and 30.)

215. Intercountry adoption belongs to those organizations that carry out the tasks laid down by law in connection with this process. The Slovak Republic performs both functions, i.e. that of:

- The State of origin - a foreign applicant may adopt a child having habitual residence in the Slovak Republic;
- The receiving State - a Slovak applicant may adopt a child having habitual residence abroad.

According to the practical experience of the Centre, the Slovak Republic currently performs mainly the function of the State of origin.

216. Act No. 305/2005 Coll. on social and legal protection of children and social guardianship lays down the obligation to respect the principle of subsidiarity set out in article 21 of the Convention on the Rights of the Child and article 4 of the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions. The Act provides for a six-month period during which the designated Offices of Labour, Social Affairs and Family and accredited entities should make an effort to find a suitable substitute family for the child. The child must have been declared adoptable by a competent Slovak court and entered into the register of children that need substitute family care, which is sought preferentially within the administrative region of the child's residence and subsequently in the entire Slovak Republic. Where it proves to be impossible to mediate the development of a personal contact between the child and the applicant on the territory of the Slovak Republic, a file is prepared for the child with a view to mediating an intercountry adoption, and is submitted to the Centre. The Centre helped to find substitute families for 167 Slovak children (2003 - 47 children; 2004 - 79 children; 2005 - 41 children). The families were from the following countries: France, Italy, Austria, Sweden, the Netherlands, Germany, the Czech Republic, Canada and Monaco.

## **I. Regular evaluation of the placement of the child**

217. The parties to the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions introduced a system of post-adoption reports in order to ensure the protection of children adopted abroad or from abroad against abductions, sale or trafficking. Depending on the agreements concluded with individual cooperating countries, the Centre receives the reports on the placement of adopted children in substitute families abroad as follows:

- The first report - one month after the arrival of the child in the receiving country;
- The second, third and fourth reports - once every three months before the judgement on irrevocable adoption of the child by the adoptive family becomes final;

- Once a year (for a period of three to six years; this interval depends on the agreement between central authorities) after the judgement on irrevocable adoption becomes final.

#### **J. Abuse and neglect, including physical and psychological recovery and social reintegration**

218. **Consistent protection of children and their rights and legally protected interests against all forms of abuse, neglect, exploitation and violence are among the priorities of the Slovak Government. This is why all policy papers and legislative proposals pay systematic attention to the protection of the rights of children, especially against ill-treatment, violence, exploitation, neglect, and offensive or degrading treatment (e.g. the National Action Plan for Children, the Action Plan for Children at Risk, the Concept of State Family Policy, the Concept on the Treatment of Children and Youth until 2007, the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families, and the National Action Plan for the Prevention and Elimination of Violence Committed against Women in the period 2005-2008).**

219. **The provisions of the Penal Code (in effect since 1 January 2006) guarantee the criminal law protection of children and young people from any physical or psychological violence, insults or abuse, including sexual abuse, neglect or neglectful treatment, mistreatment or exploitation at the time when they are in custody of one or both parents, legal guardians or any other person taking care of them. Under the Penal Code, any act of rape, sexual violence, sexual abuse, child abandonment, child desertion, defaulting on mandatory maintenance payments, mistreatment of a close person or person in one's care, endangering ethical upbringing of young persons, production, dissemination and possession of child pornography, danger to morals, etc., constitutes a criminal offence. Every provision of the Penal Code considers criminal acts committed against protected persons (see para. 362), including children, as aggravated offences (for more details about criminal offences, see chap. VIII). (See the concluding observations of the Committee, paras. 31 and 32.)**

220. Legislative amendments have been introduced to improve the situation of victims of domestic violence also under the Civil Code, which regulates property and other relationships between marital partners (for more details, see paras. 175 and 176).

221. In case of emergency, especially where there is a threat to life, health or sound psychological, physical and social development of a child, or where a child is endangered by the conduct of a relative, several relatives, or other natural persons, the child is provided assistance mainly by authorities for social and legal protection of children and social guardianship. These institutions carry out relevant administrative, social and educational measures to protect children from any physical or psychological violence, verbal or other abuse, including sexual abuse, neglect or neglectful treatment, mistreatment or exploitation at the time when they are in custody of one or both parents, legal guardians or any other caretaker. The relevant authority for social and legal protection of children and social guardianship which has territorial jurisdiction for the child's place of residence has a duty to immediately file a petition to the court seeking a provisional measure under a separate regulation in order to ensure basic necessities for the child and the child's placement in a children's home (see paras. 209-213) or in a crisis centre.

222. The objective of crisis centres is to help children, families or adult natural persons who find themselves in life crisis situations. Crisis centres also ensure the enforcement of court decisions on educational measures, court decisions on provisional measures, and court decisions on educational measures with a view to the social reintegration of the child which was a victim of ill-treatment, sexual abuse or a criminal offence that adversely affects the child's psychological, physical or social development.

223. A special role in the crisis intervention system and the provision of assistance to victims of mistreatment, neglect or sexual abuse is played by social workers. To assist in the reintegration of abused children and their rehabilitation, the social worker draws up a plan of social work for each child, which also includes a plan for implementing educational measures. To ensure the fulfilment of the purpose of educational measures, social workers cooperate with State administrative authorities, municipal bodies, schools, health establishments and entities which participate in the implementation of educational measures, or which provide assistance, or run the programmes of assistance, to children at risk.

224. A "child security" telephone hotline was installed in January 1996 in the framework of a national project of the Slovak UNICEF Committee. Children and adults may seek assistance through a toll-free telephone number or the Internet from anywhere in Slovakia. The hotline serves mainly as a means to establish the first contact and to provide professional assistance and care to minor children and adults by means of telephone conversation and counselling aimed at improving the quality of life of the child. The service has seen a gradual expansion in the last decade: today it includes, besides the telephone line, interventions of the social and legal counselling service, a crisis centre, communication and counselling through the Internet. Publishing activities and a line for parents were added in 2005. The telephone helpline was used in 2001-2005 by 572,440 callers, and interventions were carried out in 71,834 of them. Of this number, 65 per cent were girls and 35 per cent boys. The most frequent users of the hotline were children aged 11 to 14 who spoke mainly of their problems in partnership relationships, family problems, or who simply needed someone to talk to.

225. The assessment of alleged violations of the rights of the child is one of the activities performed by the Slovak National Centre for Human Rights (for more details about the activities of the Centre, see paras. 6, 7 and 25).

## **VI. BASIC HEALTH CARE AND SOCIAL SECURITY**

### **A. Health and health care**

226. The Government of the Slovak Republic considers the care for children and the young generation to be one of its fundamental tasks. The management of health care in the context of health protection as defined by WHO falls under the competence of the Ministry of Health. The Ministry coordinates large-scale prevention programmes and the National Health Promotion Programme aims at maintaining and enhancing children's health (mandatory vaccination, screening programmes, fluoridation, etc.). In coordination with other sectors, it creates optimum conditions in the area of ecology, nutrition, sports, education and social welfare.

227. The care for children under 18 years of age is elaborated in detail in the “Paediatrics Concept” issued by the Ministry of Health. The main emphasis in paediatrics is laid on preventive care for children in conformity with European rules. It includes, in particular, prevention that has an active influence on the quality of life. Attention is also paid to healthy nutrition, increasing the immunity of the organism, early detection and correction of deviations from a healthy state, prevention of harmful habits, etc.

228. Reducing newborn and infant mortality is one of the basic tasks of paediatrics. Improved care for newborns is a basic precondition for lowering newborn and infant mortality and for reducing child morbidity. Basic prerequisites for the fulfilment of this task include the provision of comprehensive care to the mother, the foetus and the newborn. These requirements are also reflected in the structure of care for newborn babies. This care relies on the following principles:

- Perinatal care is primarily provided by the departments of gynaecology and obstetrics, genetics and paediatrics that work together in close coordination;
- The basic principle is to preserve the close link between the mother and the child, applying new medical procedures (for instance in connection with birth techniques);
- Using differentiated approaches in medical care reflecting the degree of risk to pregnancy or the child;
- Comprehensive development of individual stages of medical care and of necessary technical and personnel support, ranging from the department for healthy newborns to perinatal centre, working in close interconnection.

229. Paediatric departments run Human Milk Banks which help ensure natural nutrition for all newborns and hospitalized infants. The purpose of the programme is to obtain, process and store human milk from mothers hospitalized in newborn departments, or from donor mothers living at home.

230. The priority tasks of paediatrics also include comprehensive care for adolescents aged 14 to 18, and improvement of care for children suffering from chronic ailments, from health problems and social deprivation, and handicapped children. These tasks of paediatrics also extend to outpatient care. It is therefore necessary to unify the criteria of health impairment and widen and upgrade the network of specialized paediatric offices. It is also necessary to expand and improve cooperation with the specialists from other fields, and to also provide rehabilitation care at the level of hospitals, rehabilitation centres and day-care facilities.

231. In cooperation with local State administrative and municipal bodies, redundant capacities of pre-school facilities for children are transformed into sanatoriums for children suffering from specific groups of diseases (such as obesity, diabetes, epilepsy, chronic and respiratory illnesses) that provide comprehensive health-care services with the close involvement of both parents.

232. A network of highly specialized centres with national or regional competence is gradually developed to enable early detection of serious paediatric diseases. The combination of professional means and resources will ensure effective treatment of the most complicated cases

using state-of-the-art medical knowledge. The facilities of this kind include centres for screening and genetics, children's heart surgery centres, regional children's perinatology and oncology centres, and centres for the treatment of rheumatic diseases.

233. Reform health laws do not make a distinction between the concepts of health care for children and health care for adults. In conformity with the principle of equal treatment, everybody is entitled to the provision of health care. This legally guaranteed right prohibits discrimination on the grounds of gender, belief and religion, marital or family status, colour of skin, language, political or other conviction, trade union activities, national or social origin, health condition, age, property, lineage or other status. At the same time, the provider is obliged to provide health care as appropriate. Proper health care means the performance of all medical interventions needed to correctly determine the diagnosis, and administration of early and effective treatment with a view to restoring health or improving the health condition of the person applying the latest knowledge of medical science.

234. The legislation provides for the payment of fees for services related to the provision of health care. Exemptions from the payment of fees are granted, for instance, to insured children under 3 years of age, insured persons suffering from a mental disorder that, given its nature, presents a potential risk for the life or health of these persons or those around them, insured persons whose health impairment may entail the imposition of mandatory treatment, and breastfeeding mothers admitted for in-patient treatment with their babies. The State provides monthly allowances to cover health-care services to citizens in material need who also receive assistance in the form of benefit.

