



# 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

Combined third, fourth and fifth periodic reports of States  
parties due in 2012

**Slovakia\***

[Date received: 14 October 2013]

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\* The present document is being issued without formal editing.



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## Introduction

1. The Slovak Republic became a state party to the Convention on the Rights of the Child (hereinafter the “Convention”) by succession on 28 May 1993, with effect from 1 January 1993. Slovakia’s initial report on the was reviewed by the Committee on the Rights of the Child (hereinafter the “Committee”) in its 25th meeting at Geneva on 03 October 2000.<sup>1</sup> Slovakia’s second periodic report for the period 2001-2005 was considered by the Committee at its 1231st and 1232nd meetings on 22 May 2007, and at its 1255th meeting on 08 June 2007 the Committee adopted its Concluding Observations on the report (hereinafter the “Concluding Observations”).<sup>2</sup>

2. Slovakia herein submits the consolidated third, fourth and fifth periodic report on measures adopted to give effect to the rights recognised in the Convention and on progress achieved in implementing the rights (hereinafter the “Report”) in accordance with article 44 of the Convention for the period 2007-2012. The Report was prepared by the Ministry of Labour, Social Affairs and Family of the Slovak Republic in cooperation with the central government bodies responsible for relevant sectors, the government plenipotentiary for Roma communities, the government plenipotentiary for national minorities and other actors in the area of children’s rights. In accordance with the guidelines regarding the form and content of periodic reports on the Convention,<sup>3</sup> the Report provides information according to the clusters of rights identified by the Committee with specific information on measures adopted to implement the recommendations from previous Concluding Observations.<sup>4</sup>

3. Despite the undeniable problems caused by the financial crisis during the reporting period, Slovakia has adopted and implemented many major legislative and non-legislative measures in most of the areas affecting children’s lives and the protection of their rights. Furthermore, in June 2010 Slovakia ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol and on 28/02/2012, during the 19th session of the Human Rights Council, the prime minister of the Slovak Republic became one of the first to sign the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which is currently being prepared for ratification.

## I. General measures for implementation (arts. 4, 42 and 44 (6) of the Convention)

4. Slovakia has not made any reservations in connection with the Convention or its Optional Protocols. Slovakia is bound not only by the Convention but also by other international treaties on the rights of the child. The Convention on the Rights of Persons with Disabilities is particularly relevant as regards the rights of children with disabilities. Slovakia ratified this document and its Optional Protocol in June 2010. Slovakia has made a reservation to this convention but it does not affect any area relating to children.<sup>5</sup>

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<sup>1</sup> CRC/C/15/Add.140.

<sup>2</sup> CRC/C/SVK/2.

<sup>3</sup> CRC/C/58/Rev.2.

<sup>4</sup> The text of the Report includes references to passages that respond directly to the Concluding Observations.

<sup>5</sup> After deposit of the instruments of ratification, the Slovak Republic made a reservation to article 27(1)(a) of the Convention on the Rights of Persons with Disabilities in accordance with article 46 thereof (1)(a) under the as follows: “the Slovak Republic applies the provisions of Article 27 paragraph (1)(a) under the condition that the implementation of the prohibition of discrimination on

5. Slovakia's initial report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) and the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) were submitted to the Committee in October 2009. The body responsible for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict is the Ministry of Defence of the Slovak Republic. The body responsible for the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography is the Ministry of Interior of the Slovak Republic. Slovakia's initial reports on both Protocols were considered in Geneva on 23/01/2013. The Coalition for Children submitted an alternative report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.<sup>6</sup> The bodies responsible for the two Optional Protocols are currently preparing measures for implementation<sup>7</sup> based on the Committee's concluding observations.<sup>8</sup>

## A. Legislation

6. In the years 2009-2012, Slovakia made an important contribution to the adoption of a new international document – the Optional Protocol to the Convention on the Rights of the child on a communications procedure (hereinafter the "Protocol"). The Protocol is the first international human rights document where the Slovakia has been a leader and coordinator in the preparation process. Since 2009 Slovakia, represented by the Ministry of Foreign and European Affairs, has lead negotiations on the Protocol and chaired the working group that drafted the Protocol and coordinated numerous related activities including the submission of four resolutions to the United Nations in Geneva and New York. In view of Slovakia's involvement in the preparation of the Protocol, Slovakia has an interest in ensuring its ratification at the earliest opportunity. At present procedural steps are underway for ratification.

7. In Slovakia the adoption and implementation of all policies that affecting or potentially affecting children take into account first and foremost the special recommendations of the Committee and all previously issued comments of the Committee

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grounds of disability when setting conditions for recruitment, hiring and employment duration does not apply to admission to the service of members of armed forces, armed security services, armed services, the National Security Office, the Slovak Intelligence Service and the Fire and Rescue Service".

<sup>6</sup> The effort to prepare an alternative report on the implementation of one of the Optional Protocols in Slovakia has motivated the creation of a coalition of non-governmental organisations with long-term involvement in work with children and young people in Slovakia or issues affecting children and young people aged 26 years or under, including marginalised groups and refugees. The founder members are representative non-governmental organisations operating in all areas for the protection of children's rights.

<sup>7</sup> The Ministry of Interior, as the body responsible for the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, has responded to the concluding observations of the Committee on the Rights of the Child on the initial report on the Optional Protocol by preparing information on the current state of implementation and/or measures planned for implementation for each of the Committee's recommendations individually; this information was prepared in cooperation with the authorities in relevant sectors. The material has been submitted to the Ministry of Foreign and European Affairs and will be discussed in interdepartmental consultation and then submitted for deliberation by the government.

<sup>8</sup> CRC/C/OPAC/SVK/CO/1.  
CRC/C/OPSC/SVK/CO/1.

on individual articles of the Convention and guidelines issued by the Committee, because the Convention has been incorporated into national law with priority over domestic laws. The rights of the child contained in each article of the Convention are, as in the last period, implemented mainly in legislation on education, social security, health care, family law, civil law and criminal law. In the reporting period education law in Slovakia was overhauled and other areas of legislation were reformed with the aim of ensuring consistency. In addition to the insertion of specific policies implementing children's rights into draft legislation, procedures have been added to the legislative process to ensure that domestic legislation conforms to the Convention: all legislation is subject to external consultation proceedings which are open not only to subjects whose consultation is obligatory but to all institutions and natural persons; furthermore, all material affecting children's rights must be considered by, amongst others the Committee for Children and Young People of the Government Council for Human Rights, National Minorities and Gender Equality. In accordance with the Committee's recommendations in concluding observations Nos. 8 and 10, an extensive revision of criminal law was prepared in 2012 to protect the rights of children victims (the proposed amendments will help to combat the sexual abuse and sexual exploitation of children, prevent child pornography and human trafficking and protect victims of trafficking); the draft legislation is now in the legislative process.

8. In order to protect children victims and witnesses of crimes against secondary victimisation, section 135 of the Criminal Code defines a special procedure for use by law enforcement officials when interviewing witnesses of crimes under the age of 15 years on matters whose recall could, due to their age, have a negative effect on their intellectual and moral development (concluding observation of the Committee No. 10). Under Section 136(1) of the Criminal Code, if there are grounds to believe that a witness or a person close to the witness could be put at risk by disclosing his/her permanent residence, the witness can be permitted to give as permanent residence his/her workplace or another place where he/she can receive summonses. Under Section 136(2) of the Criminal Code, if there are grounds to believe that disclosing the identity, permanent residence or temporary residence of a witness could put at risk his/her life, health, bodily integrity or likewise threaten a person closely related to him/her, a witness can be permitted not to provide such information. Before interviewing a witness whose identity should be kept secret, law enforcement agencies and the court shall take measures as required to protect the witness's identity such as changing his/her appearance and voice, or carrying out the interview using audiovisual transmission equipment. Such a procedure must be approved by the president of the panel of judges in court, and by a prosecutor in pre-trial proceedings. Under Section 46(8) of the Criminal Code, if a law enforcement agency or a court finds that an injured party is at risk due to the residence of an accused or convicted person at liberty, they shall inform the injured party:

- (a) when an accused person is released from remand or escapes;
- (b) when a convicted person is released from prison or escapes.

An injured party can request a prosecutor, in pre-trial proceedings, or the court during a trial, to inform him/her of the above matters.

9. Under Section 139(1) of the Criminal Code, if a law enforcement agency or a court finds that a witness is at risk due to the residence of an accused or convicted person at liberty, they shall inform the injured party:

- (a) when an accused person is released from remand or escapes;
- (b) when a convicted person is released from prison or escapes.

A witness can request a prosecutor, in pre-trial proceedings, or the court during a trial, to inform him/her of the above matters.

10. Other relevant provisions are laid down in Section 6(2) of the Criminal Code on provision of information, which permits law enforcement agencies to keep secret information that could block or impede the clarification and investigation of matters. In this they must have regard for the principle of presumption of innocence. They must also ensure that they do not disclose protected personal data or matters of a private character in particular family life, residence and correspondence addresses, if these do not relate directly to a crime. Special attention must be given to the interests of minors, young people and injured parties, whose personal data must not be made public. With regard to the application of the rights of minors in criminal proceedings, it must be borne in mind that under section 9(1) of the Civil Code, minors have legal capacity only for acts whose requirements for understanding and decision-making abilities are compatible with the child's age. If an injured party is deprived of legal capacity or his/her legal capacity is restricted, under Section 48 of the Criminal code his/her rights are exercised by his/her legal guardian, who can authorise a victim-assistance organisation to act on the victim's behalf. If the victim's legal guardian cannot represent his/her rights and there are risks from delay, a guardian can be appointed to exercise the injured parties rights by the president of the panel of judges, or the supervising judge acting at the request of a prosecutor in pre-trial proceedings. If a crime is committed against a closely related person or a person in care and the injured party is a minor, the guardian must be a state body or the authorised representative of a victim-assistance organisation. Witness protection issues are also addressed by Act No. 256/1998 Z. z. on the protection of witnesses, as amended, which regulates the conditions and procedures for providing protection and assistance to endangered witnesses, protected witnesses and persons closely related to them, whose provision of witness statements or evidence has put their life or health at risk from the perpetrators of a crime for which a sentence of life imprisonment is possible under the Criminal Code or a crime committed by an organised group, criminal group or terrorist group. If the endangered witness is a minor, his/her legal guardian concludes a written protection agreement on his/her behalf. If the minor's legal guardians cannot conclude a protection agreement on behalf of the minor or refuse to do so, and participation in a protection programme is in the child's interest, the written protection agreement can be concluded by the endangered witness personally; concluding a protection agreement in this way requires court authorisation. Protection for victims of human trafficking is provided in accordance with regulation of the minister of interior No. 47/2008 establishing a programme for the support and protection of the victims of human trafficking, as amended by regulation of the minister of interior No. 170/2010. The programme for the support and protection of the victims of human trafficking is run by the office of the minister of interior.

## **B. Coordination, national action plan**

11. In November 2007 the government considered the Report on the Procedure and Results of Consideration of the Second Periodic Report of the Slovak Republic on Implementation of the Convention and amongst other things instructed the minister of labour, social affairs and family to submit for consideration by the government a draft National Action Plan for Children including proposals for a comprehensive solution for institutional guarantees of protection for children's rights:

- Institutional coordination of policies for the protection of children's rights in accordance with the recommendations of the Committee – a ministerial committee for children.

- Establishment of a separate, independent mechanism to receive and investigate complaints filed by children or on their behalf and to monitor implementation of the Convention, in accordance with the Paris Principles – a separate institution protecting children's rights.

12. The National Action Plan for Children 2009-2012 received government approval in January 2009. The National Action Plan was based on a full review of the results of the National Action Plan 2002-2004. It was prepared by teams of experts with responsibility for the clusters of rights defined by the Committee. The aims of the plan, in accordance with the Committee's Concluding Observations, focussed mainly on policy coordination and independent mechanisms for protection children's rights, education, upbringing, free time and cultural activities, children and the family, the family environment and alternative care, health, health care and child nutrition, social and other measures to raise the living standard of children and families, and special protective measures. (Concluding Observation No. 14 of the Committee)

13. At present a new National Action Plan for Children 2013-2017 is in force in Slovakia. In accordance with the Committee's requirement that the action plan be based on a solid assessment of the implementation of the previous action plan, an aggregate evaluation of the performance of tasks in the National Action Plan for Children 2009-2012 was incorporated into the new National Action Plan for Children 2013-2017 as an annex. The new National Action Plan for Children 2013-2017 was prepared by the Committee for Children and Young People and includes activities directly linked to specific provisions of the Convention and its Optional Protocols, the Committee's Concluding Observations on Slovakia's initial and second periodic reports on measures adopted to give effect to the rights recognised in Convention, and other recommended sources consistent with the aims of the National Action Plan for Children (in particular human rights standards of the Council of Europe, European Union (EU) directives, etc.). Representatives of the non-governmental sector belonging to the Coalition for Children participated intensively in preparation of the National Action Plan for Children. Progress in defined areas will be monitored through continuous monitoring and evaluation of the fulfilment of tasks under the National Action Plan for Children 2013-2017 by the Committee for Children and Young People, including the direct participation of the target group through the mechanism for children's and young people's participation in the Committee for Children and Young People. Public control bodies and independent human rights institutions will continue to play an important part in the monitoring system.

14. A new component in the preparation of the National Action Plan for Children 2013-2017 was the direct involvement of children and young people as an affected target group by means of qualitative research with a group of children aged 11-15 years carried out in cooperation with the Slovak Committee for the United Nations Children's Fund (UNICEF). The outputs from the qualitative survey "Children talk about their rights – a qualitative investigation into children's lives in Slovakia" were used as one of the inputs for formulating the tasks in the National Action Plan for Children 2013-2017 and are attached as an annex to the national action plan.

15. Another relevant document is the National Action Plan for Gender Equality 2010-2013, which emphasises that the most significant effect of gender equality in the relevant areas is discrimination against women. This document directs attention to increasing the effectiveness and quality of the system for preventing and eliminating discrimination and violence in all forms and contexts. The adopted material includes an activity/recommendation for providing advice through regional advice and intervention centres for women experiencing violence and their children, for victims of domestic violence and gender-aware leadership and supervision for the staff of crisis intervention centres in cooperation with NGOs.

16. At the same time as it approved the National Action Plan for Children 2009-2012, the government established the Ministerial Committee for Children as an advisory, coordination, control and initiative-proposing body for matters relating to the rights of the child and the exercise of children's rights, with responsibility for monitoring progress in the tasks laid down by the National Action Plan for Children 2009-2012, preparing updates to the plan and evaluating fulfilment. In the years 2011 and 2012 the government's advisory bodies were reorganised. In 2011 the government established the Government Council for Human Rights, National Minorities and Gender Equality, dissolved the Ministerial Committee for Children and transferred its functions to the newly created Committee for Children and Young People. The government confirmed the continued functioning of the Committee for Children and Young People within the Government Council for Human Rights, National Minorities and Gender Equality in June 2012. One of the main responsibilities of the Government Council for Human Rights, National Minorities and Gender Equality is the coordination of human rights policies. The Government Council for Human Rights, National Minorities and Gender Equality is chaired by the deputy prime minister and minister of foreign and European affairs; the council has a broad membership base. A number of subordinate committees report to the Government Council for Human Rights, National Minorities and Gender Equality on specific areas of human rights policy;<sup>9</sup> these committees are established by the government and positions of principle adopted by the committees<sup>10</sup> are binding for the Government Council for Human Rights, National Minorities and Gender Equality. The Committee for Children and Young People is chaired by the minister of labour, social affairs and family; the committee's secretariat<sup>11</sup> is part of the organisational structure of the Ministry of Labour, Social Affairs and Family. The committee has two deputy chairpersons who come from outside the civil service or public administration; members of the committee include representatives from the civil service, local government, independent institutions, the non-governmental sector and the majority of members are from outside the civil service (Concluding Observation No. 12 of the Committee).

17. The Ministerial Committee for Children was responsible for the coordination of the implementation of the Convention. After the reorganisation of the government's advisory bodies in 2011 and 2012, in which the Ministerial Committee for Children was dissolved, the coordination functions of the committee were transferred to the Government Council for Human Rights, National Minorities and Gender Equality. Auxiliary functions for the preparation, the monitoring of fulfilment and the updating of the National Action Plan for

<sup>9</sup> Committees of the Council: Committee for national Minorities and Ethnic Groups, Committee for Preventing and Eliminating Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance, Committee for Research, Education and Upbringing on Human Rights and Development Education, Committee for Seniors, Committee for Persons with Disabilities, Committee for Gender Equality, Committee for Children and Young People, Committee for the Rights of Lesbians, Gays, Transgender and Intersexual Persons.

<sup>10</sup> The adoption of a resolution on a position of principle requires the support of at least a 3/5 majority of all members of the committee and at the same time at least half the representatives of non-governmental organisations.

<sup>11</sup> The secretariat of the committee is its executive body responsible for ensuring that the organisational, personnel, administrative and technical conditions are met for the activities of the committee and also performs tasks laid down by the National Action Plan for Children. It also performs the function of the national focal point for the Council of Europe programme "Building a Europe for and with Children", including responsibility for information exchange and coordination of the implementation of programme activities on the national level; it also participates in the development of European and international legislation within the committee's area of competence in accordance with Slovakia's positions and programming documents, taking into account resolutions of the committee and the conclusions of its working groups.

Children are the responsibility of the Committee for Children and Young People. In view of the redistribution of competences between the two bodies (the Government Council for Human Rights, National Minorities and Gender Equality and the Ministerial Committee for Children), the question of the umbrella organisation for implementation of the Convention and its Optional Protocols will be addressed in the next period (in connection with the preparation of the National Strategy for the Protection and Promotion of Human Rights in Slovakia – September 2013) (Concluding observations Nos. 11 and 12 of the Committee).

### **C. Independent monitoring**

18. Slovakia has not yet established a separate, independent mechanism to receive and investigate complaints filed by children or on their behalf and to monitor implementation of the Convention, in accordance with the Paris Principles – a separate institution protecting children's rights. Given the size of the country and the existence of the constitutional institution, the Public Defender of Rights, and the existence of the Slovak National Centre for Human Rights, until 2012 the monitoring institution was conceived of as part of the Office of the Public Defender of Rights. Under the influence of the new Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, a working group was established at the proposal of the Ministry of Labour, Social Affairs and Family (including representatives from the justice and foreign and European affairs sectors together with representatives of children's rights advocacy organisations) to review the options for public protection of children's rights and proposed that the topic of a children's ombudsman should be addressed separately, taking into account the parallel obligation to establish an independent mechanism laid down by article 33(2) of the Convention on the Rights of Persons with Disabilities. A legislative solution for this obligation is currently being developed and it is expected that the defence of this solution (or supplementary written answers to the Committee's questions) will resolve this issue.

### **D. Allocation of resources**

19. The task in the National Action Plan for Children to design and implement a method for tracking resources allocated from the state budget for the implementation of the economic, social and cultural rights of the child, with a particular emphasis on the most vulnerable groups of children, including Roma children, was due for completion by the end of 2012 but due to the changing structure of the responsible bodies (multiple changes of government in Slovakia and the reorganisation of the government's advisory bodies) it was not possible to complete the task within the set period. In the new National Action Plan for Children 2013-2017 the task is therefore one of the plan's four core priorities. The new plan also includes local government in the process of identifying a mechanism for monitoring and allocating state budget resources for the protection of children and families. (Concluding Observation No. 17 and 18 of the Committee)

### **E. Data collection**

20. From 2012 to 2015 the Ministry of Labour, Social Affairs and Family and the Regional Centre of the United Nations Development Programme (UNDP) for Europe and the Commonwealth of Independent States are implementing a project "Statistical

Monitoring of Living conditions of Selected Population Groups”,<sup>12</sup> the purpose of which is to monitor the development of living conditions of marginalised Roma communities in Slovakia in order to provide data and analyses for social inclusion policies aimed at this disadvantaged section of the population. Office of the Government Plenipotentiary for Roma Communities also participates in this project. The acquired statistical information will permit better definition of social policy instruments. The project is divided into 6 activities – 3 activities involving quantitative selective field surveys,<sup>13</sup> 2 activities involving in-depth qualitative studies of living conditions<sup>14</sup> and 1 activity to produce a synthetic analysis of developments in the living situation and social integration of the marginalised Roma community during the implementation of the project. In the period 2010-2012 the following tasks were completed within the activities: representative quantitative surveys of Roma households in Slovakia (housing, education, health, labour market, material deprivation, subjective perception of situation), sociographic mapping of the concentration of marginalised Roma communities (ATLAS) and in-depth research into selected aspects of living conditions in segregated communities (income, expenditure, consumption, standard situations). The purpose of the in-depth research was to extend the knowledge base on excluded Roma communities in a number of dimensions used to measure quality of life and the depth and forms of exclusion, to dig deeper into the most critical problems and to add missing information on those areas of life in which quantitative questionnaires are “not enough”. The added value of these in-depth investigations is that they can complement and improve future quantitative surveys with indicators and markers that could improve statistical monitoring of living conditions in excluded communities. The combination of research methods should lead to a comprehensive understanding of the living conditions of marginalised Roma communities, which can be used in the development of targeted and adequate measures and support programmes to overcome long-term exclusion. Another activity was a qualitative research project entitled “Marginalised Roma communities through the eyes of the caring professions”, which mapped the situation and identified obstacles in the provision of services supporting the social integration of this population group. Data from the project have been used as key materials for the *Strategy of the Slovak Republic for the Integration of Roma to 2020*. The European Commission sees this strategy as an example of best practice because of its use of many precise indicators and the well-developed framework for monitoring and evaluation.

21. The Institute of Information and Prognoses of Education contributes to data collection by regular monitoring of education, respect for human rights in schools and information on systematic work with children and young people in the area of informal education of children and young people, including free time activities and regular interest activities. Already well-established is the monitoring of regular school attendance and the number of hours of unexcused absence, classified by kind and type of school, by regions of

<sup>12</sup> The project follows on from a project carried out by the UNDP in 2005 and which also centred on surveys of living conditions in Roma households. Selected outputs from the current project were presented at a number of professional conferences and seminars and on the international level results of the project were presented at more than one meeting of the Steering Committee of the international initiative Decade of Roma Inclusion 2005–2015.