### **Promotion and protection of the health of children and young people**

235. Under Public Health Act No. 126/2006 amending certain other laws, the bodies responsible for the promotion and protection of the health of children and young people in the Slovak Republic are the public health institutes. Their ultimate goal is to create conditions for a healthy and meaningful life for children and young people.

236. The instruments used to promote and protect health include the State health supervision. The data obtained by the health supervision service serve as a basis for the decision-making of health-care authorities and, at the same time, make it possible to upgrade the quality and increase the effectiveness of efforts in the area of promotion and protection of the health of the young generation, to develop new legal standards, to set limit values of factors that have a negative impact on the living and working environment, and to define the requirements for specific activities of children and youth that contribute to the protection of health.

237. State health supervision focuses on priority environmental issues such as, in particular, the quality of ambient air, supply of drinking water to the population, and level of contaminants in foodstuffs. Thus, as regards the requirements for various activities of children and youth, the supervision covers such areas as the standard of catering services, the process of education and instruction, and others. The outputs of the State health surveillance also include data on the environment and behaviour of children and youth. These data are essential for the implementation of targeted intervention measures aimed at health promotion and at improving living and, as appropriate, working conditions of children and youth.

238. In order to minimize environmental risks, to safeguard the environment from threatening or harming human health and to ensure positive effects of the environment on human health, the health authorities prepared an Action Plan for the Environment and Health of the Inhabitants of the Slovak Republic II for the 2000-2004 period (hereinafter referred to as “Action Plan”). The Action Plan was evaluated and updated in 2005 in conformity with the conclusions of the fourth ministerial conference on the environment and health, held in Budapest in 2004. The Action Plan incorporates the four regional priority objectives of the Children’s Environment and Health Action Plan for Europe (CEHAPE), adopted at the conference. Priority objectives of the Action Plan are as follows:

- Prevention and reduction of morbidity and mortality caused by digestive tract disorders;
- Reduction and prevention of health impairments due to accidents, dangerous chemical substances, physical phenomena and biological substances;
- Reduction and prevention of respiratory diseases caused by polluted air;
- Proposals for concrete activities.

The updated Action Plan for the Environment and Health of the Inhabitants of the Slovak Republic for the 2006-2010 period was adopted by Government resolution No. 10 on 11 January 2006. (See the concluding observations of the Committee, paras. 39 and 40.)

239. The results obtained by the State health supervision service are incorporated into health education activities targeting the widest possible spectrum of young people. They have the objective of improving lifestyle, living conditions and health of young people. Health education also includes the protection of children and the implementation of measures to protect them against negative influences. This specific activity is designed to reduce the number of adolescents engaging in harmful behaviours. It includes, for example, repeated monitoring of the existing situation as regards the epidemiology of the use of alcohol, tobacco and other drugs in Slovakia. The results are used to formulate measures and programmes that promote health and healthy lifestyles, to provide guidance to children and young people in shaping their own attitudes towards and opinions on drugs and other addictive substances and, last but not least, they are conveyed to the mass media in connection with information on drug dependencies.

240. Public health offices oversee the implementation of the WHO project on “Health Promoting Schools” and cooperate in the project on “Healthy Children in Healthy Families” and “Healthy Kindergartens”. They also carry out diverse tasks including the monitoring of physical growth and development of children and young people and the prevention of defective posture among school children. The results obtained in this area make it possible to monitor the growth and development trends of the young generation

**and provide source data for individual growth diagnosis in paediatric practice in connection with the assessment of health conditions of children. The results related to the defective posture of school children serve to enhance postural health of pupils, to carry out targeted controls, to monitor the effectiveness of preventive examinations, and are used by health protection and promotion counselling centres that provide advice to families having children with defective posture.** (See the concluding observations of the Committee, paras. 37 and 38.)

241. Public health offices play an important role in the active fulfilment of tasks arising from the National Health Promotion Programme in the area of general counselling, especially in the establishment and activities of health protection and promotion counselling centres. In this context, health education of children and youth is aimed at the prevention of cardiovascular diseases (blood pressure checks, tests of biochemical parameters and lifestyle consultancy to clients), at the performance of various physical activities, and at health education focused on lifestyle improvements, including dietary advice.

242. Public health offices provide methodological and organizational support for health education events carried out on various occasions (World Health Day, Sports Days, World Environment Day, International Day against Drug Abuse and Illicit Trafficking, World Food Day, International Day against Smoking, World AIDS Day, etc.) and in the activities aimed at explaining healthy lifestyles, rational nutrition, HIV/AIDS prevention, and prevention of drug addictions among children and adolescents.

### **HIV and AIDS**

243. Prevention of HIV/AIDS is carried out in the Slovak Republic in conformity with the National Programme for HIV/AIDS Prevention for the period of 2004-2007, whose coordinator is the chief hygienist of the Slovak Republic. The main purpose of the programme is to curb the spread of HIV/AIDS infection in the Slovak Republic, mainly through the prevention of sexual transmission of HIV, prevention of HIV transmission through blood, and prevention of HIV transmission from mother to child. Its objectives also include the mitigation of consequences of the disease in the highest-risk segments of the population, the provision of adequate health care and social welfare, the promotion of events and activities designed to reduce the social and economic impact of the infection on society, and cooperation in the prevention of HIV/AIDS with non-governmental and other organizations.

244. Surveillance of HIV/AIDS infection was introduced in the Slovak Republic as early as 1985. As at 31 December 2005, HIV infection was diagnosed in 158 citizens of the Slovak Republic. Of this number, 128 were men and 30 women. During the entire reference period, 40 persons infected with the HIV virus developed clinical symptoms of the AIDS disease (33 men and 7 women). Twenty-five Slovak citizens have died of AIDS, most of them from opportunistic infections.

245. No HIV-positive case was recorded in the 0-14 year age group, and there has been no case of transmission of HIV infection from mother to child. The prevailing mode of

transmission in men was homosexual contacts, while most women were infected through heterosexual contacts. Analyses are always performed of the results of screening examinations of pregnant women and of blood donors, tissues and organs. In the Slovak Republic, everybody has access to a test for HIV antibodies. Examined persons requesting anonymous tests are assigned a code by the doctor. The doctor personally informs the examined person of test results and every visit to the doctor also includes a counselling interview. The Slovak Republic is one of the countries with a low incidence of HIV/AIDS infection. However, although there has been no dramatic increase in the number of newly diagnosed HIV cases, it is necessary to continue to effectively prevent the spread of the disease.

## **B. Social security, social services and childcare facilities**

### **State social benefits**

246. Social security for families with dependent children involves the provision of State social benefits in the form of financial contributions paid for the origin and continuance of a life; i.e. the birth of a child, and his/her upbringing and sustenance. Contributions are paid either as a lump-sum allowance or monthly allowances. The Slovak Government may annually adjust their level by a Government ordinance. The State social benefits that have the widest coverage, in terms of the number of beneficiaries, are child allowance, parental allowance, and birth grants.

#### *Child allowance*

247. Under the new Act No. 600/2003 Coll. on Child Allowance, adopted with effect from 1 January 2004, a uniform allowance is provided for every dependent child in the family, irrespective of the age of the child and the income of parents. As of 1 September 2005, the level of child allowance was set at SKK 540/month. Child allowance is payable to a parent, or a person who has custody of the child substituting for parental care, granted by a final decision of the competent authority. Dependent children who have reached adulthood may also claim child allowance under the conditions set out in the Act.

248. Conditions of entitlement to child allowance are as follows:

- A dependent child is a child of compulsory school age; also considered as dependent children are full-time students of secondary schools or universities under 25 years of age, and children whose adverse health condition prevents them from receiving vocational training or performing gainful work until they reach the legal age;
- Care for a dependent child by an entitled person;
- The permanent or temporary residence of the entitled person and dependent child in the territory of the Slovak Republic.

The conditions of entitlement to child allowance also include the requirement that children of compulsory school age do not miss classes without a valid reason, which is aimed at combating truancy. The expenditure on child allowance and the number of children who received it during the reference period are shown in the following table.

	Child allowance			
	2002	2003	2004	2005
Average monthly number of children	1 103 150	1 365 445	1 296 083	1 312 573
Total expenditure in SKK thousand	9 274 324	8 818 446	8 594 806	8 676 073

249. The new law on child allowance, combined with changes in the tax legislation - which introduced a tax bonus - has changed the philosophy of the provision of assistance to families with children. The objective of the system is to motivate parents to accept a greater degree of personal responsibility for the economic situation of their families. A new income tax law, in force since 1 January 2004, guarantees a tax bonus to parents who perform gainful work, even if their assessed income tax is lower than the level of the tax bonus; i.e. SKK 540/month per each dependent child in the family. From 1 January 2006, the combined monthly level of the tax bonus and child allowance is SKK 1,080 per each dependent child, and is provided to parents engaged in gainful work.

#### *Parental allowance*

250. The parental allowance provided for in Act No. 280/2002 Coll. is granted to parents who care for a child under 3 years of age, or a child under 6 years of age in the case of children suffering from a long-term, poor state of health. Also considered as a parent is a person who has been granted custody of a child, substituting for parental care according to a final court decision. Parental allowance is not granted to a parent who is entitled to a sickness insurance benefit or maternity benefit. It may, however, be provided to a level that corresponds to the difference between maternity benefit and the parental allowance of SKK 4,230/month. The full amount of parental allowance is also provided, with effect from 1 July 2005, to a gainfully employed parent who takes care of a child and entrusts the care of the child to another natural or legal person while at work. This measure enables parents to make a free decision on the manner in which they ensure care for their children, and establishes prerequisites for achieving a better balance between work and the family. The number of recipients of parental allowance depends mainly on the birth rate.

	Average monthly number of recipients		
	2003	2004	2005
Parents who are not gainfully employed	116 649	118 644	122 995
Gainfully employed parents	8 350	7 764	7 739
Other parent - lump-sum allowance	3 017	2 129	2 190
Supplements to maternity benefits	x	x	1 353

	Expenditure (in SKK)		
	2003	2004	2005
Parents who are not gainfully employed	5 454 475 624	5 510 982 087	6 113 345 540
Gainfully employed parents	138 422 260	117 259 600	231 794 893
Other parent - lump-sum allowance	43 493 700	33 662 900	23 428 000
Supplements to maternity benefits	x	x	9 793 521

*Birth grant*

251. A lump-sum allowance of SKK 4,460, granted to parents upon the birth of their child, represents a contribution from the State aimed at providing for the needs of newborn children. If the mother gives birth to two or more children at the same time and at least two of them reach the age of 28 days, the birth grant is increased by one half per child.