The methodology, data and results of the project are presented on a website including an integrated knowledge base for the project and other activities for the same purpose that the UNDP is carrying out in other EU Member States and candidate countries. <http://europeandcis.undp.org/ourwork/roma/>.

<sup>13</sup> Collection of representative quantitative data by means of questionnaires on household living conditions, to produce a database and analytical studies.

<sup>14</sup> Income and consumption, how marginalised households cope with everyday situations, status in the labour market, the caring professions’ perspective on the issue.

Slovakia and also allowing comparison over time, together with analyses of truancy and problem behaviour amongst primary and secondary school students by region and district.

22. In Slovakia policy goals are supported by detailed statistical monitoring and various surveys. In order to eliminate deficiencies in the collection of ethnic data on children belonging to national minorities (Concluding Observations Nos. 19 and 20) including the area of social and legal protection of children and social guardianship, in 2008 the research institute of the Ministry of Labour, Social Affairs and Family carried out the task “Draft system of methods for collecting and analysing data on children from ethnic minorities for whom measures of social and legal protection and social guardianship are performed: Implementation of the concluding observations of the UN Committee on the Rights of the children of 8 June 2007”. Because the outputs of the task clearly indicate the risk of a data collection policy that is not based on self-identification, ethnic data is not collected in this area.

Table 1  
**Slovakia – Population by nationality – census 2011, 2001, 1991**

| <i>Living population nationality</i> | <i>2011</i>      |              | <i>2001</i>      |              | <i>1991</i>      |              |
|--------------------------------------|------------------|--------------|------------------|--------------|------------------|--------------|
|                                      | <i>abs.</i>      | <i>in %</i>  | <i>abs.</i>      | <i>in %</i>  | <i>abs.</i>      | <i>in %</i>  |
| <b>Total</b>                         | <b>5 397 036</b> | <b>100.0</b> | <b>5 379 455</b> | <b>100.0</b> | <b>5 274 335</b> | <b>100.0</b> |
| Slovak                               | 4 352 775        | 80.7         | 4 614 854        | 85.8         | 4 519 328        | 85.7         |
| Hungarian                            | 458 467          | 8.5          | 520 528          | 9.7          | 567 296          | 10.8         |
| Roma                                 | 105 738          | 2.0          | 89 920           | 1.7          | 75 802           | 1.4          |
| Czech                                | 30 367           | 0.6          | 44 620           | 0.8          | 52 884           | 1.0          |
| Ruthenian                            | 33 482           | 0.6          | 24 201           | 0.4          | 17 197           | 0.3          |
| Ukrainian                            | 7 430            | 0.1          | 10 814           | 0.2          | 13 281           | 0.3          |
| German                               | 4 690            | 0.1          | 5 405            | 0.1          | 5 414            | 0.1          |
| Polish                               | 3 084            | 0.1          | 2 602            | 0.0          | 2 659            | 0.1          |
| Croatian                             | 1 022            | 0.0          | 890              | 0.0          | x                | x            |
| Serbian                              | 698              | 0.0          | 434              | 0.0          | x                | x            |
| Russian                              | 1 997            | 0.0          | 1 590            | 0.0          | 1 389            | 0.0          |
| Jewish                               | 631              | 0.0          | 218              | 0.0          | 134              | 0.0          |
| Moravian                             | 3 286            | 0.1          | 2 348            | 0.0          | 6 037            | 0.1          |
| Bulgarian                            | 1 051            | 0.0          | 1 179            | 0.0          | 1 400            | 0.0          |
| Others                               | 9 825            | 0.2          | 5 350            | 0.1          | 2 732            | 0.1          |
| Not specified                        | 382 493          | 7.0          | 54 502           | 1.0          | 8 782            | 0.2          |

*Source:* Statistical Office of the Slovak Republic, Population and Housing Census, 2011.

#### **F. Information on the Convention on the Rights of the Child, the Concluding Observations of the Committee, Training and Awareness-raising (Concluding Observation No. 21 and 22 of the Committee)**

23. In 2007 the government of the Slovak Republic deliberated on the Report on the Procedure and Results of Consideration of the Second Periodic Report of the Slovak Republic on Implementation of the Convention and instructed ministers, the government

plenipotentiary for Roma communities and the chairperson of the Statistical to review the Concluding Observations and adopt measures for their implementation.

24. The Convention, including a version of the Convention in language accessible to children prepared by UNICEF, all reports on the Convention and the Optional Protocols including the alternative report, the Concluding Observations of the Committee, the Committee's general comments on the articles of the Convention and other relevant human rights documents of a universal and regional character are made available and regularly updated on the website of the Committee for Children and Young People.<sup>15</sup> Documents are not only translated into Slovak but are also increasingly available in language that children can understand.

25. All units of responsible ministries have been familiarised with the Committee's Concluding Observations and the Public Prosecution Service has sent the Committee's Concluding Observations to all regional and district prosecution offices for use as appropriate in legal work and with a request to submit proposals for the evaluation of the Concluding Observations and for the adoption of measures for their implementation.

26. The National Action Plan for Children 2013-2017 includes specific tasks aimed at increasing awareness and knowledge of the Convention amongst policymakers, increasing interest and knowledge regarding the Convention, its Optional Protocols and understanding of all its provisions and principles by adults and children, and also providing access to information on the Convention and related documents, with a particular emphasis on making information available to children in a form they can understand.

27. In the period covered by this report the tasks and activities laid down by the Action Plans for the Prevention of All Forms of Discrimination, Racism, Xenophobia, anti-Semitism and Other Expressions of Intolerance also helped to disseminate information on the principles and provisions of the Convention, amongst other international human rights documents.

28. Systematic training is provided to relevant professional groups to promote widespread knowledge of the Convention, better understanding of its provisions and greater professionalism in work with children. Some examples of such training are given below:

29. The Ministry of Justice, in cooperation with representatives of the NGO the association of friends of children in children's homes – *Úsmev ako dar* and with input from the Ministry of Labour, Social Affairs and Family, organises regular working meetings of judges who hear cases involving young children and representatives of various professional groups, in particular representatives of the authorities for the social and legal protection of children and social guardianship, concerning family law and related topics in the area of children's rights. These regular working meetings include, amongst other things, discussion of proposed changes in legislation intended to improve the implementation of children's rights and fulfil Slovakia's obligations resulting from ratification of the Convention.

30. The Judicial Academy, the education institution of the judicial sector, and the Public Prosecution Office provide training for judges, prosecutors, trainee prosecutors, trainee judges and court officials; training curricula include regular lecture series on family law. Seminars for senior court officials at regional courts also include topics on family law. The topic of children's rights is included in the state education programmes that provide the core framework for teaching in police secondary schools.

31. A specialised study programme within the specialised subject paediatrics includes a separate chapter on education for doctors concerning the rights of the child laid down by

<sup>15</sup> <http://www.employment.gov.sk/vybor-pre-det-i-a-mladez-dokumenty.html>.

the Convention, which is a core educational specialisation programme that is a prerequisite for all subordinate specialisation study programmes in the training of doctors providing health care to children and adolescents. The acquisition of knowledge of the rights of the child is also included in study programmes for nurses, obstetric assistants, health care assistants and related educational programmes e.g. community nursing. The minimum standards for continuing education for medical professionals who come into contact with children in their professional activities require content relating to the issue of children with disabilities.

32. The Public Health Authority also participated in educational activities, providing training, in cooperation with NGOs, for pedagogical staff from 80 selected nursery schools in the use of a teaching aid and preventative educational programme on the prevention of violence “*Slovenskej republiky srdce na dlani*” (a localised version of Second Step: Violence Prevention Curriculum).

33. A methodological manual was published for the training of teachers, educational counsellors, school psychologists, psychologists, prevention coordinators and social pedagogical professionals under the title “Interventions by practitioners in the caring professions to deal with problems and defects in children’s behaviour with an emphasis on the development of their socio-emotional and moral maturity”. The methodological manual presents specific working procedures and activities to use with children and adolescents, diagnostic procedures, interventions, cooperation between schools and families, opportunities for developing social skills during work in the caring professions, prevention, and developing children’s socio-emotional and moral maturity.

34. In 2010 the educational programme Human Rights Education in Schools received accreditation; The Ministry of Education, Science, Research and Sport has a policy that all forms of communication (press conferences, conferences and meetings, including meetings with parents) emphasise the importance of education to all parents and provide all relevant information promoting the importance of education; this applies also to communication via the websites of the ministry and the website [www.iedu.sk](http://www.iedu.sk). One of the means used to increase parents’ awareness of the importance of education in the regional schools system are regular parents’ meetings and meetings of the Association of Parents and Friends of the School in nursery, primary and secondary schools.

35. Employees of the authorities for the social and legal protection of children and social guardianship regularly attend a range of training activities intended to increase professional standards and also activities concerning the children’s rights; information is also provided frequently in an accessible form on children’s rights topics; for example, a special commentary was provided on article 12 of the Convention on the Rights of the Child “the child’s right to be heard” in which a member of the Committee on the Rights of the Child presented the issue. During the period covered by this report attention focused on the gradual implementation of mandatory supervision of the activity of the authorities for the social and legal protection of children and social guardianship and facilities for social and legal protection of children and social guardianship by accredited supervisors.

36. The National Cultural Centre acts as a methodological and educational institution for the cultural sector and provides systematic training for the staff of local and regional cultural centres, including training on issues affecting children and young people.

37. Knowledge of all provisions of the Convention and its Optional Protocols has been included in the Training Plan for staff of the Ministry of Transport, Construction and Regional Development as part of continuing education for civil servants in the department for road safety, whose job description includes work for children and with children.

38. In 2011 the grant scheme of the Office of the Government supported two projects of the Slovak Committee for UNICEF – the project “Tell me what you think and I’ll listen to

you”, whose main aim was to integrate children’s rights into children’s daily lives so that they know, use and understand the right “to be heard” and the project “Junior ambassadors for children’s rights”. As part of this programme young volunteers organise approximately 400 interactive meetings each lasting around 90 minutes, which reach approximately 6 to 10 thousand pupils per year; meetings take place in children’s classrooms and cover all regions of Slovakia. The meetings covered topics related to children’s rights and helped children understand their rights and their significance, and also the duties that they have to others, using non-traditional means.

39. The project “Child Friendly Schools” relates to the implementation of the fundamental principles of the Convention in schools. Approximately 100 schools per year (nursery, primary and secondary schools) incorporate children’s rights into school materials, inform parents about children’s rights, involve children in the running of the school, make changes in the approach and method of teaching (in accordance with the “best interests of the child”) and retrain all school staff (20 schools per year are trained by UNICEF employees directly; the training is for absolutely all staff including non-teaching staff such as cooks, janitors, activity leaders and cleaners). The aim is to achieve a situation in which every member of the school community knows children’s rights and how to apply them (both children and adults) and everyone adopts an approach that makes the school environment friendlier for children.

40. The CHIPS initiative is an initiative to promote mutual assistance and support amongst children based on knowledge of the rights of the child and the organisers’ experience that children are most likely to confide their problems to their peers. The aim is to help prevent negative phenomena such as bullying, addiction, inability to cope with schoolwork, to develop healthy self-confidence and to assist the formation of values for life.

41. The Child Security Hotline programme provides remote assistance (a children’s line, a parents’ line, social and legal advice, in cooperation with the civil association *zodpovedne.sk* also internet security – children’s lives in cyberspace) and also personal interventions and preventative programmes. Throughout its many years of systematic activity, its provision of consultation and advice to all children who call and also in its work with adults (family members) who contact the hotline, it has applied the principles of the Convention, it has acted in accordance with children’s rights and it has informed participants about the existence of the rights of the child.

42. The CESTA programme provides services to families, parents and children in a temporary or permanent adverse life situation – unable to provide for their material and social needs through their own efforts. The aim of the programme is to mobilise families’ own natural resources and to strengthen the personal abilities of each family member, part of which involves providing information on children’s rights. The target group is families with children aged 18 years and under living in the territory of the Bratislava Self-Governing Region

## **G. Cooperation with civil society**

43. There has been a fundamental movement in cooperation with cooperation with civil society towards stronger institutional arrangements for cooperation with civil society organisations including non-governmental organisations, children’s and young people’s organisations and children themselves, in particular the implementation of the parity principle for the representation of civil society organisations (including non-governmental organisations and children’s and young people’s organisations in the Committee for Children and Young People). The status of non-governmental organisations is also strengthened by the possibility to adopt positions of principle addressed directly to the

government of the Slovak Republic without the intervention of the Government Council. (Concluding observations Nos. 23 and 24 on the second periodic report)

44. The regular annual evaluation and updating of the National Action Plan for Children (adopted by the government of the Slovak Republic), which is under the direction of the Committee for Children and Young People, provides civil society with a means for participating in the planning and monitoring of implementation of the Convention and its Optional Protocols.

45. During the period covered by this report, the development process for legislation and methodologies, the formulation of strategic and conceptual objectives and practical implementation, especially in the area of social and legal protection of children and social guardianship, including alternative family care included consultation between state authorities and non-governmental organisations or their umbrella organisations, e.g. the Association of Crisis Centres, the Association of Resocialisation Centres, the civil associations *Úsmev ako dar*, *Návrat*, *PRIMA*, the Association of Advisors and Supervisors, the Association of Social Work Trainers, and accredited subjects that run non-state facilities such as crisis centres, children's homes and resocialisation centres for drug and other addictions. Cooperation with non-state actors in the area of social and legal protection of children and social guardianship was extended into the area of family law.

46. The Office of the Government Plenipotentiary for the Development of Civil Society seeks to establish effective connections between the public sector and non-profit organisations, to create space for cooperation and to provide for the participation of non-governmental, non-profit organisations in the drafting of important documents. The government plenipotentiary for the development of civil society is the deputy chairperson of the Government Council for Non-Governmental Non-Profit Organisations, which includes representatives of non-governmental, non-profit organisations acting in areas relating to children and young people. The government plenipotentiary for the development of civil society is also a member of the Government Council for Human Rights, National Minorities and Gender Equality, the umbrella body for the Committee for Children and Young People. Both government councils act as advisory bodies to the government and have the competence to prepare and present draft recommendations.

47. Under this cluster, States parties are requested to provide information on whether the impact of activities by business corporations (extractive, pharmaceutical, agro-industry, among others) likely to affect the enjoyment by children of their rights are evaluated and whether measures are taken to investigate, adjudicate, repair and regulate. Slovakia does not have any tradition of evaluating the above factors and there is currently no regulatory framework specifically designed to monitor and evaluate potential impacts of business corporations on the exercise of children's rights. This trend will be changed by a measure newly introduced in the National Action Plan for Children 2013-2017, which includes a separate task (which also takes into account the recently issued General Comment of the Committee on the Rights of the Child No. 16) aimed at ensuring respect for the rights of the child in the business sector. The task is the direct responsibility of the Committee for Children and Young People itself, which will propose specific measures for incorporation into the updated National Action Plan for Children by 2015 at the latest.

48. Slovakia has a wide-ranging system for supporting non-profit organisations through grants; for purposes of transparency, the grant policy of each sector is defined by separate acts for each area in order to ensure a clear definition of what the grants support, the conditions for the award of grants, the amount of grants; the law requires that information on grants is published on the websites of the individual providers. Grant systems focus primarily on support for the activity of NGOs and local government.

## II. Definition of the Child (art. 1 of the Convention)

49. The term child was defined in the initial report and in the period covered by this report the definition has not changed. Marriageable age is also unchanged – 16 years for both girls and boys, with court authorisation.

50. As regards the Committee's concluding observations Nos. 25 and 26, it must be noted that a court can grant parental rights and duties for personal care of a minor to a parent who is a minor 16 years or over at the minor's request if the minor is able to exercise these rights and duties in the child's best interest.

## III. General principles (arts. 2, 3, 6 and 12)

### A. Non-discrimination

51. Slovak law prohibits all forms of discrimination against children. Article 12 of the Constitution of the Slovak Republic states that fundamental rights shall be guaranteed in the Slovak Republic 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 harmed, advantaged or disadvantaged on such grounds. Article 41(3) of the Constitution of the Slovak Republic guarantees the same rights to children born inside and outside marriage. In the current legal framework, section 2(1) of the Anti-discrimination Act provides that "compliance with the principle of equal treatment includes amongst other things the prohibition of discrimination on grounds of age." The principle of equal treatment is also implemented in other legislation.

52. The government of the Slovak Republic has approved the "Conception for combatting extremism in the period 2011-2014".<sup>16</sup> The aim of this conception is the elimination of the causes, expressions and consequences of extremism and racially motivated activity, and the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance. As one of the tasks to implement the conception the Institute for Labour and Family Research – the research institute of the Ministry of Labour, Social Affairs and Family is carrying out a study into "expressions of intolerance, violence and extremism against socially excluded communities". In 2012 the methodological basis of the study was prepared and in 2013 empirical data is being collected in the field.

53. Increased respect for the principle of non-discrimination can be seen not only in the long-term absence of community opposition to the siting of children's homes (family houses in which a small group of children are placed), but also in the total rejection of the segregation of children from disadvantaged backgrounds in the school system shown by the recent case in which Slovak courts (of both first and second instance) applied the Anti-discrimination Act to find the segregation of Roma children in special classes a violation of the principle of equal treatment in which Roma children are discriminated against on ethnic grounds. Additional information is given in point 131 (Concluding Observation of the Committee No. 27).

54. In 2011 the government approved a plan to draw up a National Strategy for the Protection and Promotion of Human Rights in Slovakia. The aim of the national strategy is to create a comprehensive system for protecting and promoting human rights in Slovakia

<sup>16</sup> It follows on from the Conception for combatting extremism in the period 2006-2010.

involving all relevant sectors and other institutions including civil society. The main objective in the strategy is to make an analysis and propose further steps to be taken in areas that are vitally and inseparably linked to human rights values and commitments. The same government decision also replaced the plan to elaborate an Action Plan for the Prevention of all Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and other expressions of intolerance in the next programming period 2012-2014, introducing a new plan to draw up and implement a strategy to mainstream the protection and promotion of human rights in public policy, which would include most parts of the action plan while other parts are transferred to other programmes directly linked to the strategy. The action plan will therefore essentially be replaced and extended by the proposed strategy.

55. Measures to combat gender-based discrimination are laid down in the National Action Plan for Gender Equality 2010-2013 and measures to ensure the full realisation of the rights of children with disability are currently being reformulated in the preparation of the National Programme for Protection of the Rights of Persons with Disabilities.

## **B. Best interests of the child**

56. Slovakia welcomes the General Comment of the Committee No. 14 on article 3 of the Convention. At the time of preparation of this report, the Committee for Children and Young People has had it translated into the state language in order to make it more accessible and it is being analysed and distributed with a view to putting into practice its recommendations as soon as possible.

57. The principle of the best interests of the child is fully respected in Slovak law in accordance with the Convention. In all sectors the principle of the child's best interests is taken into account in the preparation of all legislation and materials submitted to the legislative process, and which have an impact on children. The principle guides the design and implementation of all measures described for every cluster of rights in this report. The principle of the best interests of the child is also the basis for the foundational principles of the systems that provide for the protection of children's rights (e.g. social and legal protection of children and social guardianship, education etc.<sup>17</sup>).

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<sup>17</sup> The system of social and legal protection of children and social guardianship is based on, amongst other things, the following framework of principles:

- Prioritisation of the natural family environment – children should remain in their natural family environment and if they are removed from it, the absolute priority should be their return.
- If children cannot grow up in their natural family environment, priority must be given to an alternative family environment, with a preference for care by close relations rather than care in facilities for executing court orders.
- If children are placed in children's homes, priority must be given to professional families over other internal organisational units of children's homes.
- When executing court orders, priority must be given to groups placed in separate houses or flats if children cannot be placed in a professional family.
- Placement in children's homes operated as small group children's homes is preferred over placement in children's homes operated as children's centres.
- The preservation of sibling relations and keeping siblings together.
- The placement of children whose parents cannot care for them for a variety of reasons as close as possible to their natural family environment.
- Integration of children who require special or enhanced care due to health condition, behaviour disorder, drug addiction, mistreatment or abuse.

Amongst the main principles of upbringing and education, the act on upbringing and education emphasises: the principle of education in nursery schools free of charge for one year before

58. A working group has been established in the Ministry of Justice to prepare, in cooperation with the Ministry of Labour, Social Affairs and Family, an amendment of Act No. 36/2005 Z. z. on the family and amending certain acts, Act No. 305/2005 Z. z. on the social and legal protection of children and social guardianship and amending certain acts and Act No. 99/1963 Z. b. the Code of Civil Procedure. The aim of the above amendments is to address problems of application and according to the Framework Plan of Legislative Tasks of the Government for the Sixth Term it will be presented in the second quarter of 2014. One of the topics that the working group is addressing is the possibility to incorporate into the Act on the Family a catalogue of criteria that the court will take into consideration when determining the best interests of a child. The idea is inspired by section 138 of the Austrian ABGB.

### **C. The right to life, preservation of life and development of the child**

59. In 2012 Slovakia was shocked by the case of young child that died as a result of violence in the family. This prompted an extraordinary session of the Committee for Children and Young People which adopted, amongst other resolutions, a unanimous call for the adoption by the end of 2013 of a National Strategy on the Protection of Children against Violence based on a thorough analysis and knowledge of the prevalence of violence against children, and also lead the central and local authorities responsible for the protection of the life and health of children to review and enhance measures for the identification, reporting and verification of cases in which children may have been the victims of violence within the family.

60. The ongoing deinstitutionalisation process includes strong support for protecting the life of unborn children by creating suitable conditions for pregnant women and mothers of young children whose lifestyle could put the life of their child at risk so that they can have accommodation and professional assistance in a children's home. Every region has a children's home that provides the above service alongside its primary function.