	Total number of recipients			
	2002	2003	2004	2005
Birth grant	49 280	50 892	51 973	53 018
Increased birth grant	5	13	5	22
Grant paid in respect of simultaneously born 3 or more children, or repeatedly born twins	90	95	99	100

	Total expenditure in SKK thousands			
	2002	2003	2004	2005
Birth grant	155 151 630	160 092 220	209 760 707	233 383 080
Increased birth grant	24 960	60 330	27 360	118 600
Grant paid in respect of simultaneously born 3 or more children, or repeatedly born twins	651 900	708 040	754 300	811 610

**Social assistance***Families at risk of poverty*

252. Families with children who are unable to obtain or increase the resources necessary to satisfy their basic existential necessities through their own efforts, and who are in a situation of material need, are provided social assistance by the State or the municipality. Until the end of 2003, social assistance was provided in the form of social assistance benefits; under new legislation introduced with effect from 1 January 2004 (Act No. 599/2004 Coll. on Assistance in Material Need, amending certain other acts), assistance is provided in the form of material need benefit and supplementary benefits.

253. The number of recipients of social assistance benefits who belong to the group of families with children followed a long-term upward curve, which was interrupted for the first time in 2002, when it posted a slight decrease. The number of recipients of social assistance benefits also continued to fall slightly in respect of all indicators shown in the following table in 2003, 2004, and 2005 as a result of legislative changes, and especially a steady growth in employment.

**Overview of the recipients of social assistance  
benefits and material need benefits**

	Year								
	1997	1998	1999	2000	2001	2002	2003	2004**	2005
Number of recipients	157 631	187 185	260 002	313 067	325 195	320 650	278 563	178 621	175 746
of which families with children	71 124*	78 612*	90 080*	97 310	102 130	99 707	86 698	66 269	64 313
Share of incomplete families in the total number of families with children	-	-	-	28.10%	29.80%	32.10%	31.60%	34.90%	35.30%

*Source:* Ministry of Labour, Social Affairs and Family.

\* The data are based on qualified estimates.

\*\* Effective from 1 January 2004, according to new legislation - recipients of material need benefits and supplementary benefits.

**Expenditure on social assistance benefits and/or material need  
benefits and supplementary benefits in SKK million**

	Year								
	1997	1998	1999	2000	2001	2002	2003	2004**	2005
Total	4 635	6 397	9 543	10 336	11 386	11 429	9 028	6 302	7 058
of which families with children	2 597*	3 372*	4 242*	4 147	4 819	4 857	4 393	3 145	3 419

*Source:* Ministry of Labour, Social Affairs and Family.

\* The data represent qualified estimates.

\*\* Effective from 1 January 2004, according to new legislation - expenditure on material need benefits and supplementary benefits.

254. The data indicate that the dynamic growth in expenditure on the provision of social assistance benefits reflected - especially before 2001 - an increase in the number of the recipients of social assistance benefits and regular increases in the level of the subsistence minimum, used as a criterion for the assessment of the situation of material need. These amounts were annually increased from 1998 onwards in conformity with the indexation mechanism set out by law, always from 1 July of the given calendar year. The growth in expenditure slowed down slightly in 2002, due to a decline in the number of persons entitled to social assistance benefit on the grounds of material need; in 2003, expenditure on the payment of this benefit amounted to SKK 9,028 million. Changes to the system of assistance in material need introduced on 1 January 2004 were reflected mainly in the number of recipients of the benefit and supplementary benefits, a change in the structure of recipients, and subsequently, in the proportion and level of funds paid out for assistance in material need.

255. The ongoing process of transforming social and economic conditions in the country, accompanied by increased unemployment and rising cost of living, has had extremely adverse consequences for families with several children and incomplete families. The most frequent grounds for providing social assistance from public funds to families with dependent children therefore include the unemployment of one or both parents. In this respect, a turnaround was recorded in 2002, when a long-term upward trend of average registered employment (17.82 per cent) came to a halt, and the unemployment rate dropped by 0.4 and 2.6 percentage points in 2002 and 2003 respectively, compared to the 2001 level. Nonetheless, the group of married persons, which includes unemployed parents with dependent children, continued to be the hardest hit by unemployment.

256. In order to improve access to education for children living in families that receive assistance in material need, measures were adopted to promote compulsory school attendance and to help pupils complete their secondary education. Decree No. 37/2004-II/1 of the Ministry of Labour, Social Affairs and Family, effective from 15 September 2004, introduced the possibility of providing subsidies for meals, school aids, and scholarships for children who comply with their compulsory schooling obligation and live in families receiving assistance in material need. Subsidies are provided by the Office of Labour, Social Affairs, and Family, which has territorial jurisdiction over primary schools, upon a written application from the founding entity of the primary school concerned. Founding entities of primary schools may include, in addition to municipalities, other legal persons, including churches.

257. The maximum level of meal subsidies is SKK 25 per child/meal/day, provided that the parent contributes no less than SKK 1 and no more than SKK 5 for each meal taken. The level of the parental contribution is fixed by the founding entity of the school, which also determines the cost of the meal unit. The main purpose of the subsidy is to secure lunches for children.

258. The level of school aid subsidies is a maximum of SKK 1,000 per calendar year/child; i.e. SKK 500 per school semester. The founding entity uses the subsidy mainly to purchase copybooks, writing utensils, textbooks, and teaching aids.

259. The level of scholarship subsidies is variable, and depends on the academic achievements of children as follows:

- SKK 500 for children whose average mark during the last school semester was not worse than 1.5;
- SKK 300 for children whose average mark during the last school semester was not worse than 2.5; or
- SKK 200 for children who have improved their average mark during the last school semester by at least 0.5 over the previous semester.

260. The funds allocated for meals and school aids of children in material need are paid to the account of the founding entity of the school concerned. Scholarship subsidies are paid to parents

through the founding entity of the school. As at 31 December 2004, the total amount of funds paid in subsidies for children in material need was SKK 189.9 million. The number of children receiving subsidies was as follows (by category):

77,347 children received meal subsidies;

64,976 children received school aid subsidies;

17,075 children received a scholarship subsidy.

261. The financial amount paid in respect of children in material need in 2005 was SKK 427.3 million. On average, the monthly number of children who benefited from subsidies (not including school aid subsidies provided as a lump-sum payment) was as follows:

80,900 children received meal subsidies;

73,207 children received school aid subsidies in the first semester and 64,673 children in the second semester;

20,058 children received a scholarship subsidy.

262. From 1 June 2004, dependent secondary school pupils coming from families that receive assistance in material need may be granted secondary school scholarships. The criteria of entitlement to scholarships are laid down in Decree No. 311/2004 Coll. of the Ministry of Education on the provision of scholarships to secondary and special school students, the level of the scholarship being dependent on the academic achievement of the pupil.

School year	2003/04	2004/05	2005/06*
Average number of recipients of secondary school scholarships	2 631	10 643	11 390
Expenditure (in SKK)	2 525 000	95 928 000	50 706 800

*Source:* Institute for Information and Prognoses in Education (UIPŠ).

\* The data on the 2005/06 school year only cover the period from September 2005 to January 2006.

263. After the dissolution of a marriage, the custody of minors is usually granted to the mother. One of the most common reasons for the situation of material need among incomplete families is, besides the unemployment of the parent, non-compliance with the obligation of maintenance of dependent children by one of the parents. The data in the following table confirm the higher social vulnerability of incomplete families with dependent children. If the situation of material need of the child is caused by defaulting on maintenance payments, the child is granted repeated social assistance benefits. The State subsequently recovers the expenditure on this benefit from the person who has defaulted on maintenance payments, which may not exceed the level of maintenance fixed by a court. The following table gives an overview of persons who receive social assistance benefits due to the non-payment of maintenance.

**Overview of the recipients of social assistance  
benefits in lieu of maintenance payment**

	Year				
	2000	2001	2002	2003	2004*
The number of incomplete families that were provided social assistance benefit in lieu of maintenance payment	3 533	3 366	3 101	2 684	2 215

*Source:* Ministry of Labour, Social Affairs and Family.

\* Effective from 1 January 2004, according to new legislation - recipients of material need benefits and supplementary benefits.

264. Act No. 452/2004 Coll. on Substitute Child Maintenance Benefits entered into effect on 1 January 2005. Substitute child maintenance benefits are not linked to benefits in material need and their supplements, and constitute separate benefits. The first data on the implementation of the Act were obtained with regard to March 2005. The period between March and December 2005 saw a significant increase in the number of recipients of substitute child maintenance benefit and of children entitled to substitute maintenance benefit. In December 2005, substitute child maintenance benefit was paid to 2,983 citizens for 4,188 children.

### **Children with disabilities**

#### *Social services and establishments providing care for children*

265. **The provision of care by social services establishments is governed by Act No. 195/1998 Coll. on Social Assistance, as amended. The Act stipulates that this type of care is provided by social services homes run by municipal bodies and operating as facilities for year-round or weekly care. Under the above Act, the founding entity for social services homes providing day care to children is the relevant municipality. Social services homes provide basic care (meals, accommodation, material necessities) and supplementary care (education, counselling, work therapy, special interest, cultural, recreational, and rehabilitation activities). Social services homes cater for children with physical disabilities, sensory disabilities, psychological disorders, and behavioural disorders. A child may be placed in a social services home immediately after birth until the completion of compulsory or special education, or, in the case of further vocational training, until the completion of vocational training up to the age of 25 years, and in justified cases, even beyond that. More detailed statistics on social services homes are given in the appendix to the report. (See the concluding observations of the Committee, paras. 33 and 34.)**

266. After the devolution of competencies for social services from State authorities to municipal bodies, the competence for establishing and running social services homes for children was transferred to municipalities. The competence of municipalities includes supervisory powers. The law on social assistance sets out the conditions under which care in social services homes may also be provided by public providers, subject to their registration. Registration is

obtained from the relevant municipal bodies, which also control the level to which social services are provided by these entities. The State, represented by the Ministry of Labour, Social Affairs and Family, supervises the provision of social services, mainly with regard to respect for the citizens' fundamental human rights and freedoms. The State oversees social services homes for children in accordance with its annual supervision plan, taking account of the petitions filed by natural or legal persons, or on its own initiative, where it identifies infringements of generally binding legal acts by the providers of social services. The results of State supervision are presented in the form of a report, which contains a description of its findings and the infringements of generally binding legal regulations, together with proposed measures.

267. If the residents of social services homes are persons with psychological or behavioural impairments, it is prohibited to use physical or non-physical restraint, even during acute stages of the manifestation of their disorder.

#### *Cash compensations*

268. The objective of social services and cash compensations is to help persons with serious disabilities, including children, to cope with the social consequences of their disability in everyday life. Their purpose is to compensate for the disadvantages that these persons experience in connection with their mobility, communication, existential necessities, and household maintenance, and for their increased expenses in this regard. In addition to social services, compensation includes cash allowances, provided either individually or in various combinations, but always depending on individual needs (relevant data are given in the appendix to the report).

269. The types of cash allowances to compensate persons (children) with serious disabilities are:

- A cash allowance for personal assistance;
- A cash allowance for the purchase of a health aid device;
- A cash allowance for the repair of a health aid device;
- A cash allowance for the purchase of a passenger motor vehicle;
- A cash allowance for travel;
- A cash allowance for the structural adaptation of a flat, house or garage;
- A cash allowance for increased expenses;
- A cash allowance for nursing care.

270. In 2005, the level of expenditure on cash compensation benefits and cash allowances for nursing care was SKK 5,054,132,000. Since the average monthly number of recipients (i.e. adults and children) in the given calendar year was 173,853 persons, the average annual compensation per recipient amounted to SKK 29,071. Cash allowances provided as

compensation for social consequences resulting from the serious disabilities of children in 2005 were paid to an average of 11,949 recipients per month; they represented 6.87 per cent of the average monthly number of all recipients. **For more details on the conditions of entitlement and the level of individual compensation payments, see the appendix to the report.** (See the concluding observations of the Committee, paras. 33 and 34.)

### C. Standard of living

271. **In 2003, the Slovak Republic signed a Joint Inclusion Memorandum (hereinafter referred to as “JIM”), drawn up in cooperation with the European Commission, thus joining the fight against poverty and social exclusion in European Union member States. The reduction of the risk of poverty for families with dependent children was identified in JIM as one of the most immediate challenges for the alleviation of poverty and social exclusion faced by Slovakia. The adoption of JIM was followed by the formulation of the National Action Plan for Social Inclusion 2004-2006 (hereinafter referred to as “NAP/inclusion”), adopted by the Slovak Government in July 2004. The NAP/inclusion sets out several objectives and measures targeting families with children. These include, in particular, the reconciliation of family and work obligations, a programme of meal subsidies, subsidies for school aids and scholarships for children designed to widen the positive impact of changes in the system of benefits for persons in material hardship, the maintenance of the real value of State benefits, and the creation of conditions for strengthening family solidarity and the prevention of social exclusion of vulnerable population groups (improving the conditions for providing nursing care to family members, and improving and extending the social and legal protection of children and social guardianship).**

272. **The 2005-2006 “Action Plan on Measures to Prevent and Alleviate Poverty and Social Exclusion in the Context of the Slovak Republic”, administered by the Ministry of Labour, Social Affairs and Family, has expanded the range of priorities and objectives set out in NAP/inclusion. An urgent priority and important goal of the Slovak Republic in the area of social inclusion is to prevent the intergenerational reproduction of poverty, and to support equal opportunities for children. The development of inclusive policies in the system of education is one of the principal means of preventing poverty among children. The integration of children from high-risk and marginalized groups into the standard school environment ensures equal chances for access to education, regardless of the environment from which the child comes, mainly through the provision of support during schooling, and through interventions during early childhood and preschool periods.** (See the concluding observations of the Committee, paras. 43 and 44.)

273. Under the Act on Family, the child has the right to share in the standard of living of his/her parents. Parental rights and responsibilities also include the maintenance of minors. The maintenance obligation of parents towards their children is explicitly set out by law. Parents continue to have a maintenance obligation towards their children until the latter are able to lead their own lives, even after they reach legal age. In cases where parents fail to fulfil this statutory

obligation, the court may impose a maintenance obligation on them, on its own initiative. The criteria for determining the level of maintenance include the abilities, possibilities, and economic situation of parents, taking into account the legitimate needs of the entitled child. Child maintenance means the satisfaction of all the needs of a child connected with his/her all-round physical and psychological development.

274. There is an obligation for parents to contribute to the maintenance of their dependent minors or other children by no less than 30 per cent of the subsistence minimum level (i.e. approximately SKK 628), even if - considering the abilities, possibilities, and economic situation of the parent - it would be impossible to fix the minimum amount of maintenance. This is due to the fact that the child maintenance payment takes precedence over other expenditures of the parents, even if their income is lower than the level of the subsistence minimum. If the defaulting parent receives benefits in material need, and the situation of his/her minors is therefore even more unfavourable, it is possible to deduct child maintenance from the payment of material need benefits. The Penal Code regards as a criminal offence the non-fulfilment of the statutory maintenance obligation. This offence is committed by a person who fails to fulfil his/her statutory obligation to maintain or take care of another person for at least three months, over a period of two years.

### **The recovery of maintenance abroad**

275. The recovery of maintenance for minors or adults from obligors living abroad is made possible by the following three international conventions ratified by the Slovak Republic: Convention on the Recovery of Maintenance Abroad (Decree No. 33/1959 Coll.); Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations (Decree No. 132/1976 Coll.); Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations towards Children (Decree No. 14/1974 Coll.).

276. The Centre for the International Legal Protection of Children and Youth provides free legal assistance with a view to the recovery of maintenance in conformity with international conventions, helping entitled persons living in the Slovak Republic to recover maintenance from obligors living abroad, and vice versa.

277. In the claim recovery procedure, the Centre makes use of the administrative system of cooperation between the so-called receiving and transmitting authorities of the contracting parties. The effectiveness of the maintenance recovery system depends primarily on the enforcement system in individual countries and on communication between the central bodies concerned. On the whole, however, the Centre has been successful in recovering maintenance from obligors living in Slovakia or abroad. This is confirmed by the fact that it recovers more than SKK 10 million each year for the payment of maintenance to entitled persons living in Slovakia or abroad. The free movement of persons in the European Union has made the agenda of the Centre in the maintenance recovery field even broader. The level of growth is evident in the following table:

Year	Number of petitions for enforcing decisions filed with competent courts in the Slovak Republic or transmitted abroad
2001	3 754
2002	3 868
2003	3 990
2004	4 074
2005	4 251

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### A. Education, including vocational training and counselling

278. Many of the values that underpin the Convention on the Rights of the Child are identical with the values promoted in the school system of the Slovak Republic. The education reform that is currently under way emphasizes education on the rights of the child, based on recognition of the responsibility of pupils, the individual differences between pupils, and the cooperation of pupils. The school - as an open community of pupils, teachers and parents - has the role of providing comprehensive services in the area of education and instruction to every family, subject to the supply of, and demand for, such services.

279. Legislative amendments that have been gradually implemented since 1991 in the education sector, in compliance with the Convention, include the following changes:

- The extension of primary school education from eight to nine years;
- The possibility of providing education and instruction in a foreign language;
- The transposition of certain provisions of the Constitution of the Slovak Republic concerning the right of persons belonging to national minorities to receive education in their mother tongue into legal provisions governing the education sector;
- The creation of prerequisites for setting up private or church schools;
- Addressing the issue of the education and instruction of children with disabilities;
- Addressing the issue of the education and instruction of children coming from a socially disadvantaged environment and children of foreign nationals;
- The transfer of certain competencies in the area of education from State administrative authorities to municipalities, within the framework of decentralizing State administration.

280. The right of access to childcare services and facilities is guaranteed to every child through the network of primary and secondary schools, preschool facilities and educational establishments. The Slovak Constitution guarantees the right of students to receive primary and secondary education free of charge.

281. The education and instruction of preschool children is carried out in preschool facilities - kindergartens. It includes the preparation of children for compulsory education. Children who have reached the age of 5, and children whose compulsory education has been postponed, have priority in the admission to preschool facilities. Facilities which carry out extracurricular education and instruction - and which develop the interests of, and organize leisure activities for, primary and secondary school students - include school clubs, school centres for special-interest activities and leisure centres.

282. Family upbringing and educational or instructional activities are complemented by the services of dormitories for young people, which provide accommodation and meals to secondary school pupils who study outside the location of their permanent residence. A network of schools in the countryside provides the opportunity for schoolchildren to spend a certain period of time in a rural environment, without having to interrupt their preschool or primary school attendance. Children coming from a socially or educationally deprived environment and those with impaired psychological and social development are provided professional assistance by educational and psychological prevention facilities, which also work in parallel with their families. Professional services in the area of educational and occupational counselling, special pedagogy counselling, and child welfare are provided by a broad network of counselling facilities.

283. Children with special educational needs, together with their parents, are provided special pedagogical assistance by special and regular schools. Educational counselling and assistance are provided to children with physical disabilities by specialized educational counselling facilities - pedagogical and psychological counselling centres, special pedagogical counselling centres, and children's integration centres.

## **B. Compulsory school attendance**

284. Compulsory school attendance in the Slovak Republic starts at the age of 6 and lasts for 10 years. Children obtain full basic education upon completion of a nine-year primary school. Legislation provides for free access to education at primary and secondary schools, and at universities in accordance with the financial means of the State.

285. Regular school attendance is controlled and regulated by means of measures designed to prevent truancy and thus reduce the number of children who fail to receive full basic education. A discussion of these measures is included in the programme of many teacher training seminars. The means used to ensure discipline at schools are compatible with human dignity. The solutions to any educational problems that may arise are addressed during in-service training organized for teachers by Methodological and Pedagogical Centres in the framework of "Intervention Strategies and Techniques for the Resolution of Educational Problems".

286. The statistics on the number of different types of schools and the number of pupils attending them are given in the appendix to the report.

### C. Educational objectives

287. **The 2002 Slovak Government Programme defines the key, long-term goal of the Government in the area of education and instruction as the transformation of the traditional school system to a modern school system of the twenty-first century which, in combination with other components of the system of lifelong learning, will prepare people for living and working under new conditions. The internal transformation and opening up of educational institutions is taking place against the backdrop of the concept outlined in the National Programme for Education and Instruction in the Slovak Republic for the next 15 to 20 years - the MILLENNIUM project, approved by Government resolution No. 1193 of 19 December 2001. This open document, which mirrors social and economic conditions in Slovakia, responds to new trends and the achievements of science and research, develops higher awareness, emotional intelligence, and pro-social behaviour, and shapes higher values such as love, respect, esteem, equality, brotherhood, freedom, goodwill, tolerance, trust, honesty, honour, mutual assistance and cooperation. It emphasizes that the system of education and instruction of children and youth should respect the objectives formulated in article 29 of the Convention.** (See the concluding observations of the Committee, paras. 45 and 46)

288. The National Programme of Instruction and Education in the Slovak Republic for the next 15-20 years includes a system of both conceptual and more tangible changes. The key objective of ongoing school system reforms is to transform the traditionally authoritative and academic education system, based upon encyclopaedic knowledge and memorization, to a knowledge- and value-based school system that offers creative, humanistic education and instruction. The reform of the school system not only entails changes to its organization and financing, to its formal aspects, or to its management - which, incidentally, have already brought tangible results; it also entails the creation of foundations aimed at changing the philosophy of education, and the acquisition of new values, together with the cognitive and moral qualities necessary for future generations.