61. A very important power that helps to protect the right to life, the preservation of life and the development of the child is the power of the police to ban violent persons from a shared dwelling, which was introduced into Slovak law by Act No. 491/2008 Z. z. of 24 October 2008 amending Act of the National Council of the Slovak Republic No. 171/1993 Z. z. on the Police Force, as amended (hereinafter the "Amendment of the Police Act"). The Amendment of the Police Act improved protection by authorising police officers to issue a temporary measure pursuant to section 27a of Act of the National Council of the Slovak Republic No. 171/1993 Z. z. on the Police Force, as amended (hereinafter the "Police Act") entitled: "Power to ban a person from a shared dwelling" The purpose of the power is to protect the life, health, freedom or human dignity of an endangered person who shares a household with a violent person in a shared dwelling. If a police officer uses his/her power to ban a person from a shared dwelling, the result is an immediate and temporary restriction on the banned persons use of a house, flat or other space shared with the endangered person. The power is made up of two linked components: (1) expulsion, which takes effect from the moment it is pronounced and (2) a ban on the banned person entering the shared dwelling for 48 hours from pronouncement. If an endangered person wishes to extend

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the start of compulsory school attendance, the principle of education free of charge in primary and secondary schools under the control of public administration bodies, the principle of equal access to upbringing and education having regard for the educational needs of individuals and their shared responsibility for their education, the principle of freedom of choice in education having regard for the expectations and abilities of children and pupils in accordance with the possibilities of the education system, the principle of educational counselling.

protection, they must petition a court to impose a temporary measure within 48 hours. In this case the effects of the ban from the shared dwelling are automatically extended until the court's decision on the petition becomes enforceable. In the period from 15 December 2008 to 15 Jun 2009 the power to ban a person from a shared dwelling was used in 118 cases throughout Slovakia. Of these, the number within the competence of the Regional Headquarters of the Police Force in Bratislava was: 20 cases, in Trnava: 17 cases, in Nitra: 22 cases, in Trenčín: 4 cases, in Banská Bystrica: 6 cases, in Žilina: 17 cases, in Prešov: 23 cases and in Košice: 9 cases; source: data of the Presidium of the Police Force of 7 August 2009. In only one case did a banned person file a complaint with a superior police body requesting review of a use of the power. In response to the police statistics and practical experience, on 28 October 2009 the legislature adopted Act No. 295/2009 Z. z. amending Act No. 99/1963 Z. b. the Code of Civil Procedure, as amended, and amending certain acts (hereinafter the "Amendment of 2009"). The amendment of 2009 was prepared by the Ministry of Justice and introduced very beneficial changes for victims in the Police Act and the Code of Civil Procedure: A change in the duration of expulsion and prohibited entry into a shared dwelling pursuant to the Police Act. In the explanatory statement for the Amendment of 2009 the legislature states that in cases relating to domestic violence, the victim is given an extended period to submit a proposal to petition for a temporary measure during weekends and holidays, since especially during weekends it is harder for victims to orient themselves, obtain legal advice and file a petition with the court. The Amendment of 2009 leaves in place the mechanism under which the effects of a ban end 48 hours from its imposition and the victim has the possibility to file a petition with the court during the ban, which extends the effect of the ban until the entry into effect of the court decision on the petition. The protective mechanism is improved by the amendment, under which the 48 hours of the ban do not count down during weekends and on public holidays. They count down again from the next working day. This means that if a ban commences at 20:00 on a Friday, the victim does not need to prepare a petition for a temporary measure and file it with a court by 20:00 on Sunday but instead has until the same time on Tuesday. Changes in the Code of Civil Procedure Change in the calculation of the decision period for the court The amendment of the Police Act reduced the period for courts to decide on a petition for a temporary measure under section 76(1)(g) of the Code of Civil Procedure from 7 days to 48 hours from filing of a petition with all the necessary particulars. After the changes made by the Amendment of 2009 the same rules applied as for banning orders, the 48-hour period does not count down during weekends and on public holidays. The change is a response to the complications that courts faced if petitions were filed on a Friday or the day before a holiday. Changes in the procedure for proceedings on a temporary measure under section 76(1)(g) of the Code of Civil Procedure Through the provisions of section 75b of the Code of Civil Procedure, the amendment of the Police Act implemented a procedure for proceedings on a temporary measure under section 76(1)(g) of the Code of Civil Procedure following on from the ban on a violent person by a police officer. The special character of this type of temporary measure — the "48-hour temporary measure" — means that it is regulated by different provisions than those governing standard procedures. Relevance of a police officer's duty to provide information for proceedings on a temporary measure Since the Amendment of 2009, under section 75b(1) of the Code of Civil Procedure, if a court decides to hold a hearing on a petition for a temporary measure under section 76(1)(g) of the Code of Civil Procedure, it will take into account the information the police officer gave to parties to proceedings. The amendment of the Police Act obliges a police officer who issues a ban to a violent person to provide a number of items of information and notices. One of these duties is to provide written information on: (1) the procedure following the ban, (2) the consequences of not attending a court hearing on a temporary measure, (3) the method of serving summons to a court hearing and (4) the method for delivering the court's decision. Under the newly adopted provisions of section 75b(1) of the Code of Civil Procedure, due performance of a police officer's duty to provide information can affect court

proceedings on a petition for a temporary measure. The content of police officers' duties to provide information in this case were not changed by the Amendment of 2009. This content is mainly defined in section 75b(2) and (3) of the Code of Civil Procedure. Under section 75(6) of the Code of Civil Procedure witness interviews were optional before a hearing even before the amendment of the Police Act; this unchanged provision allows courts to issue a measure without hearing the parties. The Amendment of 2009 provides that not only is hearing the parties optional, there is no need to order a hearing at all. Possibility to decide against parties or to refuse a petition The provisions of section 75b(3) of the Code of Civil Procedure are important for information duties because they permit the court to decide against one of the parties to proceedings on a temporary measure in certain circumstances. This increases the responsibility of a police officer issuing a ban to ensure that information is provided in accordance with the Police Act and the Code of Civil Procedure. The first sentence of section 75b(3) of the Code of Civil Procedure permits a court to decide against a party without determining grounds for the ban from a shared dwelling. This is possible on two conditions: (1) the police department must have informed the party of the method of serving summons and the effects of failure to attend a hearing and (2) the party does not attend the hearing. The second sentence of section 75b(3) of the Code of Civil Procedure permits a court to reject a petition for a temporary measure. This is possible if neither party attends a hearing. The Amendment of 2009 made major changes to the procedure under section 75b(3) of the Code of Civil Procedure. This provision was introduced by the amendment of the Police Act and was criticised for being potentially unconstitutional. The first two sentences of section 75b(2) of the Code of Civil Procedure give a court instructions on how to decide on a petition if the above conditions are met. The court was obliged to decide against a party without hearing reasons. With effect from 01/01/2010 such a decision became optional not mandatory. Increased cooperation between the courts and the police With effect from 01/01/2010 a court is obliged under section 75b(6) of the Code of Civil Procedure to send a copy of its decision on a petition for a temporary measure to the police force whose officer issued a ban from a shared dwelling. This is a welcome change because it increased cooperation between the courts and the police in protecting victims. It gives the police a better overview of potential developments in the case and lets them know the "legal fate" of the effects of the ban. As stated above, if a petition for a temporary measure is filed within 48 hours of the issuing of a ban, the effects of the ban remain in force until a court decision on the petition becomes enforceable. The above provisions also make it easier for the police to carry out the duties that the amendment of the Police Act introduced under section 73(3) of that act, which oblige the police to check, at the request of the person threatened by a banned person, compliance with restrictions under a temporary measure imposed by a court for the protection of persons at risk of violence pursuant to section 76(1)(g) of the Code of Civil Procedure. The Police Force must send an official record of a check of compliance with restrictions under a temporary measure imposed by a court to the court that decided on the temporary measure. The court and police thus both have information on any breach of the ban and temporary measure.

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

62. As a State Party to the Convention, Slovakia has implemented in practice General Comment No. 12 on the right of the child to be heard, which has contributed, for example, to greater quality in the implementation of measures for the social and legal protection of children and social guardianship, court-appointed care for minors as regards assistance for children in exercising their right to be heard in various settings and situations. In order to ensure that General Comment No. 12 was understood correctly, a special interpretation was provided (by a member of the Committee on the Rights of the Child) for staff of the authorities for social and legal protection of children and social guardianship.

63. In accordance with article 12 of the Convention on the Rights of the Child, the Code of Civil Procedure provides that if a minor is of sufficient age and intellectual maturity to express his/her opinion, he/she has the right to express it freely in all matters that affect him/her. As a rule, a court determines a child's opinion through the authorities for social and legal protection of children and social guardianship. A child's opinion is heard directly in court only in exceptional cases and if the court questions a child directly, it is important that the questioning of the child is informal. A child's opinion is usually heard outside the courtroom and questions are placed in the way that is most acceptable for the child, of course taking into account his/her age and intellectual maturity. A court can also determine a child's opinion through the child's representative. If a court considers it necessary to question a child directly in court, it shall decide on the form and method of questioning.

64. When asking for a child's opinion on a matter, an authority for the social and legal protection of children and social guardianship must provide assistance to make the interview easier for the child, and the interview must take place in an environment that is suitable or designed for this purpose. An amendment of the law on social and legal protection of children and social guardianship in 2011 introduced a change requested by representatives of non-state crisis centres providing that if a child is interviewed concerning his/her opinion in a facility for the social and legal protection of children and social guardianship which has suitable conditions for such interviews, the authorities for social and legal protection of children and social guardianship will conduct the interview in the facility.

65. The Ministry of Labour, Social Affairs and Family places great emphasis on implementation of the principle of respect for children's opinions. An independent module has been incorporated into the state statistical report for the purpose of monitoring procedures for identifying children's opinions. The authorities for social and legal protection of children and social guardianship seek the opinion (on non-routine matters) of over 20,000 children per year in areas relating to various proceedings and serious issues (alternative family care, placement in care, etc.). It should be noted that these are professional inquiries into children's opinions (listening to children's opinions in day-to-day situations is not monitored), which are carried out by qualified employees of the authorities for social and legal protection of children and social guardianship (professionals with a degree in the relevant area of social and legal protection of children and social guardianship in which they work), when cases/situations are complicated or more complicated interviews are carried out by psychologists trained for the purpose. When carrying out measures, the authorities for social and legal protection of children and social guardianship respect the fact that children's opinions must be taken into account in accordance with their age and intellectual maturity, and present children's opinions when representing them in judicial proceedings.

66. Minors often do not have sufficient intellectual and moral maturity to judge that other persons (especially close relations) are violating their rights. For this reason prosecutors focus preventative activities on the regular provision of information to children on existing national institutions that provide protection for their rights; prosecutors present such information at various lectures, seminars and meetings.

67. In the period January 2011 to July 2011 the Committee for Children and Young People carried out a Project for a Policy Review on Child and Youth Participation, as part of a broader concept to promote child and youth participation on the national and European level implemented by the Council of Europe as part of the second political cycle of the programme "Building a Europe for and with Children". The objective of the project, which besides Slovakia was carried out on a pilot basis in Finland and Moldavia, was to provide Member States of the Council of Europe with analysis of the extent to which national legislation and policies are consistent with the Convention on the Rights of the Child as

regards children's participation and their influence on decision-making in the country, to provide states with guidelines and recommendations for improving the implementation of international and national measures as they are put into practice and also to create a framework for comparing child and youth participation across countries. The review focussed on child and youth participation in the following areas: family, alternative care, health care, education and school, free-time activities, in situations of violence, judicial and administrative proceedings (in the broad sense of the term), public life and civil society, and children in the media. The review concluded that legislation in Slovakia gives a relatively large amount of attention to the right of the child to be heard and taken seriously, especially as regards the possibility to exercise this right in judicial proceedings and in the provision of health care. Research into the practical application of this right amongst children found, however, extensive deficits – many children said they did not know how to claim their rights. A similar conclusion was reached with regard to knowledge of these rights amongst adults, the majority of whom are unaware of the existence of children's and young peoples' right to have their expression of their opinion taken into account on matters that affect them. The report is available in electronic form from the website of the Committee for Children and Young People in English and in Slovak – [www.employment.gov.sk](http://www.employment.gov.sk).

68. An innovative method was used in the development of the National Action Plan for Children 2013-2017 to involve a group of 19 children and young people in preparation work, through a three-day qualitative focus group meeting with children aged 11-15 organised in cooperation with the Slovak Committee for UNICEF. The outputs from the qualitative survey "Children talk about their rights – a qualitative investigation into children's lives in Slovakia" were used as one of the inputs for formulating the tasks in the action plan and the final report is attached to it as an annex.

69. The Committee for Children and Young People seeks to use its own activities to implement and sustain procedures and mechanisms permitting children and young people to participate in the development of policies that affect them. To this end it has established a working group to design a mechanism for children and young people to participate in policy-making and the monitoring of compliance with the Convention on the Rights of the Child. The working group has been tasked to design, by the end of 2013, a participative model for the functioning of the Committee for Children and Young People conforming to the standards for participation formulated in the General Comments of the Committee on the Rights of the Child concerning article 12 of the Convention. The model will then be put into practice from 2014.

70. A child (a person under the age of 18 years) can be a witness or an accused person in criminal proceedings. If a person aged 14 to 18 years (juvenile) is accused of a crime, he/she must be questioned in criminal proceedings. The conditions for questioning and the procedure of the court in proceedings against juveniles are regulated by the Criminal Code regardless of the age of the accused person. Judicial proceedings cannot take place in the absence of a juvenile defendant.

71. If a child is questioned as a witness (injured party), the Criminal Code distinguishes two basic procedures. If a witness is under the age of 15 years the law defines a sensitive approach to victims and places restrictions on repeated questioning. It is expressly stated that if a person under the age of 15 years is questioned concerning matters whose recall could, in view of the child's age, have a negative impact on his/her intellectual and moral development, the questioning must be especially considerate and must obtain the necessary content so that it need not be repeated in further proceedings. Interviews with minors who are victims of crime always include a teacher or another person who has experience of the upbringing of young people. This person can also be an expert who can help to ensure that the interview is conducted correctly with regard for its subject matter and the interviewee's

level of intellectual development. If appropriate, the child's legal guardian can also be invited to attend the interview. Interviews will be repeated at a later time only if there is no alternative. In pre-trial proceedings the consent of a prosecutor is required. A court may decide to admit a reading of a record of an interview as evidence in a trial. A person who attended the interview can if necessary be questioned on the accuracy and completeness of the record or the method used to carry out the interview, and also on the ways in which the questioned person answered. If a person under the age of 15 years is interviewed as a witness in a case where a crime was committed against him/her by a closely related person or a person to whose care he/she was entrusted, and/or given the circumstances of the case his/her repeated testimony could be influenced or there are grounds to suppose that questioning could affect his/her intellectual and moral development, a person under the age of 15 years is interviewed using audiovisual transmission equipment in a manner that ensures it need not be repeated in subsequent proceedings. Such interviews should be repeated in pre-trial proceedings only when there is no alternative; they can take only with the consent of the minor's legal guardian and/or the guardian *ad litem*. Courts should hear evidence by questioning persons under the age of 15 years only in exceptional cases.<sup>18</sup> Persons over the age of 15 years are questioned in accordance with the general provisions of the Criminal Code applicable to all witnesses.

#### **IV. Civil rights and freedoms (arts. 7, 8, 13-17, 28 (2), 37 (a) and 39)**

72. In this group of rights the Committee urged Slovakia in 2007 (in Concluding Observation No. 35) to continue and further strengthen cooperation between the Police and Roma communities. From 01/01/2007 the Police Force carried out a "Pilot project for police specialists working with communities". After completion of the pilot project the results of the project were incorporated into routine work and the function of specialists for work with communities was introduced in police departments, with clear professional and personality requirements defined for its performance. In order to ensure a unified procedure for evaluation of officers in the uniformed police force with the function specialist officer, a system for continuous monitoring and evaluation of performance and the guidance of performance has been developed.

73. All the rights covered by this group are elaborated in relevant legislation for each area. The Committee's recommendations in concluding observations Nos. 36 and 37 of 2007 focussed on corporal punishment. Slovak law fully incorporates the recommendation except for the express prohibition of corporal punishments within the area of family law, which is governed by the principle that parents have the right and also the duty to choose reasonable forms of discipline in bringing up their children. An express prohibition of corporal punishments was implemented in the social and legal protection of children and social guardianship by the amendment of the Act on social and legal protection of children

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<sup>18</sup> The Criminal Code does not expressly state that children must always be interviewed. There may be obstacles of an objective and subjective nature (the age of the child, the value of evidence, current condition etc.). An example would be a situation in which a crime was reported by the parent of a child who was evidently exploiting the child in a dispute with the other parent without there being any believable evidence that a crime was really taking place. As an exception the child is then not interviewed as a witness in criminal proceedings. The Criminal Code does not expressly set an age limit for questioning a child. This means that in theory a child could be interviewed at any age. Since it is neither suitable nor effective to interview very young children in criminal matters, they are usually examined by a forensic psychologist who uses established, standard methods to provide objective data concerning the young witness.

and social guardianship of 01/01/2009. The *Act on social and legal protection of children and social guardianship* gives an exhaustive definition of “zero tolerance” for corporal punishments and other gross and humiliating treatment of children (“it is prohibited in the performance of measures under this act to use any form corporal punishment on a child or any other gross or humiliating form of punishment for a child, which causes or could cause him/her physical injury or mental trauma”). Under the above act everyone is obliged to inform the authorities for the social and legal protection of children and social guardianship of any violation of the rights of the child. If the authorities for the social and legal protection of children and social guardianship receive a complaint regarding the use of gross or humiliating treatment or punishment of a child, or if, in the course of carrying out measures under this act, they become aware of their use by a parent or person providing personal care for a child, they must take measures pursuant to this act in accordance with the character and seriousness of the treatment or punishment. Children have the right to request assistance in protecting their rights from the authorities for the social and legal protection of children and social guardianship, another state body that is competent to protect the rights and legally protected interests of children, institutions, municipalities, self-governing regions, accredited subjects, schools, school establishments and health care providers, and all such bodies are obliged to provide children with immediate assistance in protecting their life and health, to take measures to ensure respect for their rights and legally protected interest, including by arranging such assistance. This applies also in the event that a child’s age and intellectual maturity means that he/she cannot request assistance alone but needs the assistance of a third party. In 2010 all institutions within the competence of the Ministry of Labour, Social Affairs and Family were sent materials from the Council of Europe’s programme “Building a Europe for and with Children” on the campaign to prevent sexual violence against children and to prohibit corporal punishment.

74. Current education law expressly gives an exhaustive prohibition on the use of all forms of corporal punishment and sanctions in upbringing and education. Goals that are emphasised in upbringing and education include: respect for human rights and fundamental freedoms recognised in the Convention for the Protection of Human Rights and Fundamental Freedoms, the need to acquire full information on the rights of the child and the competence to apply them, the prohibition of all forms of discrimination and especially segregation in the school environment

75. The issue of child abuse and violence against children (concluding observations Nos. 38-40) is given great attention in Slovakia, in all relevant policy areas. As stated in the report of the Slovak National Centre for Human Rights on respect for the rights of the child in Slovakia in 2009, the majority of Slovak legislation reflects international undertakings on the protection of children against all forms of violence, especially against domestic violence and above all against abuse and mistreatment within the family. Despite the above (with reference to point 40 of the submitted report) one of the specific problems facing Slovakia,<sup>19</sup> which has been pointed out by NGOs amongst others, is the absence of relevant, significant research into the real incidence of mistreatment, sexual abuse and neglect of children. Statistical monitoring of developments in each area carried out for the purposes of monitoring and policy guidance is unable to describe the real situation because it does not look at the latent side of the problem. The research institutes of the Ministry of Labour, Social Affairs and Family in cooperation with the Ministry of Education, Science, Research and Sport are currently finalising work on a representative survey of the prevalence of violence against children in Slovakia. The survey of a representative sample of the child population is, amongst other things, an important contribution to obtaining data on the

<sup>19</sup> Another is that departments for the social and legal protection of children and social guardianship are seriously understaffed.

prevalence of all forms of violence in all settings in accordance with General Comment of the Committee No. 13, which is the basis for the research activity. The results of the survey will be used to prepare a National Strategy for the Protection of Children against Violence in cooperation with civil society. The strategy will be completed in 2013.

76. The direct criminal liability of a parent or care-taker for mistreatment and abuse is laid down criminal law legislation – the Criminal Code and the Code of Criminal Procedure. The Criminal Code includes the crimes of mistreatment of a close relative or person in care, neglect of obligatory maintenance, corrupting the morals of youth and many others.

77. From 01 January 2010, legislative amendments<sup>20</sup> introduced a number of changes in the functioning of Legal Assistance Centres, including a mechanism for facilitating access to free legal assistance, which increases protection for victims of domestic violence by extending the period within which they can file a petition for a temporary during weekends and public holidays.

78. *In the area of prevention* legislation on electronic media and audiovisual media services<sup>21</sup> institutes a permanent *ban on the dissemination of certain types of content*. The law requires that on-demand audiovisual media services, programming services and any part thereof must not, neither by its production or content violate the human dignity and fundamental rights and freedoms of other, promote violence or in an open or concealed form incite hatred, disparage or defame on the basis of sex, race, skin-colour, language, religious beliefs, political or other opinions, national or social origin, membership of a nationality or ethnic group, promote war or describe cruel or otherwise inhumane actions in a manner that inappropriately trivialises, excuses or approves them, show without reason scenes of real violence that inappropriately emphasise real dying or show people exposed to physical or mental trauma in a way that is considered an illegitimate breach of human dignity (this prohibition also applies if affected persons have consented to such presentation), in open or concealed form promote alcoholism, smoking, the use of narcotics, points and precursors or trivialise the use of the above substances, inappropriately present minors who are exposed to physical or mental trauma, show child pornography or pornography containing pathological sexual practices.