289. Among the instruments that will be used to eliminate ignorance and illiteracy among young people, especially primary school dropouts who come from a socially disadvantaged environment, is the development of procedures for accrediting second-chance schools, which could create a subsystem of further education for marginalized youth. The process of education and instruction provided at schools and educational establishments has the aim of developing children's personalities, talents, intellectual and physical skills, and abilities. Its objectives include strengthening the legal awareness of children and esteem for older people, respect for fundamental freedoms and their parents, preparing them to lead a socially responsible life, and respect for the environment.

290. The PHARE programmes funded from the 2001 and 2002 Financing Memorandums aim to improve the performance of Roma children, for example, through projects for the integration

and reintegration of children into regular primary schools, and through the revision of school aptitude tests and differential diagnosis, with a view to enabling a clear differentiation between mental and social handicaps. Nevertheless, reintegration remains a considerable, practical problem for the Slovak education system (for more details, see paras. 84-95).

291. The measures taken to ensure equal access to education for all children, and to create conditions that will prevent discrimination on the grounds of ethnic or social origin include, inter alia, the creation of “zero grades” at primary schools for children coming from a socially disadvantaged environment. Complete materials have been prepared for teachers and for the pupils of “zero grades”. As regards secondary education, an experimental vocational training project has been verified for students who have finished compulsory school attendance without, however, completing primary education. Improving access by socially disadvantaged young persons to secondary education is the objective of redrafted basic pedagogical documents for teaching vocational subjects, which are currently under experimental verification. A training programme has been developed and introduced for teachers and assistant teachers working with the Roma and socially disadvantaged young people.

292. A Roma Educational Centre (ROCEPO) was founded in Prešov with the help of a PHARE project financed through the 1999 Financing Memorandum, in an effort to provide adequate information about Roma education to the general public and to support the training of teachers who work with Roma youth; the main objective of the Centre, which has a nationwide competence, is to conduct educational, information, documentation, and counselling activities. The work of a team of specialists has resulted in a proposal for alternative curricula for the first to fourth grades of primary schools for children coming from a socially and educationally deprived environment, specialized qualification studies, and assistant teacher studies for the graduates of secondary schools ending with a baccalaureate, among others.

293. In conformity with the right to education of national minorities laid down in article 34 of the Slovak Constitution, teaching is provided in the following minority languages: Hungarian, German, Ukrainian, and Ruthenian, with the Roma language employed as a support language. The Slovak Republic has a wide network of schools and educational establishments providing instruction in the Hungarian language. Schools that provide instruction in a minority language also keep bilingual pedagogical records and issue bilingual school certificates. With the aim of ensuring equal chances for applicants, pupils belonging to national minorities have the right to take secondary school or university admission examinations in their mother tongue.

294. Although the Slovak Constitution guarantees citizens the right to education in their mother tongue, the exercise of this right in the case of the Roma language remains problematic, with regard to both legislation and practice. The education system in the Slovak Republic, particularly in the case of teachers for Roma pupils, suffers from a shortage of qualified educators (for more details, see paras. 84-95).

295. The implementation of the rights of children belonging to ethnic, national or linguistic minorities to cultivate their own culture and use their own language has been set out in the following documents:

The National Action Plan for Children

The section devoted to the education and instruction of children and young people describes specific activities and tasks aimed, inter alia, at:

- Paying special attention to the principle of equal opportunities in education for every child, and to education regarding the coexistence of different ethnic communities, minorities, and cultures, based on the principle of universal human values;
- Giving information to parents about the possibility of choosing a school that provides instruction in a minority language, or which teaches the mother tongue and literature of the given national minority (Hungarian, German, Roma, Ruthenian and Ukrainian).

The Framework Convention for the Protection of National Minorities

The Slovak Republic has submitted two reports on the implementation of the Convention.

The European Charter of Regional or Minority Languages

The Slovak Republic submitted a report on the implementation of the Convention in 2003.

296. After its accession to the European Union, the Slovak Republic gained the right to draw on support from European Union structural funds; in the education sector, this applies to the European Social Fund (hereinafter referred to as “ESF”). One example of support from ESF for the Roma minority school system is the national project concerning the “improvement of the qualification potential of Roma community members through Roma studies, introduced as a new secondary school subject”. A Roma study department was created in November 2005 within the State Institute for Education. The objectives of the project include eliminating language barriers, improving the labour market position for persons belonging to the Roma minority and enhancing the level of education of the Roma ethnic community. The project includes the development and verification of basic pedagogical documents (syllabuses, curricula and teaching documents); the development of Roma orthography and the preparation of a Roma language textbook; the development of tests in the Roma language, as one of the electable subjects in the final secondary school-leaving examination (baccalaureate); school aids; a Roma conversation manual, etc. The budget for the project, which will continue until the end of 2006, is SKK 9.5 million.

297. The ongoing PHARE project (financed from the 2003 Financing Memorandum) - Support for the Integrated Education of the Roma - has the objective of facilitating the transition of Roma children from primary to secondary school, introducing multicultural education at Slovak secondary schools, and preparing secondary school students for work and the business environment. The project will result in the formulation of a programme for tutoring the pupils of

final grades of primary schools, motivational and development programmes for Roma pupils of secondary schools, and courses to prepare the pupils for the labour market and entrepreneurial activities.

**An overview of PHARE projects carried out in the education sector  
in the period 2001-2006**

Financing Memorandum	Project code	Project name	Content	Duration of implementation
1999	SR9905.02	Minority Tolerance Programme	Improving the standard of language teaching and learning at schools providing instruction in a minority language and creation of the Roma Education, Information, Documentation, Advisory, and Counselling Centre	2001-2002
2000	SK0002.01	Better Conditions for Roma Self-Realization in the Education System	Preschool education involving mothers in the teaching process, setting up zero grades at primary schools, an experimental project of vocational training for Roma pupils who did not complete primary education, the training of teachers and teaching assistants for schools with a high number of Roma pupils	2002-2003
2001	SR0103.01	Support to the Roma Minority in the Educational Field	Supporting the education of Roma children in kindergartens, setting up zero grades, the reintegration of socially disadvantaged pupils from special primary schools to regular primary schools	2003-2004
2002	2002/000.610.03	Further Integration of the Roma Children in the Educational Field and Improved Living Conditions	Creating conditions for the integration of children from a socially disadvantaged environment into the standard education system	2005-2006
2003	2003-004-995-01-05	Support to further Integration of Roma in the Educational Field	Facilitating the transition of socially disadvantaged pupils from primary to secondary schools, supporting multiculturalism at secondary schools, organizing courses preparing them for work and the entrepreneurial environment	2005-2006

298. Education serves as a means of preventing, and coming to terms with, negative attitudes and prejudices on the part of certain elements of majority society. Such negative attitudes towards the Roma minority are an important factor, contributing to the currently unsatisfactory situation of that minority. The material and methods applied when teaching children from a young age are among the most effective means of attaining the aim of integration. The material and the methods of teaching should focus on two important components: human rights education, and education reflecting the principles of multiculturalism. The two areas cited are addressed in the National Plan of Education on Human Rights for the period 2005-2014, approved by the Ministry of Education in 2005 (for more details, see para. 25), the tasks of which will be assessed and updated on a regular basis, in two-year intervals.

#### **D. Leisure, relaxation and cultural activities**

299. Leisure is playing an ever more important role in the lives of children. It does not merely meet the need to socialize; it is becoming increasingly significant due to its compensation role (as a counterpart to work and school duties), and, in particular, due to its prevention role (the possibility of using leisure-time activities to promote values, and thus ensure protection against negative social phenomena).

300. Slovak society widely believes that young people do not use their free time in an adequate manner. Research data have shown that boys and girls in Slovakia spend most of their leisure time passively; listening to music, watching television, or engaging in interactions with their peers - either in pairs or in informal groups. On the active side, they mostly perform various manual activities (handiwork, do-it-yourself, gardening). Young people devote their free time to active special-interest and hobby activities only occasionally. On average, only 15.7 per cent of Slovak adolescents perform them frequently, and 35.1 per cent occasionally. Up to 86.2 per cent of this number are children under 14 years of age. Seventy-five per cent of adolescents clearly prefer individual forms of spending their leisure time; i.e. either alone or with friends, with the freedom to decide on their organizational or time arrangements. Almost half of all children and youth (48.4 per cent) do not cultivate any special interests.

301. Educational programmes run by preschool facilities and schools offer children and pupils adequate opportunities for relaxation and meaningful ways of spending their leisure time, by engaging them in cultural and artistic activities at a school or community level. Children always decide about taking part in individual activities on a voluntary basis, and make their choices according to their interest in the given type of activity.

302. The State facilitates the right of children to the development of their talents and special interests by supporting school-based sports centres, sports classes, sports schools, centres for talented youth, and youth training centres of sports unions. In all, more than 1,500 such facilities are registered in Slovakia and they are attended by around 5 per cent of all primary and secondary school pupils. The State creates the necessary preconditions for expanding the offer of special-interest activities in the field of sports at the level of primary and secondary schools through a project entitled "Open School - Sports Field 2003". Of the 872 schools that have joined the project to date, 251 have been granted a State financial contribution for its implementation. Its subprojects include "*Jednota* for Pupils" and the "School Milk League",

designed to improve material conditions for sports activities at schools and promote the healthy nutrition and lifestyle of children. A project entitled “School Pentathlon for Sports, Tolerance and Fair Play” is aimed at education through sports by promoting positive human values, honesty, tolerance, and team spirit among children, by teaching tolerance for children with disabilities and minorities, and by enhancing children’s interest in physical activities, all in the spirit of fair play.

303. The State also supports a system of competitions for pupils of primary and secondary schools (“Olympiads” in various subjects, sports competitions, art, literary, and music competitions, etc.). For example, over 250,000 children enter sports competitions for the pupils of primary and secondary schools each year.