79. Programmes and other components of a programming service that could endanger the physical, mental or moral development of minors or disturb their mental health and emotional state cannot be broadcast between 06:00 and 22:00. Likewise, a provider of audiovisual media services is obliged to ensure that on-demand audiovisual media services and all their components that could harm the physical, mental or moral development of minors, especially those that contain pornography or gross, unjustified violence, are made available only in a manner that minors cannot hear or see such on-demand audiovisual media services or any component thereof under normal circumstances.

80. Since 01 January 2008 there has been a standard labelling system (hereinafter “SLS”) for audiovisual works, sound recordings of artistic performances, multimedia works and programmes and other components of a programming service based on their unacceptability, unsuitability or suitability for age groups of minors up to 7, 12, 15 or 18 years. Slovak law also lays down basic, standardised rules for evaluating content and the subsequent classification and labelling of works and programmes for unacceptability, unsuitability or suitability for each age group of minors using graphical symbols. The broadcaster of a programming service is obliged to have regard for the age suitability for

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<sup>20</sup> Act on the provision of legal assistance to persons in material need.

<sup>21</sup> Act No. 308/2000 Z. z. on broadcasting and retransmission and amending Act No. 195/2000 Z. z. on telecommunications, as amended.

minors of programmes and other components of a programming and ensure that they are scheduled in accordance with the requirements of the law. Programmes and other elements of a programming service classified as unsuitable and unacceptable for minors under the age of 18 years must be scheduled between 22:00 and 06:00. Programmes or other components of programming service classified as unsuitable for minors under the age of 15 years or suitable for minors aged over 15 years must be scheduled between 20:00 and 06:00. The broadcaster of a programming service is also obliged to use the SLS in information about programmes such as the schedule of programmes that it provides to the periodical press and other mass media, and is also obliged to use the SLS in its own broadcasts. A provider of on-demand audiovisual media services must use the SLS in its catalogue of programmes.

81. Broadcasters and providers of on-demand audiovisual media services are obliged to ensure that advertising does not cause physical and moral harm to minors, and therefore advertising must not directly incite minors to purchase or borrow goods or services by exploiting their inexperience and trust, or directly encourage minors to persuade their parents or other persons of the need to buy the products or services they offer, or abuse the minors' trust in their parents, teachers or other persons, or without reason show minors in dangerous situations.

## **V. The family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 19-21, 25, 27 (4) and 39)**

### **A. Parental responsibilities**

82. With regard to the Committee's recommendations in concluding observations Nos. 41 and 42, the Slovak National Centre for Human Rights carried out monitoring of the public incubator programme in 2007.<sup>22</sup> It reviewed their legal basis and the measures taken to provide for the life and health of the child. The results of monitoring found no problem that would give cause for cancelling the programme. In Slovakia a parent can choose from three methods if he/she does not wish to care for a child. The most frequently used is "permission for adoption", which is given in advance without any relationship to a specific future adopter; the second most used method is secret birth and the third most used is the "public incubator" in neonatal departments. Since 2004 a total of 20 neonatal departments in Slovakia have established incubators accessible to the public in accordance with the provisions of the act on health care and services related to the provision of health care. From 2005 to 31/12/2012, the number of children placed in public incubators was 41; the children's progress is closely monitored and 5 of them have already been returned to their biological mothers. The number of public incubators is finally and no more will be built. Since the public incubators and the secret birth system were put into operation the statistics for new-born babies found dead have fallen: from an average of ten children per year to two.

83. Slovakia takes measures to prevent unwanted children from school age. A topic in which pupils learn about the possibilities under Slovak law when a child is born (including situations in which neither the mother nor any of her close relations is able/willing to take care of a new-born child, presentation of the penalties for illegal procedures during and after the birth of a child etc.) is included in the civics curriculum in primary schools and in social studies and civics in secondary schools. Teachers also have space to include the issue

<sup>22</sup> <http://www.snslp.sk/CCMS/files/sprava-dodrzivanie-lp-dieata-2008.pdf>, p. 32-35.

of “unwanted” new-born children and the Slovak legal system in school education programmes and teaching materials. Since state education programmes are no longer organised by years, schools themselves decide which year educational content will be taught in.

84. An important change in the area of Family Environment and Alternative Care was the appointment of “family judges” from the civil law bench as specialist judges for hearing cases involving minors.

85. A number of important changes in the system of social and legal protection of children and social guardianship affecting parental care came into effect from 01/01/2009. For example, to prevent the occurrence of crises in the family and to limit and eliminate their negative effects, if authorities for the social and legal protection of children and social guardianship, in the course of their activities, find that a child or care-giver needs assistance because they are unable to cope with problems in the family, conflicts in the family or adapt to new situations in the family, or they find that the family has specific problems and it is not possible to prevent a crisis otherwise, the authorities shall provide or arrange mediation or professional services to facilitate the resolution of conflicts in the family; mediation can be carried out only by a natural person who has completed professionally accredited training as a mediator (in 2012 there were 380 cases of mediation provided directly by the authorities for social and legal protection of children and social guardianship), a professional method for work to adapt to a new situation in the natural or alternative family environment (i.e. adaptation programmes), a professional method for assisting children and adults who are victims of trafficking (in 2012, this form of specialised assistance was provided in 11 cases), psychological counselling for families with specific problems or in crisis (this form of assistance is aimed primarily at families in which there is domestic violence or drug addiction, family crises are mainly the result of unexpected events and changes in the family, such as a serious illness or death in the family, loss of employment and the like – 3,035 cases in 2012).

86. The authorities for the social and legal protection of children and social guardianship can also arrange for the newly introduced measures and other statutory measures to be provided by non-state subjects (they must, however, be accredited). The involvement of accredited subjects is a benefit for work with clients in the area of social and legal protection of children and social guardianship because they bring a high level of professionalism and also enable measures to be implemented in cases where the authorities for social and legal protection of children and social guardianship do not have sufficient time or personnel to carry them out.

87. The amendment of the act on the family that came into effect on 01/07/2010 increased the options relating to child care after a divorce or separation – a court can place a child in alternating care of both parents, if both parents are capable of raising the child and both parents wish to provide personal care for the child, if it is in the interests of the child and if this will better secure the child’s needs. If at least one of the parents agrees with alternating personal care, the court must investigate whether alternating personal care is in the interests of the child. When deciding on the exercise of parental rights and duties and when approving agreements of parents, the court respects the right of minors to maintain relationships with both parents and always takes into account the interests of minors, in particular their emotional ties, their developmental needs and the stability of their future home environment, and also the ability of each parent to agree on their child’s care and upbringing with the other parent. From 01/01/2012 a court can issue a temporary measure ordering a party to proceedings to deliver a child not only to the care of the other parent but also to the care of another person selected by the court or alternating personal care. In this context, the offices of labour, social affairs and family, as authorities for the social and legal protection of children and social guardianship, provide children and their parents with

psychological and social counselling and assistance in rectifying or mitigating the effects of conflicts of interest between parents and their child. Every child involved in civil proceedings is represented in the proceedings by a guardian *ad litem* (as a rule, the authorities for social and legal protection of children and social guardianship), whose duties include investigating the situation of each parent for the purposes of a court decision on the upbringing and maintenance of a child.

88. Ensuring enforceability of judicial decisions is an important objective – in 2011 the enforcement of court judgements in civil law was amended, including the particulars of the enforcement of decisions on the upbringing of minors (entry into effect 01/01/2012). The amendment creates conditions for the more efficient enforcement of court judgements and also ensures that the judgement is enforcement in a way that minimises the burden and risk for children. The detailed rules for the enforcement of judgements affecting minors were revised by Act No. 388/2011 Z. z., amending Act No. 99/1963 Z. b. the Code of Civil Procedure, as amended and amending certain acts. The purpose of the amendment was to increase effectiveness in the exercise of the rights recognised in article 9(3) of the Convention, according to which States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. A further objective of the amendment was to fulfil Slovakia's obligations under article 18(1) of the Convention under which States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. The particulars of the enforcement of court judgements on the upbringing of minors are regulated by secondary legislation which was issued after consultation with other competent ministries by the Ministry of Justice as Decree No. 474/2011 Z. z. of 06/12/2011.

89. Like the courts the authorities for social and legal protection of children have access to a system of educational measures (e.g. warnings, supervision of child care, orders to take part in educational or social programmes etc.). This system of educational measures provides a scale of instruments of escalating seriousness, which a court or authority can use to achieve preventative or educational effects on parents and children in cases where ordinary measures are not enough but it is not necessary to take more severe measures, such as removing children from their parents. A new type of educational measure was added to the system in 2009 – the authorities for social and legal protection of children and social guardianship can require a child to undergo specialised diagnosis in a specialised health care facility if a diagnosis cannot be obtained by other means. The authorities for the social and legal protection of children and social guardianship will use the results of diagnosis to determine a social diagnosis and to plan social work with the child and propose appropriate measures. Until 2008 the law focussed on children's participation in social and educational programmes but the same amendment as above authorised the authorities for social and legal protection of children and social guardianship to offer parents or care-takers the opportunity to take part in educational programmes and social programmes even if the programme was set as a duty of the child. Educational measures are planned and certain types of such measures can be carried out by non-state accredited subjects.

90. Family reunification (art. 10 of the Convention) is the direct objective for all children who are citizens of other states and find themselves in the territory of the Slovak Republic unaccompanied by their parents or another responsible person. Where it is not possible to ensure reunite families, Slovakia has elaborated and implemented a strong system of care for minors who find themselves unaccompanied in its territory. Children receive specialised care in accordance with their needs and their cultural and religious differences (further information in part 8). It also has a system for cases where minors who are usually resident in the territory of the Slovak Republic find themselves abroad without parental care. The return or relocation of minors from foreign countries to Slovakia is

carried out by the authorities for the social and legal protection of children and social guardianship if it cannot be carried out by a parent or relative of the child or a care-taker. The authorities for the social and legal protection of children and social guardianship report any case of a minor who is abroad unaccompanied by a parent, relative or care-taker, or who is abandoned, to a diplomatic mission of the Slovak Republic abroad or the Ministry of Foreign and European Affairs.

91. The table shows the number of children whose return or relocation from foreign countries to the territory of the Slovak Republic was arranged by the authorities for the social and legal protection of children and social guardianship in the period 2007-2012. It also shows the percentage increase in the number of children who usually reside in Slovakia who were returned or relocated to Slovakia, in comparison with the data for 2005:

| <i>Year</i> | <i>Children returned</i> | <i>Children relocated</i> | <i>Total children</i> | <i>Increase compared to 2005 (in %)</i> |
|-------------|--------------------------|---------------------------|-----------------------|---|
| 2007        | 16                       | 20                        | 36                    | + 24%                                   |
| 2008        | 21                       | 25                        | 46                    | +58%                                    |
| 2009        | 23                       | 24                        | 47                    | +62%                                    |
| 2010        | 25                       | 30                        | 55                    | +89%                                    |
| 2011        | 20                       | 13                        | 33                    | +13%                                    |
| 2012        | 15                       | 21                        | 36                    | +24%                                    |

92. In the event of the illicit transfer and non-return of children abroad (art. 11 of the Convention) or failure to maintain contact, Slovakia proceeds in accordance with the Convention on the Civil Aspects of International Child Abduction and Council Regulation (EC) 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. Duties under these international legal acts are performed primarily by the Centre for International Legal Protection of Children and Youth (hereinafter the "Centre"). The Centre is the central authority responsible for communication with the central authorities of other states concerning law on contact between parents and their minor children in order to allow the right of access to be exercised. The Centre's priority cases of wrongful removal or retention of a child is to achieve an amicable solution of every case. To this end the Centre offers the possibility of mediation between the parents of a minor who has been wrongfully removed or retained in Slovakia. The Centre also carries out preventative measures in this area (through the Centre's website, information in the media, printed information for the public and legal advice provided by lawyers from the Centre by telephone, in writing or in person).

93. In 2012 Slovakia noted increased interest from parents and other responsible persons in assistance in cases of the children of Slovak citizens habitually residing in another country who were even temporarily removed from the care of their parents. The Centre, in cooperation with the authorities for the social and legal protection of children and social guardianship, provides assistance as far as possible in view of its limited abilities to influence and encroach on the powers of authorities in other states; in particular it proposes suitable solutions for the children concerned and helps to return or remove minors to the territory of the Slovak Republic if a competent authority in another country decides that a child will be placed in care of a relative or in alternative care in Slovakia. The authorities for social and legal protection of children and social guardianship cooperate with the Centre by implementing measures for the return or removal of minors to the territory of the Slovak Republic if this is in the best interests of the child and the minor has family in the territory of the Slovak Republic.

94. Recovery of maintenance (art. 27(4)) is provided for through enforcement procedures and the Criminal Code defines breach of maintenance duties as a crime and supports recovery of maintenance through penalties for perpetrators who breach the duty to provide maintenance for a child up to two years in prison (up to five years in more serious cases). Slovakia also operates a system of alternative maintenance. A new act on alternative maintenance came into effect in 2008. The main change that it introduced was to make it easier for eligible persons to obtain alternative maintenance.<sup>23</sup>

95. Separation from parents (art. 9 of the Convention) and children deprived of their family environment (art. 20) – children can be separated from their parents only in exceptional cases and only based on a court judgement; all parties must be represented in judicial proceedings, including children, who are represented by a guardian *ad litem*. The only exception is for court decisions on temporary measures in cases that admit no delay and the situation must be dealt with immediately, such as when a child is entirely uncared for or where the child's life and health are at grave risk. Even in such cases parents can appeal against a decision and it must be noted that a temporary measure is not a decision on the case itself. It must further be emphasised that removal from parental care is not automatically linked to the deprivation or restriction of parental rights and duties – encroachment on parental rights other than restriction of the right of personal care takes place only in exception cases.

Table 2

**Children not cared for in their own family in Slovakia**

|  | 2007      | 2008      | 2009      | 2010      | 2011      | 2012       |
|--|-----------|-----------|-----------|-----------|-----------|------------|
| Total number of children                   | 1 160 106 | 1 138 335 | 1 120 595 | 1 103 452 | 1 091 056 | 1 080 000* |
| Of whom, children outside their own family |           |           |           |           |           |            |
| Absolute number                            | 13 948    | 13 953    | 13 873    | 13 881    | 14 080    | 14 458     |
| Percentage                                 | 1.202     | 1.226     | 1.238     | 1.258     | 1.290     | 1.339*     |

\* Forecast, data will be updated.

96. If a child is removed from the care of his/her parents they can be placed in a number of forms of alternative care or adopted, which is not considered a form of alternative care in Slovakia. The most preferred form of alternative care is formal care by relatives – alternative personal care. Another form is foster care – it should be noted that Slovakia does not have any system for “professional” foster care and all foster care takes the form of a

<sup>23</sup> Under this act, if the parent of a minor fails to pay maintenance in full within the period and by the method specified by a final court judgement or court-approved agreement for at least three consecutive months from the payment of the last instalment of maintenance, the eligible person (the minor) is entitled to alternative maintenance on satisfaction of the conditions laid down by law. These conditions include the requirements that the eligible person has commenced an official procedure to recover maintenance arrears, that the procedure has lasted at least three months from delivery of the application for enforcement of recovery to the recovery enforcement officer (executor) and that the obliged person has not begun to pay maintenance. Other conditions for entitlement to alternative maintenance are that the minor must have permanent residence and reside in the territory of the Slovak Republic; a child can reside outside the territory of the Slovak Republic only for purposes of studying abroad. Furthermore the average monthly income of jointly assessed persons in the last six calendar months preceding the calendar month in which an application is made for alternative maintenance must not be more than 2.2 times the subsistence minimum. Alternative maintenance is paid at the rate of maintenance granted by a final court judgement or court-approved agreement, up to a maximum of 1.2 times the subsistence minimum for the minor.

private relationship between the child and the foster parents regulated by family law. If a child's parents cannot act as the child's legal guardian, a guardian is appointed for the child who may but need not care for the child personally, i.e. some children are in direct personal care of guardians. An extreme solution is placing a child in the care of a legal entity – an institution. Although Slovakia does not have professional foster care, it does have a system of “professional families”. A professional parent is an employee of an institution who cares for a child placed in care of the institution by the court in his/her household (his/her own house or flat).

Table 3  
**Numbers of children in various forms of child care**

| <i>Number of children/year</i>                    | <i>2007</i> |       | <i>2008</i> |       | <i>2009</i> |       | <i>2010</i> |       | <i>2011</i> |       | <i>2012</i> |       |
|---|-------------|-------|-------------|-------|-------------|-------|-------------|-------|-------------|-------|-------------|-------|
| Total number of children outside their own family | 13 948      | 100   | 13 953      | 100   | 13 873      | 100   | 13 881      | 100   | 14 080      | 100   | 14 458      | 100   |
| Of whom   |             |       |             |       |             |       |             |       |             |       |             |       |
| Children in alternative families*                 | 8 174       | 58.60 | 8 286       | 59.39 | 8 517       | 61.39 | 8 546       | 61.57 | 8 661       | 61.51 | 8 958       | 61.96 |
| Children in professional families                 | 399         | 2.86  | 598         | 4.29  | 815         | 5.87  | 986         | 7.10  | 1 139       | 8.09  | 1 333       | 9.22  |
| Children in group facilities                      | 5 375       | 38.54 | 5 069       | 36.33 | 4 541       | 32.73 | 4 349       | 31.33 | 4 280       | 30.40 | 4 167       | 28.82 |

\* Foster care, formal care of relatives, alternative personal care and guardianship.

\*\* Children's home, social services home, re-education establishment.

Table 4  
**Number of children placed in each form of family care and pre-adoption care**

| <i>Year</i> | <i>Number of children placed in alternative family care during year</i> |                        |                    |                                  |                     |
|-------------|---|------------------------|--------------------|----------------------------------|---------------------|
|             | <i>Adoption SLOVAKIA</i>  | <i>Adoption abroad</i> | <i>Foster care</i> | <i>Formal care of relatives*</i> | <i>Guardianship</i> |
| 2007        | 320   | 24                     | 315                | 1196                             | 223                 |
| 2008        | 240   | 25                     | 293                | 1110                             | 184                 |
| 2009        | 243   | 20                     | 283                | 1087                             | 209                 |
| 2010        | 295   | 45                     | 278                | 1080                             | 197                 |
| 2011        | 276   | 30                     | 234                | 1126                             | 204                 |
| 2012        | 196   | 11                     | 242                | 1169                             | 179                 |

\* Alternative personal care.

## **B. The total number children in each form of alternative family care**

97. State financial assistance for children in alternative family care is regulated by the act on allowances supporting alternative child care, as amended.<sup>24</sup> The purpose of the allowances is to support care for children who cannot be brought up in their own biological family. The allowances take the form of lump-sum payments provided when the child is

<sup>24</sup> Financial provision for children living in professional families is a separate item in the financing of institutions.

placed in alternative care and when care terminates because the child reaches the age of maturity, and also repeating payments for the child and his/her alternate parents. The allowances are adjusted each year with effect from 01 September by the same factor applied in adjustment of the subsistence minimum. (In the Second Periodic Report on the Convention on the Rights of the Child, allowances to support alternative care for children are described under point No. 208).

98. Slovakia is systematically improving conditions for the provision of alternative care for children. Under the Guidelines on Alternative Care for Children (2009) the legal basis for any alternative solution for care of a child is a full investigation of parents' ability to care for a child and if this is not possible a further statutory condition must be checked – whether it is not possible to use formal care by relatives (this option is reviewed on an ongoing basis). Only then can alternative family care be arranged for a child.

99. During the period covered by this report, a number of legislative and non-legislative measures were implemented to promote deinstitutionalisation in this area. The main legislative changes have been acceleration of procedures for resolving children's situation by introducing time limits for the arrangement of alternative family care and improvements and greater specificity in the provisions regulating the preparation of children for the arrangement of alternative family care; in order to provide better protection for children, more specific conditions have been set for registration in the list of applicants for alternative care<sup>25</sup> or removal from this list (e.g. if the applicant does not update training for alternative family care despite a reminder).

100. The amendment of the act on social and legal protection of children and social guardianship in 2009 supplemented the previous rule to prioritise the placement of children in professional families with a condition that if it is not possible to place a child in a professional family, the implementation of a court decision should by priority be in groups established in autonomous houses or flats of small group children's homes (i.e. not in special-purpose buildings, even if they are internally organised like housing in the community). Since 01/01/2009, children's homes have been split into the categories of small group children's homes and children's centres. Small group children's homes provide care in professional families or in groups living only in autonomous family houses or autonomous flats in residential buildings. In each house or flat belonging to a small group children's home there must be only one autonomous group or one autonomous diagnostic group, and, if suitable conditions are provided for the children's needs, one specialised autonomous group. Conditions in a children's centre are intended primarily for children who need care in an autonomous diagnostic group or a specialised autonomous group. Financing for the development of small group children's homes is provided from the state budget and from EU structural funds (the ERDF in Slovakia via the Regional Operational Programme).