### Extracurricular care for children

304. The network of State educational facilities providing extracurricular care for children comprises towns with over 5,000 inhabitants. These facilities include, for instance, leisure centres, centres for special-interest activities at schools, primary schools of art, and school clubs. All of these facilities also organize occasional events for children and young people who are not regular attendees. The extracurricular care provided by these facilities since 2001 is shown in the following table:

	Data on individual years				
	2001	2002	2003	2004	2005
Leisure centres					
number of facilities	128	133	134	135	141
number of special-interest units	4 950	4 980	5 141	5 188	5 698
number of members of special-interest units	65 722	65 039	66 938	71 507	77 050
members of special-interest units under 15	57 369	55 690	56 390	58 379	61 510
Special-interest centres at schools					
number of facilities	18	18	21	29	72
number of special-interest units	275	313	366	780	1 656
number of members of special-interest units	3 989	4 594	5 213	11 476	25 218
members of special-interest units under 15	3 483	4 087	4 164	9 399	20 980
Primary schools of art					
number of schools	197	200	205	221	229
number of branches	140	147	165	138	143
number of pupils	96 887	97 394	98 395	102 319	105 573
dance departments	13 797	14 175	14 583	17 143	19 566
visual art departments	29 811	30 152	30 413	30 364	30 616
literary and drama departments	4 101	4 100	4 374	4 423	4 148
music departments	49 178	48 967	49 025	50 389	51 243
School clubs*					
number of clubs attached to primary schools	2 085	2 084	2 080	2 106	1 982
to special schools	185	196	200	192	202
number of departments attached to primary schools	5 662	5 487	5 274	5 021	4 293
to special schools	506	531	514	458	472
number of enrolled primary school pupils	129 922	127 931	123 184	125 863	110 618
special school pupils	5 130	5 400	5 092	4 914	4 863

\* Including special-interest activities at school clubs in 2004 and 2005.

## VIII. SPECIAL PROTECTIVE MEASURES

### A. Children in crisis situations

#### Refugee children

(For children who do not have the Slovak nationality, see paras. 111-119.)

305. With a view to facilitating their integration, the children of asylum-seekers and of persons granted asylum have access to regular school attendance. Depending on the education record of these children and their command of Slovak, the head teacher assigns them to the relevant grades. The Migration Office of the Interior Ministry has carried out a project for teaching the school-age children of asylum-seekers, in cooperation with the State Institute of Education. It was a two-month project for teaching the Slovak language.

306. The children of aliens with legal residence in the territory of the Slovak Republic, the children of persons granted asylum, and the children of asylum-seekers receive education at primary and secondary schools under the same conditions as citizens of the Slovak Republic. The university admission of asylum-seekers is governed by the University Act, and by the statutes of universities and faculties, which specify admission criteria, study-related requirements and graduation conditions.

#### Children and armed conflicts

307. The Slovak Republic is a State party to several international conventions in the area of international humanitarian law. With regard to the rights of the child, they include primarily the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which contains several articles explicitly devoted to the rights of the child. Articles 76 to 78 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) lay down detailed measures for the protection of women and children during armed conflicts.

308. The Slovak Republic is also a party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, the 1996 Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices and the 1998 Rome Statute of the International Criminal Court. International humanitarian law and the law of armed conflict have been systematically introduced and implemented in the Armed Forces of the Slovak Republic since January 1995 - upon the entry into force of the OSCE Code of Conduct on Politico-Military Aspects of Security.

309. The elements of international humanitarian law and the law of armed conflict are essential components of combat training for members of the Slovak military. They are incorporated into the teaching and training programmes applied at various stages of instruction. The defence sector has issued several publications in cooperation with the International Committee of the Red Cross, to be used in the instruction and training of military and civilian staff (translations of the 1949 Geneva conventions and their additional protocols, of the Hague Conventions and other international treaty documents, and of the Military Law Manual for the

Armed Forces, as well as a set of lessons for instructors on the law of armed conflict). Moreover, members of the armed forces regularly participate in international professional seminars and conferences on international humanitarian law.

310. Slovak law not only prohibits the enlistment of children under the age of 15, but also under 18. This means that children cannot take part in armed conflicts. Children are not allowed to perform defence duties, even on a voluntary basis (for more information on joining the armed forces, see paras. 55-58 above).

### **B. Children and the system of criminal justice for juveniles**

311. The Code of Criminal Procedure stipulates that investigations and decision-making in proceedings against juveniles should be performed by persons whose experience and expertise in the area of educating young people guarantee the educational intent of criminal proceedings. Law enforcement bodies and courts work in close conjunction with establishments for juveniles and psychiatric establishments. Experts on the psychiatry of children or adolescents are usually called in to participate in the examination of the psychological state of juveniles.

312. The Code of Criminal Procedure contains special provisions governing proceedings against juveniles; these provisions grant them certain “advantages” over other offenders. Thus, juveniles must already have a lawyer at the moment of being charged with a crime. In proceedings conducted against a juvenile, it is necessary to make a thorough examination of the juvenile’s level of intellectual and moral development, character, situation, and the environment in which the juvenile has lived and was brought up, his/her conduct before and after the commission of the offence, and other circumstances relevant for a decision on the adequate means of correction, especially in order to decide on the possible imposition of protective education. As a rule, the assessment of the juvenile’s situation is performed by an authority on the care of young people.

313. Juveniles may be remanded in custody only if it proves impossible to achieve the purpose of custody by other means. During judicial proceedings, the presiding judge of the panel has a copy of the indictment, which has also been delivered to the authority on the care of young people. Joint proceedings against a juvenile and a person over 18 years of age can be held only in exceptional cases, where they are deemed essential for the comprehensive and objective clarification of the matter, or for other important reasons. In criminal proceedings against juveniles, the main trial is governed by special provisions. Thus, the main trial may not be held in the juvenile’s absence. The authority on the care of young people must be notified of the date of the main trial and public hearing. The presence of the prosecutor at the hearing is mandatory; a representative of the authority on the care of young people also takes part in the hearing. The latter has the right to make submissions and put questions to persons under interrogation. After the closing remarks of the authority on the care of young people and of the legal guardian, the juvenile defendant also has the right to make closing remarks.

314. Legal remedies in criminal proceedings against a juvenile may also be filed, even against the juvenile’s will, by the authority on the care of young people. The time limit for filing a legal

remedy by this authority runs independently. Complaints may also be lodged on behalf of the juvenile by the juvenile's relatives in direct descent, siblings, adoptive parents, spouses, or common-law spouses. Their time limit for lodging complaints is the same day as that of the juvenile.

315. The Code of Criminal Procedure contains special provisions relating to the interrogation of witnesses under 15 years of age and of defendants under 18 years of age. If the person being interrogated as a witness is younger than 15, and the interrogation concerns circumstances, the recollection of which could have a harmful effect on the witness's psychological and moral development due to his/her young age, the interrogation must be conducted in a very considerate manner, and an effort must be made not to repeat it in further proceedings. The interrogation is conducted in the presence of a pedagogue or other person with experience in juvenile education, who can help conduct the interrogation in a correct manner, taking account of its purpose and the psychological development of the person under investigation. Parents can also be called upon to participate in the interrogation if their presence is likely to contribute to its proper conduct. The successive interrogation of the juvenile in subsequent proceedings should only be allowed when absolutely necessary.

316. If a person being interrogated as a witness is younger than 15, and the interrogation concerns a criminal offence committed against a close person or a person entrusted to one's care, or if the circumstances of the case suggest that the repeated deposition of a person under 15 years of age could have been influenced, or if there is reason to believe that the interrogation could affect the psychological or moral development of a person under 15 years of age, the interrogation is conducted with the help of audio and video equipment, with a view to ensuring that people under 15 years of age will only be subjected to an interrogation in subsequent proceedings in exceptional circumstances. The further interrogation of a person under 15 years of age in pretrial proceedings can only be conducted with the consent of his/her legal guardian, or with that of the custodian.

317. Under the Penal Code, juveniles who are not younger than 14 and not older than 18 are criminally liable persons. The Code exempts from criminal liability juveniles whose level of intellectual or moral development at the time of committing the offence prevented them from realizing that they were acting unlawfully, or from controlling their actions - a concept known as "conditional sanity" (for more details on criminal liability, see paras. 49 and 50 above).

### **The imposition of sentences, with a special mention of the prohibition of the death penalty or life imprisonment**

318. Article 15, paragraph 3, of the Constitution of the Slovak Republic prohibits the death penalty. Absolute prohibition of the death penalty also follows from article 1 of Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (communication No. 209/1992 Coll.) and Protocol No. 13 to the Convention concerning the Abolition of the Death Penalty in All Circumstances (communication No. 480/2005 Coll.). This additional protocol also prohibits the death penalty with respect to acts committed in time of war or of imminent threat of war.

319. The Penal Code lays down less strict requirements concerning the extinction of punishability, the waiver of punishment, or the imposition of sanctions on juvenile offenders. The Penal Code also makes it much easier to grant a conditional waiver of punishment or a conditional waiver of the imposition of sanctions in the case of juveniles than in the case of adult offenders. In case of the waiver of punishment or of a custodial measure, or in case of the conditional waiver of punishment or of a custodial measure, the following educational measures may be applied in respect of a juvenile offender in order to attain the purpose defined in law: probation supervision, educational duties and restrictions, or a reprimand with a caution. Under the Penal Code, the length of prison sentences for juveniles is reduced by a half, and maximum imprisonment may not exceed seven years. Juveniles may receive a conditionally deferred prison sentence for a probationary period (conditional sentence) or for a probationary period with supervision (probation). Juveniles may be held on remand only for as long as it is absolutely necessary. The court may extend the custody of juveniles who have committed a particularly serious crime beyond one year, but the total length of custody may not exceed two years.

#### **Children deprived of their liberty, including arrest, imprisonment or detention**

320. **The requirements governing the implementation of prison sentences and remand custody are stipulated in the relevant laws and secondary legislation, and are in line with the principles laid down in the European Prison Rules. At the same time, they respect the Standard Minimum Rules for the Treatment of Prisoners. With a view to improving the treatment of prisoners, ensuring respect for the human rights and dignity of prisoners, and the effective performance and management of the prison system, the Corps of Prison and Judicial Guard pays systematic attention to the implementation of recommendations formulated by the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.**

321. **Prosecutors perform regular monthly inspections of institutions for sentenced juvenile delinquents. In addition to verifying compliance with the law, they also examine compliance with the provisions of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.** (See the concluding observations of the Committee, paras. 51 and 52.)

322. The purpose of sentences imposed on juvenile offenders is to secure their education under professional pedagogical guidance, and to enable them to receive vocational training for future employment. Juveniles of compulsory school age are given the possibility in the correctional institution to receive education instead of being assigned work duties. Juveniles under 18 years of age always serve their sentence separately from other convicted prisoners, and are placed in correctional institutions for juveniles. The court may also decide to keep juveniles who have reached the age of 18 in these institutions.

323. An advisory board is set up within each correctional institution for juveniles, with a view to enhancing the educational impact of detention. When a convicted juvenile reaches the age of 18, the court decides whether he or she is to serve the remainder of his/her sentence in a correctional institution for juveniles, or whether to be transferred to an institution for other

convicted persons. When making this decision, the court considers mainly the degree of rehabilitation achieved, and the length of the remaining sentence. When the court decides that the juvenile is to be transferred to a correctional institution for other convicted persons, it usually decides that the juvenile be placed in a lower security group.

324. The inmates of juvenile correction facilities are assigned to various groups on the basis of their personal characteristics, work abilities, type and seriousness of the offence committed, repeated offence, and the length of the sentence. Juveniles who meet the conditions for being placed in a vocational training programme, especially in view of the length of their sentence, receive training in an apprentice centre attached to a correctional institution for juvenile offenders. When assigning work to juveniles under 18 years of age, the provision of vocational training for their future jobs is also taken into account. The working conditions of such juveniles serving their sentence are the same as those of other employees in the given age category.

325. The treatment of juveniles is adapted to the purpose of their sentence, which is achieved by using the appropriate forms and methods of cultural and educational work, together with physical education and sports activities. The participation of juveniles in these activities is mandatory, provided that their health condition allows it. Juveniles perform special-interest activities in conformity with their individual skills, interests and the needs of the social reintegration process. These activities are performed either individually or in special-interest groups, the number and orientation of which are determined by the composition of juveniles and the structure of their interests.

326. Under a generally binding legal regulation, church organizations may also participate in the treatment of prisoners, mainly in the following forms: religious services for convicted prisoners who express an interest; one-on-one discussions; pastoral visits among inmates; confessions and administering sacraments; study groups for the interpretation of religious literature; the provision of religious literature; lectures and discussions concerning mainly ethical themes, or concerts given by religious music groups and individuals; helping prepare inmates for their release from prison; social work with these inmates, and other suitable means contributing to the social reintegration of inmates, subject to agreement with the prison director.

327. Special-interest citizens' associations set up in accordance with generally binding legal regulations may, upon agreement with the prison director, designate some of their members to make visits to prisoners. Special-interest citizens' associations may, after prior agreement with the prison director and in cooperation with the institution concerned, participate in addressing the social problems of inmates and creating favourable conditions for their lives after release from prison.

328. In addition to performing their duties in accordance with generally binding legal regulations, courts and prosecution authorities cooperate with the correctional facility mainly by taking part in lectures and discussions organized within the framework of the legal education of prisoners, and by cooperating and/or providing methodological support for social and legal counselling to prisoners and their involvement in preparing prisoners for life after their release.

329. Special emphasis is placed upon the treatment of convicted juveniles in order to minimize the negative consequences of their isolation from society. The main objective of the treatment of juveniles is to enhance their sense of responsibility and independence, to help them acquire

occupational skills and shape positive attitudes to work, to provide instruction, and to develop socially beneficial, special-interest activities. The possibility of organizing cultural and public education events outside detention facilities is also applied in the treatment of juvenile offenders.

330. Special attention is paid to preparing juveniles for release from prison, mainly through adequately targeted group instruction activities and individual counselling, involvement in social and cultural events outside the institution - where they are accompanied by members of educational staff - and through informative excursions. Based on an analysis of the social situation of the juvenile released from prison, the institution agrees with the competent local or State administrative authorities on placing the juvenile in apprentice training or finding him/her a job, possibly accompanied by adequate housing. If the court rules that a juvenile who has completed his/her sentence is to be transferred to an institution for protective or institutional care, the prison notifies the educational facility concerned of the impending release of the juvenile and sends it an extract from the juvenile's pedagogical file.

331. A child deprived of his/her family environment by a court decision may be placed in a re-education home for children or a re-education home for youth, which are part of the education sector. These special educational facilities carry out educational prevention tasks for children and juveniles whose moral, emotional, personal and social development has been impaired to such a degree that non-custodial assistance has proved to be ineffective, or cannot be provided because of a failed educational environment in the family. The humanization of the re-education system in special educational facilities means the creation of an environment for the process of re-education, which is as close as possible to the educational environment in the family. In particular, it involves the creation of conditions enabling a differentiated, individual approach in the process of re-education, such as reducing the number of children and juveniles in education groups - depending on the degree of behavioural or personality disorder - and steps are taken to retain professional staff so as to enable the establishment and maintenance of relatively stable social and emotional relationships between inmates and professional staff members. These establishments take great care to use the results of psychological, special pedagogy, and medical diagnostics in the professional procedures applied during the process of re-education.

### **C. Children in situations of exploitation, including physical and psychological recovery, and social reintegration**

#### **The economic exploitation of children, including child labour**

332. Conditions governing the employment of juveniles and children are regulated by the Labour Code. The capacity of natural persons to acquire rights and assume duties under the labour law in an employment relationship or through legal acts of their own arises at the age of 15 years. The Labour Code prohibits the performance of certain types of work by juvenile employees. A natural person who has not reached the age of 15 may, exceptionally, perform light work, the character and scope of which do not endanger that person's health, safety, development or school attendance, such as performances at cultural or artistic events, sports events, and advertising events (see also paras. 41-43). Juvenile employees may not be assigned to work underground, such as the extraction of minerals or the drilling of tunnels and passages. Juvenile employees may not be assigned to work which, considering their anatomical, physiological or psychological characteristics, is inappropriate, dangerous or harmful to health. The lists specifying the types of activities and workplaces that are prohibited to juvenile

employees are published in a Government ordinance. Employers may not assign juvenile employees to work which puts them at an increased risk of injury, or which could seriously endanger the health and safety of fellow employees or other people. Employers may not assign juvenile employees to overtime or night work, and may not require them to serve on standby duty or agree with them on the performance of such a duty. In exceptional circumstances, juvenile employees older than 16 may perform night work for no more than one hour, if it is necessary for their vocational training.

### **Drug addiction**

333. Section 171 of the Penal Code stipulates that the possession of a narcotic or psychotropic substance, or a precursor for one's own use is a criminal offence, which entails a prison sentence of up to three years. Any person who, without authorization, produces; imports, exports, conveys or transits; buys, sells, exchanges, procures; or possesses for any length of time a psychotropic substance or a precursor intended for a person under 18 years of age is liable to a prison sentence of up to 10 years. The offender who commits the above criminal offence against a protected person (see the definition of "protected persons" in para. 362) is liable to a prison sentence of up to 15 years. The Penal Code lays down less severe punishment for those who procure and possess drugs for their own consumption. It defines such concepts as drug possession for one's own consumption or a larger quantity for one's own consumption. It introduces much harsher sanctions against drug producers or dealers while, on the other hand, sanctions against drug users are less severe, the emphasis being placed on preventive treatment. The criminal offence of producing for oneself or others an item that is to be used in the illicit production of narcotic or psychotropic substances continues to carry a harsher sentence. More stringent criminal sanctions were, however, adopted in respect of the criminal offence of spreading drug addiction. Any inducement to the abuse of addictive substances other than alcohol constitutes the criminal offence of spreading drug addiction. The Penal Code also sets out a separate criminal offence of serving alcoholic beverages to young persons, although alcohol is a freely accessible substance. It is, however, a habit-forming substance, the excessive use of which may lead to dependency and the destruction of personality. This represents an acute danger for young people, which is why young people must be protected against being served alcoholic beverages under criminal law.

334. The authority acting as a coordinating, advisory, initiative-taking and control body of the Government of the Slovak Republic, in connection with its drug policy and fight against drugs, is the Ministerial Committee on Drug Addiction and Drug Control, established in 1995. The executive body responsible for implementing the conclusions of the Ministerial Committee and for the coordination of drug control activities at the level of ministries and other central State administrative authorities is the General Secretariat of the Ministerial Committee for Drug Addiction and Drug Control, set up within the Government Office of the Slovak Republic. By resolution No. 534 of 22 May 2002, the Government approved a proposal for the fulfilment of institutional and financial requirements connected with the participation of the Slovak Republic in the European Monitoring Centre for Drugs and Drug Addiction. This resolution also provided for the establishment of the National Monitoring Centre for Drugs attached to the General Secretariat of the Government Office, which ensures the collection of information about drugs, and which joined the European information network on drugs - Reitox - in 2003.

335. The key programme document relating to government drug policy is the National Programme for the Fight against Drugs. The current, ongoing programme is the National Programme for the Fight against Drugs, approved by Slovak Government resolution No. 289 of 15 April 2004 for the period 2004-2008. The Programme has been elaborated further in the action plans of relevant sectors and regional authorities, in conformity with the EU Strategy and the EU Action Plan of the Fight against Drugs.
336. The Anti-Drug Fund established under Act No. 381/1996 Coll. is a non-State, special-purpose fund, which concentrates and allocates financial resources for drug prevention and treatment, and the social reintegration of drug addicts.
337. A network of social reintegration centres created in the Slovak Republic to help minors who are dependent on drugs provides, inter alia, treatment and education, counselling, special-interest activities, work therapy, etc.
338. Special attention is paid to the prevention of drug addiction, in particular, prevention that targets school populations. Prevention programmes are carried out mainly by educational prevention facilities that provide professional assistance to children from socially or educationally deprived environments and children with impaired psychosocial development, and by counselling centres that provide professional services in the area of educational counselling, special pedagogy counselling and care for children.
339. Primary and secondary schools have coordinators for the prevention of drug addiction and other sociopathic phenomena; coordinators work with school management in drawing up and implementing preventive programmes at schools. They cooperate with pedagogical and psychological counselling offices/centres (departments) for educational and psychological prevention, and with the professional staff of health and social affairs services. The network of educational establishments providing professional counselling and preventive care covers all the administrative districts of the Slovak Republic.
340. An important role in the area of prevention in the education sector is also played by school clubs for children, special-interest centres and leisure centres established under the law. They organize educational and instructional activities for school-age pupils during out-of-class hours and school holidays, develop their interests, and organize various relaxation activities for pupils in their free time. The issue of primary prevention has been incorporated into the curricula of primary and secondary schools.
341. Drug issues are also tackled by other organizations that fall under the direct managerial competence of the Ministry of Education of the Slovak Republic. They include the Institute for Prognoses and Information in Education, the State Institute of Education, the Institute of Child Psychology and Pathopsychology, among others.
342. A National Anti-Drug Unit was set up in 1995 within the Criminal Police Office of the Police Corps Presidium. Its tasks in the area of drugs include police operations designed to detect organized drug-related crime and cooperation with other police force services in addressing organized, drug-related crime. Anti-drug sections of departments for the fight against organized crime set up within regional police directorates deal with criminal offences connected with the production, possession, and primarily the distribution of drugs; they take steps designed

to detect organized crime related to drugs, and cooperate with State administrative authorities in the detection and documentation of drug-related crime and the identification of perpetrators, and in the field of preventive measures, the identification and clarification of the causes and conditions that give rise to drug-related crime. The Customs Crime Office started to operate in Slovakia on 1 January 2005; among other things, it carries out tasks in the fight against the illicit import, export and transit of narcotics, psychotropic substances and precursors. In Slovakia, State administration bodies concerned with precursors are:

- The State Institute for Drug Control;
- The Ministry of the Economy;
- The Ministry of the Interior;
- The Customs Directorate of the Slovak Republic, customs offices and the Customs Crime Office.