101. Since 01/01/2007 children's homes have been obliged to create conditions so that every child under one year of age is placed as soon as possible after diagnosis in a professional family unless the child's health condition requires individual care in a specialised autonomous group or if it is in the child's interests to maintain sibling ties. With effect from 01/01/2009 this duty applied to every child up to three years of age and with effect from 01/01/2012 it was extended again to children aged up to seven years, i.e. the

<sup>25</sup> The legislative changes affecting registration of persons interested in becoming foster parents or in adopting children apply to the termination of proceedings on the registration of a person interested in becoming a foster parent or in adopting children if the person does not have full legal capacity, if a court has decided to stop proceedings on the exercise of parental rights, to restrict the exercise of parental rights or to prevent the exercise of parental rights.

operators of children's homes must ensure and create conditions in their children's homes for every child up to the age of six years who enters a children's home to be placed in a professional family immediately after diagnosis (except in the cases referred to above) and the children of course remain in the professional family after reaching this age. The objective of these rules is to ensure that all children aged 6 or under are placed in families. The development of professional families was also supported by the National Project Increasing the Employability of Professional Parents, which ran from December 2008 to November 2011 as part of the Operational Programme Employment and Social Inclusion. The objective of the project was the development of professional families, including training for the professional provision of alternative care.<sup>26</sup>

102. The table shows the number of professional parents in state and non-state children's homes and the number of children in professional families:

| <i>Number of children/year</i> | <i>2007</i> |       | <i>2008</i> |       | <i>2009</i> |       | <i>2010</i> |       | <i>2011</i> |       | <i>2012</i> |       |
|--------------------------------|-------------|-------|-------------|-------|-------------|-------|-------------|-------|-------------|-------|-------------|-------|
| Total number of children       | 4 570       | 100   | 459         | 100   | 4 511       | 100   | 4 423       | 100   | 4 622       | 100   | 4 701       | 100   |
| Of whom                        |             |       |             |       |             |       |             |       |             |       |             |       |
| Prof. families                 | 399         | 8.73  | 598         | 13.06 | 815         | 18.07 | 986         | 22.29 | 1 139       | 24.64 | 1 333       | 28.36 |
| Aut. groups                    | 3 013       | 65.93 | 3 042       | 66.43 | 2 899       | 64.27 | 2 589       | 58.53 | 575         | 55.71 | 2 510       | 53.39 |
| Other groups                   | 1 158       | 25.34 | 939         | 20.51 | 797         | 17.67 | 848         | 19.17 | 908         | 19.65 | 858         | 18.25 |

103. In 2011 all fundamental policy documents were reviewed in accordance with the global policy of deinstitutionalisation and the government adopted the Strategy for Deinstitutionalisation of Social Services and Alternative Care, whose section on alternative care was incorporated into the *Conception for Implementing Court Decisions in Children's Homes 2012-2015 with Outlook to 2020, Plan for the Transformation and Deinstitutionalisation of Alternative Care* (hereinafter the "DI Conception"). The DI Conception includes a list of tasks and measures designed to enable children to grow up in their natural family environment, to promote alternative forms of care for children in families and to improve conditions for children placed in institutions based on court decisions. It includes a detailed schedule for the implementation of its tasks and measures in the short and medium term taking into account all critical factors. An integral component of the DI Conceptions is a detailed plan for the transformation of every children's home in Slovakia.

Table 5

**Overview of the number of state and non-state children's homes**

| <i>Year</i> | <i>State children's homes</i> |                                    |                          | <i>Non-state children's homes</i> | <i>Total children's homes</i> |
|-------------|-------------------------------|------------------------------------|--------------------------|-----------------------------------|-------------------------------|
|             | <i>overall</i>                | <i>Small group children's home</i> | <i>Children's centre</i> |                                   |                               |
| 2009        | 77                            | 8                                  | 0                        | 19                                | 96                            |
| 2010        | 75                            | 10                                 | 65                       | 20                                | 95                            |
| 2011        | 71                            | 11                                 | 60                       | 20                                | 91                            |
| 2012        | 67                            | 11                                 | 56                       | 20                                | 87                            |

<sup>26</sup> Promotion of professional parenting, provision of training for the professional provision of alternative care, training for employees of children's homes, vocational education and care for professional parents, international cooperation.

104. The implementation of court decisions – temporary measures, educational measures, the ordering of institutional care, takes place preferentially in children's homes, which housed 4,701 minors and young adults as at 31/12/2012. Court educational measures and temporary measures can also be carried out in crisis centres. Court decisions on education measures and court decisions on temporary measures if a petition for imposition of an educational measure has been filed, can also be implemented in re-socialisation centres, especially if the purpose is to activate internal abilities and overcome the effects of drug or other addictions and to support involvement in life in a natural environment. The number of children placed in institutional care in social services homes is declining and since 2009 children are no longer placed there by court decision. As at the end of 2012 there were 183 children in social services homes placed there due to disabilities.

105. Children's homes are obliged to prepare an individual plan for developing the personality of every child placed in institutional care by court decision. The plan for the development of the child's personality must include a plan for upbringing and a plan for social work with the child and his/her family prepared in cooperation with the municipality and the competent authorities for social and legal protection of children and social guardianship, which is linked to the plan for social work with the child's family prepared by the authorities for social and legal protection of children and social guardianship. The authorities for social and legal protection of children and social guardianship are also obliged to visit every child placed in an institution by a court decision at least once every six months. (Concluding Observation of the Committee No. 44)

106. The process for developing the capacity for independent living of children and young adults living in a children's homes has undergone significant changes since 2011. The law requires that preparation for independent living begin a year before reaching the age of maturity; plans for preparation for independent living must be drawn up for children and later for young adults; an important change is the raising of the age to which young adults can remain in a children's home. The previous age limit of 25 years can be extended by two years if a young adult is studying. Support for children and young adults in living an independent life was the topic of a call for projects to be supported with grants from the European Social Fund (hereinafter the "ESF") in 2012. (Concluding Observation of the Committee No. 44)

107. In 2012 a National Project was prepared (with financing from the ESF) to support the deinstitutionalisation of alternative care, in which all authorities for social and legal protection of children and social guardianship and children's homes will participate; this project is now being implemented. Project activities focus on the natural family environment, alternative family environments and also professional families and other organisational units of children's homes.

108. Court decisions are also implemented in special educational facilities (diagnostic centres and re-education centres). Diagnostic centres provide diagnostic, psychological, psychotherapeutic and educational care for children.

109. In addition to the information provided under points 40 and 49 to 57, it should be mentioned within this group of rights that if a child is at risk of any form of violence in his/her and it is not possible to provide for his/her upbringing within the extended family, upbringing and care for a minor who is a victim of violence can be provided in a crisis centre based on a court decision. Employees of the authorities for social and legal protection of children and social guardianship are on standby 24 hours per day to carry out crisis interventions. Suspected violations of children's rights can be reported anonymously using a free tip-off line operated by the Central Office of Labour, Social Affairs and Family.

Table 6

**Number of cases dealt with by the authorities for social and legal protection of children and social guardianship in the period covered by this report**

| <i>Assistance for mistreated, sexually abused and bullied children</i> | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--|------|------|------|------|------|------|
| Number of children recorded  | 746  | 609  | 408  | 343  | 422  | 545  |

110. The authorities for the social and legal protection of children and social guardianship provide social advice and information to minors and their parents or care-takers concerning authorities and organisations operating in related areas, e.g. information on the availability of health services, social services and other assistance in providing necessary protection and assistance; they also arrange participation in programmes to assist the victims of violence. To assist victims of violence the authorities for the social and legal protection of children and social guardianship provide psychological assistance for victims of violence and family members and also provide auxiliary advice on coping with the effects of traumatic events. The authorities for social and legal protection of children and social guardianship review the whole case history and prepare a plan for social work with the child and his/her parents or care-taker comprising measures for social and legal protection of children and social guardianship that will help to resolve the situation.

111. In connection with the investigation of violent crimes committed within the family, the authorities for social and legal protection of children and social guardianship cooperate with the police, the courts, the prosecution service, schools, school establishments, municipalities, self-governing regions, accredited subjects, health care facilities and other legal entities and natural persons with competence in the area of social and legal protection of children and social guardianship. They assist when investigators interview children and act as guardians for children in criminal proceedings where there could be a conflict of interests (if the accused is a parent or sibling).

112. In many cases the first person other than the perpetrator to come into contact with evidence of neglect, mistreatment or abuse of a minor or incapable person is a physician or other medical professional. New guidelines have been issued on the symptoms and diagnosis of neglect, mistreatment or abuse of minors and the procedure that the health care providers should use to report suspicions of neglect, mistreatment or abuse of minors in order to make health care providers aware of the symptoms and diagnosis of neglect, mistreatment or abuse of minors and to specify the procedures providers should follow to comply with their duties. The law requires health care providers to notify a prosecutor, investigator or police station (hereinafter “law enforcement agencies”) without delay of any suspicion of neglect, mistreatment or abuse of any minor or other person without legal capacity or whose legal capacity is restricted (hereinafter an “incapable person”). The duty to report suspicions takes priority over a medical professional’s duty to maintain confidentiality.

113. The Ministry of Education, Science, Research and Sport prepared an analysis of programmes for crisis intervention in the education sector carried out by centres for pedagogical-psychological advice and prevention through working meetings of specialists in the prevention of child risk behaviour between 2010 and 2012, the results of which were issued as a methodological guide entitled “Crisis interventions in centres for pedagogical-psychological advice and prevention” which was presented and distributed at vocational training sessions. In 2011 the Methodology and Pedagogy Centre in Prešov established the website [www.bezpre.sk](http://www.bezpre.sk) as a platform for exchanging information, experience and examples of good practice in the implementation of professionally supervised projects for the prevention of child and youth risk behaviour in schools, the promotion of safety in schools,

the prevention of risk behaviour and the promotion of healthy lifestyles. The website presents a number of methodologies and practical guides for teachers to ensure prevention of risk behaviour. The website [www.prevenenciasikanovania.sk](http://www.prevenenciasikanovania.sk) gives up-to-date information on the area in question and also enables children, parents, teachers and the general public to obtain advice over the internet. The Research Institute for Child Psychology and Pathopsychology, with support from the Ministry of Health, has prepared promotional material — posters and leaflets — with the message “Don’t sell yourself! You’re not for sale!” and a methodological guide “We’re not for sale...” for use in working with child victims of violence and for the prevention of commercial sexual exploitation. This methodological manual comes in the form of a folder containing 125 freely removable pages on the following topics: Children and violence; the syndrome of child mistreatment, neglect and abuse; Commercial sexual abuse of children – definition and forms, risk factors; Typology of vulnerable groups of children; Characteristics of the psychological development of children and young people; Diagnosis of commercial sexual abuse of children, drawing of the human body, kinetic family drawing, sceno-test, case reports; Commercial sexual abuse of children and the school; The importance of parental upbringing of children – positive parenting; Specific implementation of preventative programmes; Perspectives on inter-disciplinary and inter-sectoral cooperation in prevention and intervention activities in cases of child sex abuse. A range of activities have also been carried out on the regional level. For example in 2012 Trnava Self-Governing Region carried out a preventative programme for the “Prevention of Commercial Sexual Violence against Children and Young People in Trnava District” in cooperation with the Centre for Pedagogical-Psychological Advice and Prevention in Trnava. The project aimed to prevent commercial sexual violence and the trafficking of young people. The target group was children in nursery schools, pupils in primary and secondary schools and their parents.

114. The website of the National Cultural Centre (an organisation under the competence of the Ministry of Culture) [www.nocka.sk](http://www.nocka.sk) publishes an electronic version of the information and education bulletin *Sociálna Prevencia* (Social Prevention). This periodical presents articles on the prevention of socially harmful phenomena in society (substance, non-substance and communication addictions, crime, extremism and the like).

## **VI. Disabilities, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

### **A. Health and health services**

115. The right to receive health care is guaranteed equally for all in accordance with the principle of equal treatment in health care, which is laid down in law. In accordance with the principle of equal treatment discrimination is prohibited on grounds of sex, religious belief, marital or family status, skin colour, language, political or other views, trade union activity, national or social origin, disability, age, property, descent or other status. In Slovakia the act on the scope of health care paid from public health insurance and on payments for services related to the provision of health care stipulates provides for the provision of guidance to the legal guardians of children and children as part of preventative health checks. Preventative health checks for children are carried out by a general practitioner for children and adolescents every two months from birth in the first year of life and then every two years until the age of 18 years. Children can also obtain guidance from consultation centres for the protection and promotion of health. Their activity focuses primarily on reducing lifestyle risk factors, in particular through balanced diet, adequate physical activity, avoidance of harmful substances and methods for coping with stress.

116. In connection with the implementation of the European Strategy for Child and Adolescent Health and Development (Regional Office for Europe of the World Health Organization, 2005), in 2008 the government of the Slovak Republic adopted a National Programme of Care for Children and Adolescents in the Slovak Republic 2008-2015. The aims of the tasks in this programme conform to the Convention.

117. The content of the programme provides specific objectives for sectoral and inter-sectoral activity to address issues concerning the health and healthy development of children and adolescents such as provision for the management of pathological conditions during the prenatal, perinatal and postnatal periods, promotion of the principles of the Mother and Baby Friendly Hospital Initiative (hereinafter the “BFHI”)<sup>27</sup> for perinatal and neonatal health care, early detection of developmental psychomotor disorders in children to prevent the development of disabilities, the prevention and monitoring of pathological developments in children and adolescents connected with nutrition, overweight and obesity, increasing the personal sense of responsibility for one’s own health in connection with oral hygiene, healthy eating and movement, support for the prevention of child injuries, improvements in access to health care for children and adolescents in socially vulnerable sections of the population including Roma children through the use of community health education workers, especially in connection with primary health care, the prevention of discrimination, racism, xenophobia, sexual abuse, including commercial sexual abuse, the prevention of mental disorders in children and adolescents, cultural and environmental education. A summary of tasks performed in the programme is submitted each year in the Report on Implementation of the Programme.

118. The main auxiliary instruments contributing to the implementation of children’s rights on the national and regional level are the National Programme of Care for Children and Adolescents in the Slovak Republic 2008-2015, the National Programme for the Prevention of Cardiovascular Disease, the National Immunisation Programme in Slovakia, the Plan for Implementation of Tasks under the National Programme for Mental Health 2012-2013, the National Programme for Obesity Prevention, the National Action Plan for Tobacco Control 2012-2014, the Programme for the Promotion of the Health of Disadvantaged Communities in the Slovak Republic 2009-2015 (not currently being implemented), the National Environmental Health Action Plan for the Slovak Republic IV (NEHAP IV). Other materials implemented in the past have been updated (e.g. the National Anti-Drug Strategy for Children and Youth in the Slovak Republic to 2020, the National programme for the Prevention of HIV/AIDS in the Slovak Republic 2013-2016 and the National Action Plan for Problems with Alcohol 2013-2020).

119. Investments in perinatal, neonatal and postnatal health care since 2009 include EUR 1,142,173 to provide specialised health care in a specialised National Centre for Maternal-Foetal Medicine and EUR 1,500,000 to buy instruments for perinatal centres in the University Hospital and Polyclinic in Bratislava – Petržalka, the Paediatric Teaching Hospital and Polyclinic in Bratislava, the University Hospital in Martin, the F.D. Roosevelt Teaching Hospital and Polyclinic in Banská Bystrica, the J.A. Reiman Teaching Hospital

<sup>27</sup> In 1991 top experts from the World Health Organization (WHO) and UNICEF launched the “Baby Friendly Hospital Initiative (BFHI)” as a worldwide initiative. The BFHI sets out practical procedures in ten steps to improve care and promote successful maternity with breastfeeding as a key factor. The international programme is aimed at the most important period in the life of a mother and child: the period of pregnancy, birth and postnatal adaptation. The Slovak Committee for UNICEF has incorporated the BFHI worldwide programme into its activities. It has been promoting it in Slovakia since 1993.  
Source: <http://www.unicef.sk/sk/nemocnice/bfhi/?jsessionid=9ADEAD84E0AC101A095CA78AC0FF9965>

and Polyclinic in Prešov, the Paediatric Teaching Hospital in Košice and the Teaching Hospital and Polyclinic in Nové Zámky.

120. Activities to promote breastfeeding and the BFHI principles in perinatal and neonatal health care are carried out each year by UNICEF and the Mamila civil association. One of their most important activities is to publish a guide on child care for mothers in which experienced authors present ways to prepare for motherhood, explain the organisation of health care for children in Slovakia and the importance of care by the family and the mother, especially in order to develop a secure, primary relationship with the child, and also a handbook on breastfeeding including examples of typical situations connected with breastfeeding. They present valuable information from Nils Bergman, James McKenna and Jack Newman. Dr. Jack Newman, MD, an international recognised specialist for the WHO on breastfeeding provides holds several seminars a year in Slovakia for medical professionals and mothers, which are organised by the above NGOs.

121. The Ministry of Health has issued guidelines on the timely diagnosis of defects in psychomotor development and the procedure for informing the parents or legal guardian of a child with disabilities about options for upbringing, special education and psychological counselling and prevention, which came into effect on 15 July 2011. Support was provided for a project to develop a screening tool permitting the timely identification of disabilities during preventative checks by elaborating national standards for assessing children's psychomotor development.

122. In view of the need to extend the scope of neonatal screening to cover rare genetic disorders which can be a significant threat to the life of a child or cause him/her permanent damage if not diagnosed early, new legislation was issued on universal neonatal screening for congenital hypothyroidism, congenital adrenal hyperplasia, cystic fibrosis and selected inherited metabolic diseases and the provision of health care for cases that are detected as an extension of the well-established system of neonatal screening, which is carried out on a sample of a dry bloodspot taken from all live neonates, to screen for nine more inherited metabolic diseases using the tandem mass spectrometry method, which is also used to test for phenylketonuria. The extended screening conforms to the recommendations of specialist EU bodies concerning rare diseases and Slovakia is one of the leading EU states in implementing their guidelines.

123. Preventative measures connected with nutrition, overweight and obesity in children in Slovakia are guided by the National Programme for the Prevention of Cardiovascular Disease in the Slovak Republic 2010-2012 (hereinafter the "NPPCD") whose second part is dedicated to the prevention of cardiovascular disease in children and adolescents, primarily through the prevention of risk factors. A summary of the performance of tasks under the NPPCD is submitted to the government each year.

124. HIV/AIDS is a major health problem affecting the whole of society. It is given due attention in Slovakia. In 2009 the government approved the National Programme for the Prevention of HIV/AIDS in Slovakia 2009-2012 (hereinafter the "National Programme"). The National Programme is based on the specific characteristics of the occurrence of HIV/AIDS in Slovakia. It is aimed at the whole population of the country with an emphasis on vulnerable sections of the population including children. The National Programme is coordinated by the chief hygienist of the Slovak Republic, who is also chairs the National Commission for the Prevention of HIV/AIDS. Financing for tasks under the national programme is allocated in the budgetary chapters of the competent ministries. Issues relating to HIV/AIDS and the child population are given adequate attention. The National Programme defines several activities to promote prevention of HIV/AIDS in the child population. These activities include campaigns, regional HIV/AIDS prevention programmes, educational programmes aimed at children and young people including the project "Game against AIDS", the Red Ribbon Campaign and activities on World AIDS

Day. If an HIV infection is suspected, blood will be taken from any child who requests testing and checked for the presence of HIV antibodies; if the test is positive the necessary treatment is provided.

125. An expert group of paediatric surgeons has developed a project to create four paediatric trauma centres (hereinafter “PTC”) in Slovakia with specialised equipment and personnel. The main problem for implementation of the project is lack of financing. The project estimates that one PTC will cost EUR 2.2 million, making a total of EUR 8.8 million for the whole country.

126. The National Programme for Mental Health (hereinafter “NPMH”) is a document with the objective of achieving a permanent positive effect on the health of the population in Slovakia through the elimination of health disorders that reduce quality of life and threaten people with early death. Other aims are increasing the health awareness of the population and inducing a gradual change in people’s attitude to their own health, increasing the interest of each section of society in order to make implementation a nationwide initiative, ensuring protection and support for health, mobilising all levels of society to reduce the incidence of risk factors affecting health and monitoring and evaluating the level of health awareness and the incidence of lifestyle risk factors. Tasks in the above programme relate to the mental health of children and youth.

127. Additional health care measures are provided for segregated and excluded Roma communities in Slovakia, including special programmes for children, such a free vaccination against Hepatitis A in areas inhabited by socially disadvantaged sections of the population.

128. The Ministry of Health has been operating a programme supporting health in disadvantaged communities since 2007. The programme was developed in cooperation with the Office of the Government Plenipotentiary for Roma Communities building up an pilot project called “Improving access to health care for the Roma community in Slovakia.” The programme is currently in its second stage of implementation, which was approved by the government in September 2008. The target group for the second stage of the programme remains the inhabitants of selected segregated and separated Roma settlements and localities in the Banská Bystrica, Košice and Prešov regions where the health and hygiene situation is most critical. The programme is implemented by community health workers (CHW) under the direction of the competent Regional Public Health Authority.<sup>28</sup>

129. The first stage of the programme from 2007 to 2008 involved 10 public health authorities (Banská Bystrica, Bardejov, Košice, Michalovce, Poprad, Prešov, Rimavská Sobota, Rožňava, Spišská Nová Ves, Stará Ľubovňa). In the second stage the authorities in Humenné and Vranov nad Topľou were added. The project was also extended to additional settlements and localities. CHWs operated in 115 locations in 2009 and in 122 in 2011.

<sup>28</sup> Their duties include providing for communication between on the one side the population of segregated and separated Roma settlements and localities, and on the other doctors, nurses, midwives and public health officials. They also promote basic health awareness and disseminate information in the community. They cooperate with schools, community centres (community social workers), municipal authorities (mayors), health insurers, assistant teachers, regional branches of the Office of the Government Plenipotentiary for Roma Communities and NGOs operating on the local level. Their main function is to “get close to” people living in segregated and separated Roma settlements and to help them improve their current health situation, to provide them with information on prevention, to provide health care, arrange health insurance and advice on patients’ rights.

## B. Financing

Table 7  
Stage I and stage II

| <i>Stage I</i> |               | <i>Stage II</i> |                |
|----------------|---------------|-----------------|----------------|
| 2007           | SKK 5 820 000 | 2009            | EUR 150 190    |
| 2008           | SKK 6 007 217 | 2010            | EUR 150 190    |
|                |               | 2011            | EUR 172 923.30 |

130. The Programme for Promoting the Health of Disadvantaged Communities in Slovakia supports 30 community workers providing health education to people living in socially excluded Roma communities. The community health workers are a channel for communication between the population of Roma settlements and doctors, nurses, midwives and public health professionals. Health education for these workers focussed on personal care for one's own health, the prevention of infectious diseases including participation in vaccinations, responsible parenting and marriage, environmental protection, food hygiene, the prevention of accidents and injuries, health care and general care for children, work with families in the community; they also organised special events for members of the target group, including children and youth, and they carried out activities in schools. The above community health work activities were stopped in 2012 to reduce costs. At present a proposal is being prepared for discussion by the government under the title "Proposal to Ensure the Financial Stabilisation of the Programme for Promoting the Health of Disadvantaged Communities in Slovakia 2013-2015".

## C. Measures to provide for the dignity of children with disabilities

131. On 01 January 2009 a new act on cash allowances in compensation for disability (Act No. 447/2008 Z. z.) came into effect in Slovakia, amending the conditions for the provision of cash benefits in compensation for the effects of disability on a natural person. The purpose of the law is to preserve, restore or develop the abilities of natural persons and their families to lead an independent life, to create conditions and to promote the social integration of natural persons and families with their active participation in the process and to overcome or mitigate the social effects of disability.<sup>29</sup>

132. Cash allowances in compensation are paid to a person with disabilities on satisfaction of the conditions laid down by law, where a person with a disability is defined as a person whose level of functional impairment according to WHO criteria is at least 50%. A person with a disability's need for a specific cash allowance depends not only on his/her disability but also on non-medical criteria (the personality of the claimant, his/her family and wider environment). This broader understanding of the claimant's social

<sup>29</sup> The cash allowances in compensation that provide the most substantial support for autonomous and independent living for persons with disabilities are: the cash allowance for personal assistance, the cash allowance for the purchase of a car, the cash allowance for transportation, the cash allowance for modification of a flat, the cash allowance for modification of a house and the cash allowance for modification of a garage, the cash allowance for the purchase of devices, the cash allowance for training in the use of devices and the cash allowance for the modification of devices, the cash allowance for the repair of devices, the cash allowance for the purchase of lifting equipment, the cash allowance in compensation for increased expenditure in connection with the operation of a car.

situation is used to plan which forms of compensation would be most suitable (in connection with mobility, communication, activities of daily living, housework and increased costs). Social assessment is carried out by social workers in cooperation with other specialists (e.g. an ergonomist, architect) with the participation of the individual being assessed, who has the right to present his/her needs and proposals for resolving his/her social disadvantages.

133. Cash benefits in compensation for the social consequences of severe disability under the act on cash allowances in compensation are financed from the state budget. Cash benefits in compensation are provided in varying amounts depending on the type of allowance and the income and property of the person with a disability.

134. Practical experience indicated a number of changes were needed in cash allowances in compensation for disability, which were put into law in July 2011. The amendment introduced changes in the conditions for provision of some of the cash allowances in compensation in favour of persons with disabilities. The amendment of the act on compensation also changed the rules for assessing which department of a children's home children should be assigned to. As stated above, every child in Slovakia under the age of six years (who cannot be cared for by his/her parents or relatives and cannot be placed in any other form of alternative family care) who is placed in a children's home, must grow up in a professional family. This statutory obligation has two exceptions – one is for large groups of siblings and the other is for children whose health condition requires systematic medical (nursing) care in a specialised group. Since 2009 children's homes cannot decide on this issue for themselves despite the fact that all diagnostic procedures take place in a children's home. Every decision must be verified by an assessment doctor. Even in the case of older children it is prohibited to place a child in a special group for mentally ill children without prior verification by an assessment doctor. This mechanism was introduced in 2009 and the amendment of 2011 added more specific conditions and procedural rules for medical assessment.

#### **D. Measures to protect children from substance abuse**

135. In the area of measures to protect children from substance abuse, in April 2009 the government of the Slovak Republic considered a report on the overall evaluation of fulfilment of the third anti-drug strategy – the National Programme for the Fight against Drugs 2004-2008 and adopted a new National Anti-Drug Strategy 2009-2012.

136. The government gave special consideration to measures to combat the distribution and consumption of drugs through both repression and prevention. It strengthened the statutory and executive powers of the Police Force for fighting against drugs. In April 2011 the authorities added 43 new psychoactive substances sold in "Crazy Shops" to the list of substances covered by act No. 139/1998 Z. z. on narcotics, psychotropic substances and preparations.

137. The NMCD monitors the supply and demand for drugs in Slovakia using the EMCDDA key indicators and other major indicators; as before it collects and analyses data on the supply of drugs and efforts to reduce drug supplies. Individual ministries also monitor drugs issues in connection with the achievement of objectives in sectoral action plans; they draw on their own statistics and occasionally also on research in this area. These statistics are part of a broader context and are subordinate to sectoral priorities. The framework action plan partly strengthened the competences of the National Monitoring Centre for Drugs in the domestic context.

138. Recovery programmes persons who drug and other dependencies continues to be provided through the system for social and legal protection of children and social

guardianship in resocialisation centres offering recovery programmes for adults and minors by agreement, but always on the recommendation of a psychiatrist or addiction specialist. Minors can also be placed in a resocialisation centre by a court decision on an educational measure, in which case the state pays the full cost of therapy. There are 20 resocialisation centres in Slovakia, one of which is run by local government and 19 are non-state facilities accredited by the Ministry of Labour, Social Affairs and Family with a total capacity of around 500 places. In 2009 the law regulating the conditions for treatment in a resocialisation centre: every centre must elaborate and publish its programme; a resocialisation plan must be elaborated for every client and in the case of clients who are minors the plan must be reviewed by the competent authorities for social and legal protection of children and social guardianship at regular intervals. The new rules incorporate the results of cooperation between Slovakia, Finland and France in a Twinning Project of the Office of the Government of the Slovak Republic with financing from the European Union. One of the objectives of the project was to elaborate standards for resocialisation centres, which are regularly reviewed.

139. The system of social and legal protection of children and social guardianship includes the institution of social guardianship of children, which takes necessary measures for children with drug and other dependencies, children who experiment with drugs, children who are dependent on gambling etc. Social guardians carry out measures for approximately 25,000 children (crimes, behaviour disorders, etc.),<sup>30</sup> of whom 300-400 children had problems with drugs, gambling etc. Additionally, seven departments for the social and legal protection of children and social guardianship (in regional capitals) employ a psychological prevention specialist, who organises prevention activities in the department's region and in children's homes in connection with problems dealt with by social and legal protection of children and social guardianship.

140. The Ministry of Culture also plays a role in the prevention of substance and non-substance addictions. The National Cultural Centre participates in the organisation of annual arts project aimed at young people aged 14-18 years entitled "Why I am Glad to be in the World". The Museum of the Slovak National Uprising in Banská Bystrica organises a regular educational programme for secondary school students entitled "I Want to Live without Drugs". The National Cultural Centre organises annual methodological seminars for employees of regional cultural centres where the issues discussed include the prevention of negative sociopathic phenomena in society (substance and non-substance addictions, crime, extremism).

141. An important topic for Slovakia is the protection of non-smokers and the gradual tightening of conditions for the protection of non-smokers against the effects of tobacco smoke.

142. The prevention of addiction to alcohol, tobacco and drugs is incorporated into state curricula in primary and secondary schools. Prevention of addiction to alcohol, tobacco and drugs is covered in the education and upbringing process in the subjects Ethics, Civics, Religious Education, Natural History, Slovak, Chemistry, Biology and class periods. Prevention is also discussed in class periods and Religious Studies lessons, in secondary schools in the subjects Psychology and Nursing. Outside teaching hours, universal prevention is carried out in small-group leisure activities, in activities organised by centres for pedagogical-psychological advice and prevention and in school clubs for children. The most frequently implemented projects are Health in Schools, Schools Promoting Health, peer programmes, the preventative programme the Path to Emotional Maturity and the

<sup>30</sup> In 2012 the authorities for SLPC&SG carried out SLPC&SG measures for 178,240 children, of which 25,930 cases involved social guardianship.

Open School programme. Every year since 2005 the Ministry of Education, Science, Research and Sport has announced and implemented a project on the topic of “Health in Schools”. Every year the priorities supported include the prevention of substance and non-substance addictions. The document “Basic principles for the development of schools’ strategies for preventing risk behaviour by children and pupils”, prepared by the Slovak National Institute for Education, is a contribution to higher professional standards for teachers and a comprehensive, systematic approach to prevention in schools compatible with the recent reform of the education system. The document concentrates on the forms of risk behaviour most frequently encountered in schools such as experimentation or high-risk use of addictive substances (legal and illegal drugs), unacceptable behaviour (aggression, bullying) and expressions of intolerance. It defines a framework for the development of schools’ strategies for preventing risk behaviour in each stage of education – ISCED 0 (pre-primary/preschool level), ISCED 1 (Primary education or first stage of basic education), ISCED 2 (Lower secondary education or second stage of basic education). In the reporting period schools’ most frequent activities in this area were projects promoting health and healthy lifestyles, peer programmes and preventative programmes and projects in cooperation with centres for pedagogical-psychological advice and prevention.

143. The Ministry of Interior concentrated on checking for the consumption of alcoholic beverages by children and young people. Individual district headquarters of the Police Force and the regional headquarters of the Police Force carried out preventative activities involving checks for consumption of alcoholic beverages by children and young people. These preventative checks for consumption of alcoholic beverages by children and young people and for truancy were targeted at locations where it was known or believed that alcohol was sold to minors and youth, and narcotics were sold and distributed. These activities in the form of preventative security activities were carried out in cooperation with social guardianship professionals from the offices of labour, social affairs and family.

144. The Slovak National Institute for Education carried out a project Alcoholism Prevention for 11-15 year-old pupils and distributed the project output, the DVD “Alcohol – a Hidden Enemy”, and a methodology for its use in various types of schools, school establishments and centres for pedagogical-psychological advice and prevention. As well as schools, the film was distributed by public health authorities, children’s homes and it is available to pedagogical and non-pedagogical professionals who are interested in it. At the initiative of the Government Council for Crime Prevention, a pilot project was begun in 2009 to test the project “Everyone’s doing it!” which was originally developed by the Danish Crime Prevention Council and was offered to the Ministry of Education, Science, Research and Sport as an example of good practice by the European Crime Prevention Network. The project produced a *methodological manual for the project “Everyone’s doing it!”* and a *methodological publication “On prevention in schools”*, which were given to schools as an example of good practice in achieving effective prevention. It is an innovative form of prevention that nevertheless fits naturally into the educational process and was received positively by schools, which particularly appreciated the practical guide to working with pupils to prevent the use of addictive substances and risk behaviour. It is aimed at pupils in the second stage of education, who are amongst the most at risk of experimenting with addictive substances (tobacco, alcohol) and coming into contact with crime.

145. In 2011 the Research Institute for Child Psychology and Pathopsychology continued implementation of the project “*Experimental testing of an integrated system for the prevention of sociopathic phenomena amongst children and young people in the Bratislava-Ružinov region.*” From 2009 to 2011 Trnava Self-Governing Region and professionals from the Centre for Pedagogical-Psychological Advice and Prevention in Trnava carried out a preventative programme in the districts of Trnava, Galanta, Skalica and Piešťany under the title “Prevention and elimination of sociopathic phenomena amongst children and pupils”,

which was aimed at children in nursery schools, pupils in the third year of primary school, secondary school students and which included weekend residential activities for children and parents. The preventative programme for pupils was aimed at developing a pro-social personality in younger school-age pupils, promoting positive relationships amongst classmates and promoting effective solutions to stressful situations. The preventative programme for secondary school students sought to develop and shape the personality of individuals and their relationships, to train and develop communication skills, to increase self-knowledge, to promote effective ways of resolving conflicts with opportunities to work and learn from experience. The aim of the weekend residential activities for children and parents was to promote cooperation between children and parents, to increase the quality of interpersonal communication, to cultivate cooperative relationships and constructive approaches to difficult situations in children's development. The preventative programme contributed to the gradual elimination of sociopathic phenomena, a change in pupil's self-image, in parents' relationships with their children and in teachers' relationships with their pupils.

### **E. Standard of living and poverty reduction**

146. On the occurrence of the state-recognised life event – the birth of a child and for the duration of provision of care for the child the state provides state social support benefits in the form of single and repeated cash payments. (In the Second Periodic Report on the Convention on the Rights of the Child these benefits were discussed under points 247-251) The following changes have taken place in the provision of state social support since 2007:

### **F. Child allowance and supplement to the child allowance**

147. With effect from 01/01/2008 a supplement to the child allowance can be granted if the age or poor health condition of a child's parents mean that they cannot perform gainful activity and are therefore unable to claim a tax bonus. A supplement to the child allowance can be paid only to parents or alternative parents who receive an old-age pension, an early old-age pension, an invalidity pension for a reduction in the ability to perform gainful activity in excess of 70% or a service pension, who do not perform gainful activities and who cannot claim a tax bonus.

148. With effect from 01/01/2009 there was a change in the amount of the child allowance and the supplement to the child allowance. Under the previous rules the government decided whether or not the benefits would be increased, which had the result that the amount of the child allowance remained unchanged after 2004. With effect from 01/01/2009 the amount of benefit increased annually from 01 January by the same multiple as the increase in the subsistence minimum. Since 01/01/2013 the child allowance is EUR 23.10 and the supplement to the child allowance is EUR 10.83.

### **G. Child care allowance**

149. The child care allowance is a new state social support benefit that was introduced by Act No. 561/2008 Z. z. with effect from 01/01/2009. It is a social benefit intended for parents who commence gainful activity or return to work before a child reaches the age of three years or six years in the case of a child with a permanent adverse health condition, and who put their child in day care with another legal entity or natural person, e.g. a crèche or nursery school. The state pays parents a contribution towards this care equal to the proven incurred costs up to an amount equal to the parental allowance (at the time of entry into effect of the act, the parental allowance amounted to EUR 158.67 per month). If day

care is provided by a natural person without a trade licence, e.g. a relative of the child's parent, the amount of the child care allowance was 25% of the parental allowance without proof of expenditure. In view of the high cost of day care services for children, especially in private facilities, and in order to increase the accessibility of such services for parents with low incomes, the upper limit for the allowance was raised to EUR 230 per month with effect from 01/01/2011. The government can adjust the amount of the child care allowance with effect from 01 January of the calendar year by regulation.

## **H. Parental allowance**

150. On 01/01/2010 a new act on the parental allowance (Act No. 571/2009 Z. z.) came into effect which, combined with the child care allowance established by Act No. 561/2008 Z. z. allows parents to choose a form of care for their child in the first years of life that most closely corresponds to the current needs of the child and parents and which fully respects a parent's decision to care for his/her child in person or engage in gainful activity or participate in education at secondary or higher level.

151. Under the new rules the state continues to support parents caring for children under the age of three years, or six years in the case of a child with a permanent adverse health condition or up to three years while the child is under six years of age, in the case of a child placed in care replacing parental care. The conditions of entitlement are that the parent provide due care for the child and that the parent is resident in the territory of the Slovak Republic. One parent, either the father or mother of a child can make a claim by mutual agreement, even if they are not married, or the natural person in whose care a child is placed for alternative care by court decision (an alternative parent). During the three or six years the parents exchange the role of caring for the child. The amount of the parental allowance is adjusted each year as at 01 January by the same multiplier used to adjust the subsistence minimum; as at 01/01/2013 the amount is EUR 199.60.

152. From 01 January 2011, for the first time since the parental allowance was introduced as a state social benefit, a higher parental allowance was granted if parents had two or more children at once. The parental allowance is increased by 25% for each additional child in a multiple birth.

153. Another innovation was the payment of the parental allowance at a lower rate of 50% per month if an older child in parental care neglects his/her duty to attend school, i.e. if he/she has more than 15 hours of unexcused absence per calendar month in three consecutive calendar months. The parental allowance is paid at a lower rate for three calendar months. If the older child begins to attend school regularly again, the parental allowance is paid in full.

154. A parent caring for a child under three years of age who decides to return to work before the child reaches three years of age can therefore choose whether to take a parental allowance or apply for a child care allowance, which is advantageous when a parent has multiple children under three years of age and child care is provided by a day care facility (e.g. a private or municipal crèche) whose monthly charges are greater than the parental allowance.

## **I. Payment on the birth of a child and supplement to the payment on the birth of a child**

155. In addition to the payment on the birth of a child (EUR 151.37), with effect from 01/01/2007 it is possible to receive a supplementary payment on the birth of a child (EUR 678.49). Originally this was only provided when a mother had her first child. Since many

parents decided to delay the birth of a second or third child or decided not to have a second or third child because of complications in their social and economic situation, with effect from 01/01/2009 the supplement can also be provided on the birth of a second and third child. If more children are born at once (twins, triplets), the supplementary payment can be claimed for each of the children. The conditions for entitlement to a payment on the birth of a child are designed to promote the birth of healthy children because they include a requirement that the mother of the child attend prenatal care every month from the fourth month of pregnancy until the birth and that proper care is taken of the new-born child.

156. In the case of families where it is suspected that the payment will not be used for its proper purpose, the payment on the birth of a child and the supplement to the payment can be made to a special recipient, the municipality. The special recipient is obliged to use the payment on the birth of a child and the supplement to the payment in accordance with their purpose.

157. The state is therefore able to pay parents a lump sum of nearly EUR 830 as financial support on the birth of a first, second or third child. The government can adjust the amount of the lump-sum payments with effect from 01 September of the calendar year by regulation.

158. Although poverty is a global problem that even the richest states must struggle with, Slovakia does not have an expressly defined poverty line; it can be represented by the subsistence minimum, which is the focal point for social policy which regulates many of the state's social measures. Amongst the most urgent priorities for social inclusion in Slovakia are preventing the intergenerational reproduction of poverty and promoting equal opportunities for children. Slovakia participates in measures to combat poverty and social exclusion under the Lisbon Strategy, which it adopted in 2000 as part of the EU accession process. (In the Second Periodic Report on the Convention on the Rights of the Child points 171-172). In 2008 a new reporting period began for the years 2008-2010 in which the common objectives on social inclusion, pensions and health and long-term care were again incorporated into one National Strategy Report on Social Protection and Social Inclusion 2008-2010.

159. In 2010 the European Council approved a new strategy for the next period, the Europe 2020 strategy. Based on the target for fighting poverty in the Europe 2020 strategy, Slovakia was set the following target in its national strategy for fighting poverty and social exclusion: "Lift at least 170,000 people out of the risk of poverty and exclusion by 2020". In order to achieve this target, reducing the risk of poverty has been declared one of the basic principles in the drafting of legislation and efforts to provide assistance to the most vulnerable sections of the population. At present the basic strategic documents setting out domestic measures for achieving the above target is the National Reform Programme 2013 and the action plan of the National Reform Programme 2013, which presents concrete steps and a timetable for implementing specific recommendations. It includes the text of measures, the recommendations that they refer to, the form for implementation, their deadlines and their responsible supervisors and joint supervisors. The measures adopted in the National Reform Programme cover a wide range of people at risk of poverty or social exclusion including families with children, persons in material need, young people, the long-term unemployed, persons with disabilities, older people, marginalised Roma communities etc.

160. With reference to the Europe 2020 strategy and the European semester system, it was decided that member states should also prepare national social reports. Their aim is to provide brief information on progress achieved in the system for social protection and social inclusion in accordance with the Open Method of Coordination. The National Social Report for 2012 was prepared accordingly.

161. Material assistance and support programmes for children (discussed in the Second Periodic Report on the Convention on the Rights of the Child under points 252-261 and 263-264)

162. Families with children who are unable do not have sufficient resources to provide for their basic living needs, who are unable to increase their resources by their own efforts and find themselves in a state of material need, received assistance in material need from the state or municipality in the form of benefits in material need and benefit allowances in accordance with the act on assistance in material need and amending certain acts. The amounts of benefit in material need and the benefit allowances are set by government regulation. During the reporting period, the amounts of benefit in material need at all levels and housing benefit was increased in 2007 and 2008. With effect from 01/09/2009 there was an increase in benefit in material need at all levels, in benefit for pregnant women from the start of the fourth month of pregnancy, benefit for the parents of a child under one year of age and benefit for a child in material need. The following changes have taken place in the provision of benefit in material need since 2007:

- With effect from 01/01/2008 the supplement to the payment for a child and the supplement to the child allowance is not deemed to be income, nor are benefits of the same type paid in another EU Member State, in an EEA country or in Switzerland up to the amount of the child allowance under the Act on the Child Allowance (Act No. 600/2003 Z. z.).
- From 01/05/2008 a number of items such as 50% of the allowance for activation activity in the form of voluntary service is not considered income for the purposes of assistance in material need.
- From 01/09/2008 all levels of benefit in material need and housing benefit were increased.
- From 01/01/2009 a new benefit intended for a child in material need was introduced. Its purpose is to cover basic living costs and provide assistance for children in material need as long as the child fulfils obligatory school attendance. There was a change in the amount of benefit paid to the parent of a child under the age of one year. There were changes in the basic benefit in material need and the allowances. The increased benefit and allowances mitigated the effects of the economic crisis on families with children and children dependent on state assistance. When assessing income for the purposes of material need, any employment premium and tax bonus is not counted.

163. The state pays subsidies for children attending pre-school education and primary school to the school's controlling authority in the form of subsidies for meals and school supplies.

164. Until 31/12/2008 the Ministry of Labour, Social Affairs and Family operated the subsidy programme in accordance with Decree on the provision of subsidies in the ministry's area of responsibility. The Ministry of Labour, Social Affairs and Family provided subsidies that lead to improvements in children's school attendance, improvements in the education process and more equal opportunities for children in material need. It allowed subsidies to be provided for meals, school supplies and also motivational grants that were awarded by the controlling authorities of primary schools. A subsidy was payable for each child attending a nursery school, primary school or special primary school whose family was dependent on benefit in material need or whose total monthly income in the previous six consecutive months was less than the subsistence minimum. A subsidy was also given for all children in a school if at least 50% of the school's pupils were dependent on benefit in material need and its allowances. The system was changed with effect from 01/01/2009. Subsidies for meals and school supplies are still

provided but motivational grants are not supported. The reason for their withdrawal was the new act on assistance in material need which introduced a new benefit for children from families receiving assistance in material need where the children attended school regularly. This benefit is the same in character as the motivational grant. Providing a motivational grant and the above benefit would be duplicate provision of direct financial support by the state. Subsidies for meals and school supplies were provided according to the decree until 31/12/2010. The criteria for provision were the same as under the previous decree.