### **Sexual exploitation and sexual abuse**

343. As stated above, the Slovak Republic is a party to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

344. Sexual abuse constitutes a predicate offence. The criminal offence of sexual abuse is committed by any person who performs sexual intercourse with a person under 15 years of age or who otherwise sexually abuses such a person. Under the Penal Code, this criminal offence carries a sentence of 3 to 10 years of imprisonment. If such an offence is committed against a protected person, the sentence is increased to 7 to 12 years of imprisonment. Any person who induces to extramarital intercourse or otherwise sexually abuses a person under 18 years of age entrusted to his care/supervision or dependent on his care is liable to a prison sentence of between 1 and 5 years. If a person under 18 years of age is compelled to perform such an act under duress, this constitutes an aggravated offence, carrying a sentence of imprisonment of between 2 and 8 years. Sexual violence also constitutes a criminal offence which, when committed against a protected person, entails a more severe prison sentence.

345. Slovak judicial practice and legislation do not recognize the term “sexual exploitation of children”. The provisions of the Penal Code that may fall under this generic concept include the offence of sexual abuse and the offence of endangering the moral upbringing of young people.

346. Protection against criminal activities involving sexual exploitation and sexual abuse has been strengthened mainly by including the organization of, and deriving profits from, prostitution on the list of various criminal offences, and through the introduction of stricter sanctions. The pertinent criminal offences are, in particular, the offence of pandering and the offence of moral endangerment, involving the circulation, dissemination, enabling public access to, and the production or import of, written pornographic material, audio or video media, and the other representation of subjects which endanger morality by depicting, among other things, sexual intercourse with a child. Offering, permitting the use of, or making accessible such items to a person of less than 18 years of age is also punishable by law.

347. A unit known as the department for general crime and crime committed by and against young people has been set up within the Police Corps Presidium to deal with criminal offences committed by or against young people. The unit currently has two staff members working in the given area, providing methodological guidance and, where appropriate, practical and methodological assistance to the staff of general crime units attached to the judicial and criminal police offices of regional and district Police Force directorates. One staff member is designated within each judicial and criminal police office to deal specifically with criminal activities committed by young people and against them, to keep relevant records, and to carry out prevention measures.

348. The department for trafficking in persons, sexual exploitation and victim support - set up within the office for the fight against organized crime - has 10 staff members. If necessary, the department is capable of providing practical and methodological assistance to the staff of general crime departments within the judicial and criminal offices of regional and district police corps directorates. Both units organize regular meetings and training courses for the staff of general crime departments within the judicial and criminal offices of regional and district police corps directorates. Experts on relevant issues are invited to take part in these events.

349. Other provisions that regulate this area include internal acts of the Ministry of the Interior, namely, Order No. 23/2003 on the suppression of the crime of child pornography published on the Internet, Order No. 24/2003 on the actions of police units in respect of crimes committed by and against young persons (this order is currently under revision), and Order No. 5/2005 on the actions of the criminal police in the area of the fight against human trafficking and sexual exploitation, issued by the President of the Slovak Police Force. These questions are also addressed in the National Action Plan on Children, the National Action Plan on Women and the National Action Plan on the Fight against Human Trafficking for the period 2006-2007.

350. Among the main root causes of crimes against morality are the uncontrolled use of leisure time by children and young people, dysfunctional family environments and the provocative behaviour of girls and women. A highly latent form of crime continues to consist in the sexual abuse of dependent persons, which occurs mainly in closed environments (families, school collectives, etc.). The most serious crimes against morality include rape. Most victims are older than 18. Nevertheless, the data observed every year suggest that an important proportion of victims belong to the age brackets of 7 to 15 and 16 to 18 years. In 2005, persons aged 7 to 15 years accounted for 17 per cent of all rape victims, while those in the 16 to 18 age bracket accounted for 14 per cent. In 2005, rape against a minor under 6 years of age was committed in 1 case, 34 victims belonged to the 7 to 15 age group; i.e. an increase of 2 cases over 2004 (32), while 28 victims belonged to the 16-18 age group; i.e. a decrease of 6 cases compared to 2004 (34).

351. The most frequent crime against morality committed in relation to adolescents is sexual abuse. Adolescents, mainly girls aged 7 to 15 represent a specific target for this crime. Of the 384 sexual abuse offences recorded in 2005, 311 were resolved. The number of sexual abuse offences recorded in 2004 was 449, of which 378 were resolved. The number of criminal offences committed against persons younger than 15 in the relevant period was 371, representing a decrease of 56 cases compared to 2004 (427). The number of criminal offences committed

against persons aged 16 to 18 was 9; i.e. 7 cases less than in 2004 (16). The number of victims younger than 6 years of age was 17 - a decline of 5 cases compared with 2004 (22). The number of victims in the age category 7 to 15 was 354; i.e. 51 victims less than in 2004 (405).

352. The number of cases of sexual violence committed in 2005 was 85, representing a decrease of 7 cases compared to 2004 (92). Of this number, 64 criminal offences were resolved; i.e. 10 less than the year before. The number of offences resolved in 2004 was 74. The number of criminal offences of sexual violence committed against persons under the age of 18 in 2005 was 39. One criminal offence of sexual violence was committed against a child under 6 years of age; i.e. 4 cases less than in 2004 (5). Children from the ages of 7 to 15 were victims of sexual violence in 25 cases; i.e. 7 cases less than in 2004 (32). Sexual violence was committed against 13 juveniles - the same number as in 2003.

353. The criminal offence of intercourse between relatives was committed in eight cases in 2005 - an increase of four cases over 2004. All of these cases were resolved.

354. The Slovak Republic participates in the programmes Daphne and Daphne II. Daphne is a special programme for the fight against violence. The programme is aimed mainly at the prevention of, and protection against, all forms of violence committed against children, young people and women, in private or in public.

355. Slovak non-governmental organizations participated in 10 projects under the Daphne programme, such as the "Translation and Dissemination of the SCEP Statement of Good Practice - to prevent violence through its promotion and use", "Pandora - Domestic Violence in Central Europe", etc. The following projects were concerned with violence against children:

- Identifying best practice in the de-institutionalization of children under 5 years from European institutions;
- European peer review of good practice: a tool to combat domestic violence;
- Pandora - Domestic Violence in Central Europe, Childscope 7/25;
- Promoting integrated European policies on missing and sexually exploited minors in CY, EE, LV, LT, MT, SK and SI;
- Bridging gaps - Models of cooperation between women's NGOs and State authorities to prevent violence against women and children.

356. The Penal Code recognizes the concept of prostitution. It means the gratification of a person's sexual needs through intercourse, other types of sexual service, or similar means, for money. Two forms of prostitution are distinguished in the Slovak Republic. One is so-called "street prostitution", found exclusively in larger cities. It is performed by young women and girls, either individually or under the protection of "pimps". The second form is covert prostitution. It is more organized in nature, and is not performed in public places. Prostitution as such is not punishable, but is related to the criminal offence of trafficking in persons and the criminal offence of pandering.

### **Sale, trafficking and abductions**

357. The criminal offence of trafficking in children (for the purposes of the Penal Code, a child means a person under 18 years of age) is committed by a person who, in violation of a generally binding regulation, places a child under the charge of another person for adoption purposes, or by a person who places a child under the charge of another person in order to use the child for labour or other purposes. It follows from the wording of these provisions that the perpetrator is liable to punishment even in the absence of the promise of remuneration, if the act is committed for profit-seeking reasons. From an objective point of view, criminal acts are not only those that involve placing a child under the charge of another person, but also abducting a child in the country of residence or abroad for the purpose of adoption, child labour, or other purposes (such as prostitution), in violation of the child's fundamental human rights and freedoms (more specifically, the rights of the child with regard to profit-seeking motives).

358. The objective of such criminal activity is to procure girls and women for prostitution abroad, for both street prostitution and organized prostitution in various establishments providing erotic services. Slovakia is mostly the country of origin of the victims of trafficking in persons; i.e. women from Slovakia are sold abroad for the purposes of prostitution or other forms of sexual exploitation.

359. In 2005, victims of the criminal offence of trafficking in persons also included persons under 18 years of age - among the four victims in this age category, there were none under the age of 15.

360. Other criminal offences include hostage-taking and abduction with a view to extortion. The crime of abducting a child is committed by a person who removes a child from the custody of a person who has the obligation to take care of the child under the law or on the basis of an official decision, or by a parent or relative in direct descent who removes a child from the custody of a person who has the obligation to take care of the child under the law or on the basis of an official decision.

### **Other forms of exploitation**

361. The protection of children under criminal law is provided for under a separate chapter of the Penal Code, dealing with criminal offences committed against family and youth. These include polygamy, the abandonment of a child, the desertion of a child, defaulting on mandatory maintenance payments, the ill-treatment of a close person or a person entrusted to one's care, abduction, and endangering the moral education of youth.

362. If the above criminal offences are committed against "protected persons", they are considered to be aggravated offences. According to the law, protected persons are children, pregnant women, close persons, dependent persons, elderly persons, sick persons, persons enjoying protection under international law, public officials or persons carrying out their lawfully assigned duties, and witnesses, experts, interpreters or translators.

363. The Penal Code also covers cases of child pornography. The criminal offence of producing child pornography is committed by a person who uses, procures, offers, or otherwise abuses a child for the production of child pornography, who facilitates such abuse, or otherwise

participates in such production. Criminal activities related to child pornography have harmful effects on the healthy physical and psychological development of children. These activities are highly latent. Two basic forms of child pornography have been identified to date. The first form is the short-term export of children and juveniles abroad for the purpose of exploiting them for creating pornographic films or pornographic photographs and nude pictures. In most cases, these children come from dysfunctional families, and have no motivation to study or seek employment. The victims identified in this type of case to date consented to being treated in the above manner. The second form involves the production of home pornographic films and pornographic images, produced mostly under amateur conditions. Such material is not only of interest to organized crime syndicates with international contacts, but also in a less organized manner - for persons with paedophile inclinations for their sexual gratification, or for persons with the criminal intent to exploit them for commercial purposes.

364. An important medium used to commit crimes related to child pornography is the Internet, through which it is possible to disseminate pornographic material. This material is then accessible not only to adults, but also to young people. Children and young people can come into contact with unknown persons at the other end of the computer link, who may have paedophile inclinations, and use this medium to seek out potential objects for their sexual gratification. Three of a total of four cases concerning the production of child pornography detected in 2005 were resolved. The possession of child pornography was established in three cases, all of which were resolved. As regards the two recorded cases of the dissemination of child pornography, neither of them were resolved.

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