165. Act No. 544/2010 Z. z. on subsidies within the competence of the Ministry of labour, social affairs and family entered into effect on 01/01/2011. The act on subsidies retained this important motivational mechanism. Under the act, a subsidy can be provided to support the education of children at risk of social exclusion in the performance of educational duties (the previous subsidy for school supplies) and a subsidy promoting good eating habits in children at risk of social exclusion (the previous subsidy for meals). The act applied the same criteria: i.e. subsidy was payable for each child attending a nursery school, primary school or special primary school whose family was dependent on benefit in material need or whose total monthly income in the previous six consecutive months was less than the subsistence minimum. A subsidy can also be given to all children in a school if at least 50% of the school's pupils were dependent on benefit in material need and its allowances.

166. One of the most important preventative measures for protecting children against material need is the provision of alternative maintenance. The provision of alternative maintenance prevents the risk of child poverty resulting from the failure of an obliged person to comply with maintenance duties set by a court. An amendment of the Code of Civil Procedure and the Code of Enforcement Procedure (responsibility for the enforcement of court judgements has essentially been passed from courts to recovery enforcement officers in all financial areas, i.e. the enforcement of a court decision on care for a child remains a matter for the court but the recovery of maintenance is now the responsibility of enforcement officers – executors) has had a major impact on the provision of alternative maintenance pursuant to Act No. 452/2004 Z. z. on alternative maintenance. The changes required new legislation on the provision of alternative maintenance. A new act on alternative maintenance entered into effect on 01/01/2009. The conditions for entitlement to alternative maintenance on filing of a claim remained unchanged. Evidence supporting claims no longer needs to be submitted monthly but only every six months and the claimants are no longer obliged to provide proof of matters relevant to a claim for alternative maintenance that the competent office of labour, social affairs and family can obtain by communicating with other interested institutions such as a recovery enforcement officer, the social insurance agency, school etc.

167. An important change for recipients of alternative maintenance has been made in the assessment of the duration of a claim. Provision of alternative maintenance is no longer stopped by the payment of full maintenance for one month and a claim for alternative maintenance continues until maintenance has been duly paid for three consecutive months. Alternative maintenance is also a means for assisting children who are at risk of poverty if they are not entitled to an orphan's pension or orphan's service pension after the death of their parents or if the provided pension is less than the subsistence minimum.

168. In order to support the best possible provision for children's needs and to assist provision for children's interests the Act on Income Tax provides:

- As a measure to support upbringing in the family, the possibility to claim a deduction from the tax base for a spouse who cares for a child up to the age of three years.

- A tax benefit for an eligible person (a parent that a child lives with in a shared household and who satisfies the conditions laid down by law) amounting to approximately EUR 250 per year for a dependent child up to the age of 25 years if the child is in systematic preparation for the practice of a future occupation through study.

## **J. Services and establishments for social security and child care**

169. Since 01 January 2009 social services in Slovakia have been provided in accordance with the act on social services. The act on social services regulates legal relations and conditions for the provision of social services, whose purpose is to support the social integration of citizens and satisfy the social needs of people in adverse social situations. The objective of legislation on the provision of social services is to support citizens' social integration and satisfy the social needs of persons in adverse social situations. The act on social services guarantees the right of natural persons to receive social services or provision to enable them to obtain such services the right to select a provider of services on satisfaction of the conditions laid down by law, other rights relating to the provision of social services that permit the enjoyment of fundamental human rights and freedoms, preserve human dignity and prevent social exclusion, and the right to have access to information on social services. The law also defines the rights of clients in social services establishments. The act on social services does not address the rights of the child directly but those of the clients or recipients of social services in an establishment, including children.

170. The act classifies social services by type (statistical data are given in the statistical information section), one of which is support for families with children, which includes the following social services:

- **Assistance in personal care for a child and support for balancing work and family life** – this social service is provided to the parents of a child or another natural person in whose personal care a child has been placed by court decision. The purpose of this social service is to ensure provision of care for a child or household, personal hygiene activities, food preparation, dressing and undressing, assistance in preparation for school and accompanying of a child. Such activities are carried out mainly in the event of the illness, injury or spa treatment of a parent or parents, or in the event of the death of one of the parents or the natural person in whose personal care a child was placed, and after the mother of a child or a woman in whose personal care a child has been placed has given birth and when at least three children are born at once or when multiple births are repeated within two years; services are provided until the youngest child reaches three years of age.
- **Provision of social services in an establishment for temporary child care** – such establishments provide social services for children when there are serious reasons preventing the child's parent or the person in whose personal care the child was placed by court decision from caring for the child. This type of social services establishment provides social counselling, accommodation for limited period, meals, cleaning, laundry, ironing, repairs of cloths and bedding and also leisure activities.
- **Provision of social services in a low-threshold day centre for children and families** – involves primarily social services for natural persons or families who are at risk of social exclusion or who have limited capacity for social integration, which help such persons to solve their own problems. These establishments provide social counselling, assistance in exercising rights and legally protected interests and also create conditions where clients can obtain necessary clothes and footwear and participate in leisure activities.

171. Since 2008 field social work has been implemented through demand oriented projects co-financed by the European Social Fund through the Social Development Fund. 228 municipalities were involved in the projects. In 2011 the number of participating localities was 230 and as at 30/06/2011 projects employed a total of 770 field social workers and assistant field social workers.

172. **The National Project Field Social Work in Municipalities** (hereinafter the “NP”) began in December 2011 and will continue to December 2015 with co-financing from the European Social Fund and the state budgeting amounting in total to EUR 29,999,999.46. As at 31/12/2012 the NP involved 238 municipalities, 288 field social workers, 330 assistant field social workers and 14 regional coordinators. Project activities reached out to 45,070 persons and field social workers and their assistants carried out 146,004 interventions for the benefit of the target group.<sup>31</sup>

## **VII. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)**

### **A. The right to education**

173. Significant changes were made to education in Slovakia during the reporting period. On 01/09/2008 the act on upbringing and education — the schools act — came into effect as a long awaited standard, the main pillar of education reform, establishing in particular a two-tier model of education programmes comprising state education programmes (StEP) and school education programmes (SchEP). The schools act introduced a number of major changes in the school environment:

- New principles have been introduced such as equal access to upbringing and education having regard for individuals’ educational needs and their shared responsibility for their education; the prohibition of all forms of discrimination, especially segregation; the prohibition of the use all forms of corporal punishments and penalties in education; freedom of choice in education having regard for the expectations and potential of children and pupils and in accordance with the possibilities of the educational system; preparation for a responsible life in a free society in a spirit of understanding and tolerance, equality of men and women, friendship between nations, nationalities and ethnic groups, and religious tolerance.
- A definition is given of children and pupils from socially disadvantaged backgrounds.
- The goals of education include a command of at least two foreign languages and development of the ability to use them.
- Education levels are harmonised with the ISCED standard.
- At all stages of education there is a two-level model of education programmes in which the state defines compulsory content of education in primary and secondary school through StEPs. SchEPs allow schools to establish an independent profile.

<sup>31</sup> The National Project Community Centres, currently in preparation, is intended to promote social inclusion and positive changes in communities focussing in particular on marginalised Roma communities. The project is expected to provide support for around 120 community centres and will draw 15% of its financing from the state budget and 85% from the structural funds. Total planned expenditure for the project is: EUR 17,970,000.

- Nursery schools are part of the school system; children receive free upbringing and education in nursery schools in the last year before the start of compulsory school attendance.
- Rules are set for the education of foreigners in Slovakia, giving them the same conditions of education as exist for Slovak citizens.
- Secondary vocational schools with internal banding now provide all forms of vocational education and training which were previously provided separately in secondary vocational schools, secondary vocational training centres and training centres.
- The name of schools for children and pupils with special educational needs was changed.
- Upbringing activities and educational establishments is provided according to upbringing programmes.
- The Curricular Council was established as a professional, initiative-proposing and advisory body to the minister of education, science, research and sport for key issues relating to upbringing and education.
- It is obligatory to keep a register of children, pupils and students.
- The National Institute for Certified Educational Measurements was established to monitor and evaluate the quality of upbringing and education on the level of the STEPs and to provide for international standards of measurement in Slovakia for programmes that Slovakia participates in.
- A dual counselling system was set up through centres for pedagogical-psychological advice and prevention and centres for counselling on special education.
- School attendance is compulsory for all children aged 6 to 16 years – there are no exceptions from compulsory school attendance.<sup>32</sup>
- A legal guardian has priority when enrolling his/her child in a school in the school district where he/she resides, if he/she does not decide to register the child in another school. If the number of enrolled children is greater than the capacity of the school, the controlling authority of the school will place the child in another school and the pupil will be entitled to transportation or the financial reimbursement of transportation costs for using public transport if necessary.

174. As the controlling authorities for primary schools, municipalities are obliged to provide for the education of pupils with special educational needs in schools under their control. These provisions do not permit the exclusion of children with disabilities or weaker abilities from mainstream education if the child's legal guardian does not decide himself/herself to place the child in a special school. Children placed in special schools also receive education in accordance with the Convention, i.e. education of equal value to the education provided in mainstream schools, which has the same criteria at each level of education, which is provided by teachers with higher education degrees in education for pupils with disabilities and which follows state education programmes.

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<sup>32</sup> "Nobody can be exempted from the obligation to attend school."

## B. Equal access to education for all for the purpose of obtaining education

175. Under current legislation it is not possible to exempt children from compulsory school attendance. The schools act guarantees access to education for *all children and pupils with disabilities*. The availability of instruments to support access for children and pupils with disabilities is improving gradually. Special approaches for children and pupils with disabilities are implemented through approved education programmes for each category of such pupils, which are incorporated in the state education programme and where possible an individual approach is used in the education of pupils with disabilities in particular by reducing numbers in classes for such pupils and providing qualified staff in accordance with applicable legislation. In schools other than special schools, professional support for upbringing, education and counselling of children and pupils in school integration is provided by school special needs teachers, of whom there are 441. Additionally, pedagogical assistants provide support services for the education of pupils with disabilities. Grants from the Ministry of Education, Science, Research and Sport provided 622 full-time equivalent positions for pedagogical assistants for pupils with disabilities out of a total of 1,650 pedagogical assistants working with pupils with disabilities in all nursery, primary and secondary schools in Slovakia including special schools, whose work is funded by grants from the Ministry of Education, Science, Research and Sport and other sources of funding in accordance with the law.

176. As the law in Slovakia requires all children to complete ten years of compulsory school attendance, including children with special educational needs, legislative conditions have been elaborated for them to complete primary or lower secondary education. The parents of children pre-school age and school age children are also liable for compliance with the law. Certain groups of children require special support, however, in order to acquire the habits, skills and experience, information and knowledge that are considered normal in the general population but are absent from family upbringing in some cases. The Europe 2020 strategy includes an indicator reducing the rate of early school leaving in EU Member States below 10%. Slovakia has, however, undertaken that no more than 6% of the population aged 18-24 years will complete at most lower secondary education and not continue further in education.

177. The latest data issued by the European Commission – “Education Benchmarks for Europe” published in February 2012 shows that Slovakia is one of the top three countries in results for Early School Leavers. According to data from Eurostat, the percentage of early school leavers in Slovakia in 2000 was 6.7%, in 2009 it was 4.9% and in 2010 it was 4.7%. For a long time Slovakia has been one of the countries with the lowest numbers of pupils who leave school and the education system early. An important factor that reduces the rate of early school leaving in Slovakia is the flexible and open system provided by current education law for pupils who do not complete the primary and lower secondary curriculum.

178. Slovakia supports access to education for children and pupils belonging to national minorities in accordance with the schools act and approved conceptual material: the White paper on the upbringing and education of national minorities and the White paper on the upbringing and education of Roma children and pupils, including the development of secondary and higher education. Secondary school pupils can take the *Maturita* (secondary school graduation) exam in Roma language and literature. On its website the Slovak National Institute for Education presents target knowledge and skill requirements for candidates for the *Maturita* exam in Roma language and literature to help schools to prepare appropriate tests. Pedagogical assistants help to create equal opportunities in upbringing and education and overcome barriers in architecture, information, language, health condition and other social cultural factors in nursery schools, primary schools and secondary schools, including special schools. In the school year 2012/2013 there were 1,038 of them. In order to increase the number of assistants for pupils from socially

disadvantaged backgrounds the law requires that the controlling authorities of schools with more than 100 pupils from socially disadvantaged backgrounds must use 50% of the financing provided for pupils from socially disadvantaged backgrounds for the pay of an assistant teacher. The controlling authorities of primary schools and primary schools for pupils with special educational needs can also use funding to hire assistant teachers under agreements on the performance of work or agreements on work activities (not only under full employment contracts). In 2011 the system of “zero classes” was reinforced. The Slovak National Institute for Education prepared new framework teaching plans for the State Education Programme which includes the zero class.

### **C. Aims of education**

179. The schools act is the basis for a framework of related education. The Act on vocational education and training established an entirely new mechanism for employer participation in vocational education and training and also creates conditions for improvements in the quality of vocational education and training by creating advisory bodies on vocational education and training. A support mechanism was established to coordinate vocational education and training with the labour market. The act on pedagogical staff and professional staff overhauled the status and working procedure of pedagogical and professional staff, defined their rights and duties, laid down conditions for the performance of pedagogical and professional activities and established a system of professional development, career scales, career positions, qualifications for pedagogical and professional employees and a system of vocational education.

180. The Ministry of Education, Science, Research and Sport has extended the system for reimbursing pupils’ transportation costs for compulsory school attendance to cover also pupils with disabilities. The act also provides for the reimbursement of transportation costs for the legal guardian of a pupil of a primary school, primary school with nursery school and primary school for pupils with special educational needs.

181. Systematic work with children and young people in the form of informal education of children and young people, including free time activities, is supported by annual calls under the Programme of Financial Support for the Activities of Children and Young People 2008-2013 (ADAM1, ADAM2, ADAM3). The calls provided for the systematic activity of subjects that work actively with young people in informal education, that provide information and advice for young people; the programme also supports the planning and networking activities of subjects on the regional and national levels. IUVENTA – the Slovak Youth Institute carries out monitoring of supported subjects, training and information activities for grant applicants and supported subjects and audits the final reports on the performance of supported activities. In 2009 a Compendium of Projects supported under the ADAM programme was published in electronic format. An overview of project support with examples of good practice for each year is published on the website: <https://www.iuventa.sk/sk/Granty/ADAM.alej>.

182. Support for regular school attendance is implemented in accordance with applicable legislation and the pedagogical organisational instructions of the Ministry of Education, Science, Research and Sport. The pedagogical organisational instructions for each school year include a number of recommendations in accordance with the Convention on the Rights of the Child – continuous monitoring of children’s behaviour and changes in behaviour, immediate provision of active protection for children if there are reasonable grounds to suspect impairment of their healthy personal development, recommendations for full compliance with the principle of preventing risk behaviour in schools and for improving the management and effectiveness of solutions for situations that endanger health and for the prevention of accidents. The instructions recommend effective

instruments for preventing or dealing with first expressions of problem behaviour, truancy, bullying, physical or mental abuse, delinquency, substance abuse, sexual abuse, extremism, abuse of children or pupils – [www.bezpecnaskola.sk](http://www.bezpecnaskola.sk), [www.prevenciasikanovania.sk](http://www.prevenciasikanovania.sk) and cooperation with the experts from the centre for pedagogical-psychological advice and prevention. If there are reasonable grounds to suspect corruption of the morals of children and pupils, it is recommended the director of the school or school establishment deal with the resulting problem immediately. It is recommended to create adequate conditions for the work of a teacher – prevention coordinator, whose task is to design and coordinate, in cooperation with the school management, preventative measures in the school or effective activities to prevent undesirable phenomena and increase the feeling of safety in the school. It is further recommended to increase the quality of cooperation for the prevention and handling of truancy between interested subjects on the local level – the school, the school's controlling authority, the family, the police, social services and prosecutors. In 2010 the Institute of Information and Prognoses of Education carried out a research task – “Truancy as a problem behaviour of pupils in primary and secondary schools”. The research task set out to compare developmental trends in the attitudes and opinions of pupils in primary and secondary schools on truancy, which is one of the problem behaviours that pupils manifest in the school environment. In 2011 the Institute of Information and Prognoses of Education produced an analysis – “Truancy and problem behaviour of pupils in primary and secondary schools”.

183. Training for pedagogical and non-pedagogical staff on the identification of child abuse and neglect and children as the victims of the crimes of mistreatment, abuse and neglect was provided at working meetings of the staff of the centres for pedagogical-psychological advice and prevention. Presentations and events are published on the website [www.prevenciasikanovania.sk](http://www.prevenciasikanovania.sk). The Ministry of Education, Science, Research and Sport carried out, in cooperation with the Ministry of Interior and the Ministry of Culture, a series of training activities to disseminate information, provide comprehensive care, prevention and identification of victims of human trafficking, the prevention of risk behaviour and the prevention of child abuse and neglect. Training is attended by selected employees of diagnostic centres, re-education centres, therapeutic and educational sanatoria, centres for pedagogical-psychological advice and prevention and regional schools offices. In November 2011 the Ministry of Education, Science, Research and Sport and the Methodology and Pedagogy Centre – regional office in Prešov organised a national colloquium for the exchange of information and experience from the implementation of continuing education projects and on prevention activities in schools, in particular the prevention and correction of risk behaviour of children and young people, the promotion of health and healthy lifestyles and the prevention of child abuse and neglect. The national colloquium was attended by 24 representatives of regional methodology and pedagogy centres, regional schools offices and the Slovak National Institute for Education. The magazine *Pedagogické Rozhl'ady* (Pedagogical Perspectives) published in issues 4/2011 and 5/2011 an article by Elena Ištvanová: “How to work with child abuse and neglect in schools”

184. The decision of the courts in Prešov in connection with the primary school in Šarišské Michal'any was a wake-up call for the Ministry of Education, Science, Research and Sport indicating the need for greater assistance for schools, which the ministry decided to supply through a call for a development project in 2012 – “Support for the creation of a positive social climate and motivation in multicultural classes in primary schools”. 23 projects received support amounting in total to EUR 60,500. The call was also intended to

promote cooperation with non-governmental organisations working in the area, whose partnership in a proposed project was a prerequisite for participation.<sup>33</sup>

185. The project supports activities that compensate for pupils' social disadvantages and ensure equal opportunities in practice by promoting interest in education amongst pupils from socially disadvantaged backgrounds; the application of new educational forms and methods, especially those promoting literacy in the teaching process; activities supporting an intercultural environment; and activities developing cooperation with parents. It can be accessed on the internet <http://www.minedu.sk/vyzva-na-podanie-ziadosti-o-financovanie-rozvojoveho-projektu-„podpora-vychovy-a-vzdelavania-ziakov-zo-socialne-znevychodneného-prostredia-v-zakladných-skolach-2013”/>.

186. Another important factor in this area was implementation of the national project “Training for pedagogical staff on the inclusion of marginalised Roma communities” with support from the European Social Fund, which began on 01/10/2011. The project will continue to 30 January 2015. 200 primary schools are participating in the project, which has created 400 jobs for pedagogical assistants. The project includes an inclusive model of teaching for schools using a full day education system involving the creation of a school education programme that focuses on work with children from socially disadvantaged backgrounds.

187. The Ministry of Education, Science, Research and Sport also carries out tasks to improve road safety for children in accordance with the White paper on traffic education in primary schools in Slovakia. After Slovakia's entry into the European Union, the issue of increasing road safety for pupils of primary school was first dealt with systematically in 2005, when the Government Council for Road Safety was established and a National Plan for Increasing Road Safety in the Second Half of 2005 with Outlook to 2010 was issued. Against this background the Ministry of Education prepared a white paper on the development of traffic playgrounds including options for increasing use of them with reference to the National Plan for Increasing Road Safety in the Second Half of 2005 with Outlook to 2010 and the draft white paper on traffic education in primary schools in Slovakia. Implementation of the measures set out in the above white papers ensured a high standard of theoretical teaching and also high quality practical training for primary school pupils to make them safer in road traffic.

188. The proposed measures had the impact in the medium term of significantly reducing accident rates and in the long term they will significantly help to reduce the overall rate of traffic accidents in Slovakia. In December 2011 the government approved the Strategy for Improving Road Safety in Slovakia 2011-2020. The Ministry of Education, Science, Research and Sport implements continuous traffic education in schools in accordance with this strategy.<sup>34</sup>

<sup>33</sup> In 2013 the ministry issued a further call for the development project “Support for the upbringing and education of pupils from socially disadvantaged backgrounds in primary schools 2013” with a total volume of EUR 52,500.

<sup>34</sup> Traffic education comprises

- Increasing the quality and scope of traffic education in nursery schools and primary schools
- Creating conditions to provide specialised traffic education and practical training for children in nursery schools and pupils in primary schools
- Organisation of a competition for primary school pupils focussing on pupils' knowledge, skills and habits in the area of road and traffic safety.

Traffic education for years 1 to 9 of primary school is made up of three parts. In addition to its information content, there are values and attitudes that pupils should have to the given content and the third strand is minimum requirements (standards) that every pupil should achieve after each thematic

189. A number of projects affecting children's safety in road traffic were organised between 2009 and 2012. These were mainly preventative activities designed to teach children to follow the rules of road safety and to point out the risks of not respecting them.

190. In secondary schools the road safety department organised preventative safety events in which students were shown, by means of lectures, how to provide first aid and what risks result from not following the rules of road safety and from using alcohol or narcotics before or during use of a motor vehicle. In nursery schools the road safety department carried out a project presenting the basic rules of road safety in a format accessible to their age and also provided educational materials on DVD, reflective items and other educational materials.

191. The Ministry of Education, Science, Research and Sport emphasises the need to make parents aware of the importance of education in all its communication, including via ministry's website [www.minedu.sk](http://www.minedu.sk), the portal [www.iedu.sk](http://www.iedu.sk) and its magazines (*Učiteľské Noviny* (Teachers' News) and *Moderná Škola* (Modern School)). Activities to increase parents' awareness of the significance of education are also carried out through regular parents' meetings in primary and secondary schools and through Associations of Parents and Friends of the School. On 01 September 2011 the Ministry of Education, Science, Research and Sport launched a programme to disseminate the experience of the best teachers in order to promote best practices. This project is ongoing and will continue to 2014.

192. The Ministry of Education, Science, Research and Sport works with IUVENTA – the Slovak Youth Institute to support the establishment and effective operation of student councils in schools and youth parliaments. Their purpose is to further disseminate know-how and information on human rights education, to create networks of subjects participating in human rights education and youth work, to supervise ongoing local projects and develop the use of the "living library" method. Another way in which IUVENTA supports human rights education for young people is by distributing the Slovak language version of COMPASS a manual for human rights education with young people published by the Council of Europe intended for tutors, youth leaders, teachers and volunteers who provide human rights education for young people aged 13-18 years. Following on from the Compass manual, in 2011 IUVENTA began preparing a translation into Slovak of the Compasito manual (a related manual for children aged 7-13 years). The Slovak version of the Compasito manual will be made available in electronic form in the first half of 2013. In 2011 IUVENTA promoted the spread of the Living Library method by training 10 coordinators for Living Libraries on the regional level. The coordinators will promote the Living Library method in schools in their regions. Approximately 600 pupils of primary and secondary schools took part in regional Living Library activities.

#### **D. Education on human rights and civic education**

193. An important instrument for education on human rights (including the rights of the child, questions of gender equality, multicultural education, education on tolerance and overcoming prejudices) for all children, pupils and students (including children belonging to minority groups) is the Plan for Education on Human Rights in the Education Sector 2005-2014, which is implemented by the Ministry of Education, Science, Research and Sport. The plan is supervised by the Slovak National Institute for Education, which also

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unit in order to be confident in road traffic and to understand the content of subsequent thematic units and years without problems. The content in each year is designed to expand cyclically and to achieve the objectives of the material.

coordinates the implementation of tasks in the plan, which are carried out in cooperation with methodology and pedagogy centres in Slovakia, the Research Institute for Child Psychology and Pathopsychology, the State School Inspectorate, the Institute of Information and Prognoses of Education, the State Institute for Vocational Education and NGOs, which were also involved in the National Plan for Education on Human Rights.

194. The Ministry of Culture has created a stable financial mechanism – the grant programme Culture for Disadvantaged Sections of the Population. The priority of the grant programme are to provide long-term support for activities that help to prevent discrimination to develop cultural rights, promote pro-cultural and pro-social attitudes and motivation for children from disadvantaged backgrounds to make meaningful use of their free time; it also promotes intercultural dialogue and the integration of the children of foreigners and migrants and children from socially excluded communities through cultural mechanisms. Every year the grant scheme distributes approximately EUR 300,000 to such projects (Concluding observation No. 60 on the second periodic report).

Table 8

**Grant programme culture for disadvantaged sections of the population**

| <i>Year</i>                  | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> |
|------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Number of supported projects | 43          | 53          | 87          | 89          | 84          | 117         |

195. Support for education on human rights for all children, pupils and students is included in the approved pedagogical organisational instructions for each calendar year. It is carried out primarily through accredited programmes of the Methodology and Pedagogy Centre and its regional offices. The topic of increasing awareness of the rights of the child and cooperation with civil society and the topic of human rights have been integrated into all types of education – through senior pedagogical staff, educational counsellors, prevention coordinators, education in the area of didactics, psychology, social sciences and multidisciplinary education, upbringing subjects, upbringing outside teaching hours, preschool education and final specialised qualification studies such as ethical education etc. As part of the National Plan for Education on Human Rights an annual Human Rights Olympics is organised with the objective of strengthening the basic pillars of democracy in Slovakia amongst studying young people, with a particular emphasis on the protection and implementation of human rights, and to increase knowledge and understanding of human rights, including children's rights. During the reporting period the Slovak National Institute for Education in cooperation with the Institute of Information and Prognoses of Education and the State School Inspectorate carried out a project to monitor and evaluate human rights in schools, which included tests of the knowledge of pupils in year 9 of primary school and year 4 of secondary schools concerning human rights. A selection of textbooks were analysed qualitatively for their treatment of human rights. Selection procedures for new textbooks include checks that information is presented in a non-discriminatory fashion. The Slovak National Institute for Education has prepared objectives and content for multicultural upbringing and education to be included in the State Education Programme for the ISCED 0 and ISCED 1 levels (2009-2011), including measures to prevent all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance.

196. The practical application of education is managed on the regional level by school education programmes, internal school guidelines and internal school rules. Tasks are carried out within schools by coordinators for human rights and drug prevention, educational counsellors, special needs teachers and class teachers.

197. In accordance with the schools act the Ministry of Education issued material consumption standards for the school meals system and defined the financial band for the

purchase of food for one meal paid for by the child's legal guardian within the school meals system; it has allocated funds for support activities in nationwide programmes supporting health and supporting the development of technical and technological equipment in school catering facilities as part of the programme "Modernisation and revitalisation of school catering facilities 2009". The overall amount of financing provided from the state budget was EUR 810,530 (note: no funds were allocated for implementation of this grant system in 2010 and 2011). The nationwide programme support health "Fruit and vegetables in schools" and the updated "School milk programme" operate in schools according to methodological guidelines issued in 2009. In the same year the ministry issued material consumption standards and recipes for school meals characteristic of each territorial area, which include the possible for special catering regimes for children and pupils in school catering facilities. In 2011 a working group was established to develop and prepare nutritional recommendations for pupils in sports classes and sports schools taking into account new nutritional trends for young people with a talent for movement. In 2012 the minister of education approved the call "Health on a Plate" with a financial allocation of EUR 60,000.<sup>35</sup> In 2012 the ministry updated the material consumption standards and recipes for school meals including the diet meals system and meals for children and pupils in sports schools and sports classes based on the nutritional recommendations for sportspeople; it also issued a HACCP e-model for school catering applicable for all school catering facilities in Slovakia.

198. Regional schools offices provided training for professional prevention staff, healthy lifestyle coordinators and the managers of school catering facilities in their regions. Two national conferences on healthy lifestyles and prevention through nutrition were organised under the patronage of the Association for Health and Nutrition based in Bratislava, with specialised support from the Ministry of Education, Science, Research and Sport, the Ministry of Health, the Public Health Authority of the Slovak Republic and the Association of Towns and Villages of Slovakia. Training and the conferences were attended 2,500 specialists in youth nutrition. The Association for Health and Nutrition and the WHO in Slovakia supported the distribution of 1,000 posters on the "Food Pyramid" to schools and school establishments.

## **E. Rest, play, leisure, recreation and cultural and artistic activities**

199. Free time activities including sports and artistic activities for all groups of children and young people have received institutional support in a number of measures and white papers. In 2009 legislation was adopted on school clubs for children, school centres for hobby activities, free time centres, school economic management and centres for vocational experience.

200. In March 2010 the government approved the Action Plan for State Youth Policy 2010-2011 and May 2012 the Action Plan for State Youth Policy 2012-2013, which are based on the Key Areas and Action Plans for State Policy for Children and Young People in Slovakia 2008-2013. The Ministry of Education, Science, Research and Sport prepared,

<sup>35</sup> Support is provided for the following types of programme and activity:

- Support for active the participation of children and the formation of their attitude to a healthy lifestyle in order to bring about a change in their eating habits and increase movement through the development of a nursery school's own nutritional programme
- Support for children and pupils who follow a special diet by improving the quality of school catering equipment
- Prevention of obesity and support for activities that improve health by promoting the consumption of milk, milk products, fruit and vegetables.

in cooperation with IUVENTA, the National Report on State Policy in relation to Children and Young People in Slovakia, whose aim was evaluate the different areas of young people's lives from the viewpoint of state policy measures. Preparation of the report began in 2009 and culminated with a national conference in May 2010.

201. A series of activities was carried out in 2010 intended to assist regional and municipal self-governing bodies in performing the functions assigned to them by the act on support for youth work through support and development of youth policy. The activities included personal meetings with staff responsible for youth policy in the offices of the self-governing regions, consultation on measures recommended in action plans and a concluding public round table meeting. The round table meetings were also used as a platform for regional consultation in the preparation of the National Report on Youth.

202. In connection with the development and support for a democratic participative model in schools, the Ministry of Education, Science, Research and Sport provided financial support for the establishment of a website [www.ziackeskolskerady.sk](http://www.ziackeskolskerady.sk), to which it continues to provide methodological support. IUVENTA – the Slovak Youth Institute sought to provide methodological support for the activities of student councils in schools (SCS) through the publication of “A Year with a Student Council”, aimed at people with a professional or general interest in student councils and the development of democratic decision-making in schools. A new function for a pedagogical professional — student council coordinator — was established and required a training programme. IUVENTA developed the specialised training module for this function in cooperation with the Methodology and Pedagogy Centre. In cooperation with regional youth centres, IUVENTA organised regional conferences on the issue of student councils in schools, prepared and printed publications on the topic of participation and promoted networking between subjects on the national and regional level. During the reporting period it continued its cooperation in training for local government employees under the title PARTNERSHIP, the aim of which is to promote the creation of a suitable environment for young people to participate in the life of their town or village and their region. The accredited training module PARTNERSHIP is intended to support and develop modern youth policies that implement priorities laid down on the European and national level. The target group is representatives of local government and therefore IUVENTA cooperates with the Association of Towns and Villages of Slovakia in the provision of training. The objective of support for projects aimed at increasing young people's participation in the life of their schools, towns and regions is to build sustainable partnerships between SCS and the local authorities leading to the creation of functional representation structures on the regional level.

203. BIBIANA, the international house of art for children, is an institution that for over two decades has been supporting various types of professional art for children and young people regardless of their religious belief, nationality, talent level or education, health condition or disability. The institution prepares and organises art exhibitions, interactive exhibitions, accompany education and entertainment programmes and creative workshops, in-house and guest performances. The staff of BIBIANA organise exhibitions and projects that provoke interest in serious issues affecting society, make people aware of the need to learn more and give audiences some understanding of such issues as drugs, the rights of the child or crime. Through these means it also tries to help people get to know the culture of minorities living in Slovakia, to promote tolerance for minorities and to integrate children with disabilities into society.

204. In its annual programme BIBIANA offers children a variety of ways of spending their free time. It seeks to raise their intellectual and cultural level through interesting cultural activities in which children participate actively; individual events are thought-provoking and extend children's range of interests while also allowing them to relax and

also performing educational functions. Direct dialogue with children on serious, universal social topics is based on the attraction of exhibitions, programmes and workshops at which difficult answers to questions of daily life in society are explained for children in a great variety of ways. BIBIANA organises the Biennial of Illustrations in Bratislava and the Biennial of Animations in Bratislava; it acts as the Slovak section of IBBY (the International Board on Books for Young People)

205. Organisations controlled by the Ministry of Culture work systematically with children not only to encourage them to make meaningful use of their free time but also seek to nurture creativity, pro-cultural attitudes and an overall positive relationship to society. Many organisations in cultural life engage in such activities – museums, galleries, libraries, theatres, dance and music groups and theatres, institutions for promoting literature and audiovisual culture. The stable and permanent priorities of libraries, museums, galleries, observatories and cultural centres in the competence of the Ministry of Culture include work with young people and children. They provide space for children's leisure and recreation activities, develop their creative and artistic potential and contribute to the meaningful use of free time. BIBIANA – international house of art for children has a special status among cultural institutions because it is specifically oriented towards children as a target group and towards art produced for children and young people. It presents art to children in non-traditional, experimental forms and combines accessible information, knowledge and experience in innovative and interactive forms.

206. The Ministry of Culture has also increased the accessibility of culture through the project "Every first Sunday free" which provides free admission to 37 exhibitions of the Slovak National Gallery, the Slovak National Museum, the Slovak Technical Museum and the Museum of the Slovak National Uprising.

207. The Ministry of Culture cooperates with the railway company Železničná Spoločnosť Slovensko and other partners on a regular project for pupils of primary schools and years 1 to 4 of eight-year secondary schools, "By train to museums and galleries", that provides children with a discount on travel tickets. The purpose of the project is to increase pupils' interest in visiting cultural institutions. In 2013 the project was joined by institutions controlled by other central state administration bodies as well as the Ministry of Culture.

208. Increasing the accessibility of the physical environment, transport and public services, eliminating obstacles and barriers and introducing new ways to provide discounts in all forms of public transport for children.

209. The state regulates the cost of passenger transport by rail and social discounts through regulations issued by the office for the Regulation of Railway Transport setting the maximum ticket price for domestic passenger transport by rail. Železničnej spoločnosti Slovenská republika, a.s. (ZSSK) incurs losses as a result of providing social discounts, such as discounts for children and persons with disabilities and these losses are reimbursed by the state.

210. At the present time there are a wide range of discounts for children in passenger rail transport which apply not only on school days but also during days when schools are closed. Discounts are provided not only on an individual basis but also for whole groups of children and are designed to promote the use of public transport by train. Children can use single-use tickets, weekly and monthly season tickets, and for irregular travel various commercial offers from the carrier such as Junior RailPlus Euro<26, which offers discounts of around 40%.

211. Towns and villages received support for the implementation of road, infrastructure and building works for purposes such as dealing with the locations of frequent accidents, the illumination of pedestrian crossings, the creation of safety zones around schools by means of traffic calming islands, the restoration of road markings, the installation of

reflective traffic signs, the use of thermoplastic coatings to increase the visibility of crossings, transverse speed reduction bars etc.

## **VIII. Special protection measures (arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40)**

### **A. Children outside their country of origin**

212. The current situation in the protection of asylum-seeking children conforms to international standards both in terms of legislation and in terms of asylum practice. Measures for social and legal protection of children and social guardianship are carried out for all foreign minors under the age of 18 years who are found in the territory of the Slovak Republic unaccompanied by a legal guardian, relative or person who is responsible for the child by law or custom (hereinafter “UM”). Urgent actions in the interest of UM and to provide care for UM are carried out by the authorities for social and legal protection of children and social guardianship until a guardian or guardian *ad litem* is appointed for the child. Measures to provide care for children are appropriate for their age, their culture, their language, their religion and the traditions of their country of origin.

213. As part of measures to protect the rights and legally protected interests of UM, the authorities for social and legal protection of children and social guardianship provide necessary assistance in locating the children’s parents or relatives, assistance in reuniting them with their own family; when children return voluntarily to their country of origin the authorities cooperate with the International Organization for Migration. If it appears that it is in the best interests of a minor to remain in the country of asylum, the authorities for social and legal protection of children and social guardianship assess the situation and discuss it with the minor and then ensure his/her fullest possible integration into society. When carrying out measures for a UM, the authorities for the social and legal protection of children and social guardianship cooperate with the Office of the United Nations High Commissioner, the Ministry of Interior of the Slovak Republic, the International Organization for Migration and other organisations operating in the relevant area.

214. In accordance with Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers, the act on the family, the act on the social and legal protection of children and social guardianship and the act on asylum, the authorities for social and legal protection of children and social guardianship act as guardian *ad litem* representing the UM in legal and other proceedings, and carries out tasks and implements measures before and during asylum proceedings. With effect from 2011 an amendment of the act on social and legal protection of children and social guardianship obliges the guardian *ad litem* of a UM to provide for legal advice and legal aid ensuring that all decisions respect the best interests of the unaccompanied minor.

215. UM receive due protection and care in facilities for the implementation of court decisions in accordance with the principles of equal treatment having regard for their age, intellectual maturity and cultural and religious differences. UM have the same rights as any child that is a citizen of the Slovak Republic. In order to overcome language barriers interpretation is provided in a language that the UM can understand.

216. If a UM is a victim of human trafficking, the authorities for the social and legal protection of children and social guardianship ensure, in cooperation with the IOM or another NGO that is a partner of the Ministry of Interior, that minor child is placed in the Programme for the Support and Protection of the Victims of Human Trafficking and that the minor child receives assistance and protection in a safe establishment operated by an NGO under a contract with the Ministry of Interior.

217. Professionals in social and legal protection of children and social guardianship from the Central Office of Labour, Social Affairs and Family and other offices are available at all hours of the day and night for crisis interventions:

|                    | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--------------------|------|------|------|------|------|------|
| Number of UM found | 532  | 176  | 119  | 264  | 169  | 151  |

218. Asylum-seeking children are also assisted by social workers employed by the Migration Office of the Ministry of Interior (hereinafter “MO MI”) and in recent times also by social workers, and if necessary psychologists under projects of the European Refugee Fund (ERF) – “*A better quality of life for all*”, “*Asylum SK – law, assistance, protection*”, “*ASAP 1-3*”. During asylum proceedings, asylum-seeking children also receive special attention from the staff of the procedural department of MO MI who are professionally qualified for work with minors and receive regular training in this area.

219. Since 2003 unaccompanied minors who are granted a form of international protection (asylum, subsidiary protection”) are automatically placed in children’s homes in close cooperation with guardians *ad litem*. At present a mechanism is being developed to replace the procedure under which unaccompanied minors who are placed in a children’s home and then apply for asylum must be removed to a facility of the MO MI during the asylum proceedings.

220. Projects to assist minors seeking asylum include not only material assistance but also services such as interpretation, psychological assistance, language lessons and legal aid for this group of asylum seekers and preventative actions against the risk gender-motivated violence and other dangers to asylum-seeking children.

221. The children of asylum-seekers, regardless of whether they enter an asylum facility together with their parents, or without their parents, are obliged to attend school. Minors are placed in a school year based on an examination of their level of education and their knowledge of Slovak carried out by the school principal within three months of the filing of a request for asylum. Slovak language lessons are provided from first admission to a reception centre and children are more flexible than adults and adapt more easily to their new conditions. If asylum is granted the children of refugees can study at secondary school and in higher education under the same conditions as Slovak citizens. In such cases NGOs can organise extended training in the state language to overcome language barriers.

## **B. Employment of children, economic exploitation, including child labour (art. 32)**

222. The conditions of employment for young people and children are regulated by the Labour Code. An employee under the age of 18 years is defined as an adolescent employee. Natural persons acquire the capacity to undertake the rights and duties of an employee in employment relations and legal capacity to acquire such rights and take on such duties from the date when they reach 15 years of age; an employer cannot, however, agree a date for the start of work earlier than the date when a natural person completes compulsory school attendance. Natural persons under 15 years of age and natural persons over 15 years of age who have not completed compulsory school attendance are prohibited to work. Such natural persons may undertake light work whose character and extent does not put at risk their health, safety, continuing development or school attendance and whose purpose is cultural or artistic performance or participation in such a performance, sports or advertising. Light work is authorised by the competent local labour inspectorate based at the employer’s request and after consultation with the competent local public health body. Authorisation

specifies the number of hours of work and the conditions under which light work can be performed. The competent labour inspectorate withdraws permission in the event of breach of conditions.

223. The Labour Code prohibits young employees from performing certain types of work. An adolescent employee cannot be employed in work underground extracting minerals or digging tunnels. An adolescent employee cannot be employed in work whose anatomical, physiological and mental requirements are, in view of the adolescent employee's age, inappropriate, dangerous or potentially harmful to health. List of work types and workplaces that are forbidden for adolescent employees are defined by government regulations. Additionally, employers must not employ adolescent employees in work where they are exposed to an increased risk of injury or in the performance of which they could seriously endanger the safety and health of their co-workers or other persons. An employer must not assign adolescent employees overtime work, night work and must not order them to be on work standby or agree on work standby with them. In exception cases adolescent employees over the age of 16 years can perform night work for a maximum of 1 hour if it is necessary for their vocational training.

Table 9  
**Number of authorisations given for light work**

| <i>NACE code – A-U</i>  | <i>Year of authorisation</i> |             |             |             |             |             | <i>Total</i> |
|---|------------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
|   | <i>2007</i>                  | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> |              |
| Manufacturing   | 1                            | 0           | 0           | 0           | 0           | 0           | 1            |
| Of which, manufacture and processing of metals                                    | 1                            | 0           | 0           | 0           | 0           | 0           | 1            |
| Wholesale and retail  | 0                            | 0           | 0           | 0           | 1           | 0           | 1            |
| Of which, retail  | 0                            | 0           | 0           | 0           | 1           | 0           | 1            |
| Information and communication   | 3                            | 2           | 1           | 6           | 1           | 1           | 14           |
| Of which: Motion picture, video and television<br>programme production activities | 0                            | 0           | 1           | 3           | 0           | 0           | 4            |
| Programming and broadcasting activities   | 3                            | 2           | 0           | 3           | 1           | 1           | 10           |
| Professional, scientific and technical activities                                 | 1                            | 0           | 0           | 0           | 0           | 0           | 1            |
| Of which, advertising and market research   | 1                            | 0           | 0           | 0           | 0           | 0           | 1            |
| Public administration and defence   | 0                            | 2           | 0           | 2           | 2           | 0           | 6            |
| Education   | 0                            | 0           | 1           | 1           | 0           | 1           | 3            |
| Arts, entertainment and recreation  | 18                           | 21          | 23          | 16          | 16          | 19          | 113          |
| Of whom: Creative, arts and entertainment activities                              | 18                           | 21          | 23          | 16          | 14          | 18          | 110          |
| Libraries, archives, museums<br>and other cultural activities                     | 0                            | 0           | 0           | 0           | 1           | 0           | 1            |
| Sports activities and amusement<br>and recreation activities                      | 0                            | 0           | 0           | 0           | 1           | 1           | 2            |
| Other activities  | 0                            | 0           | 0           | 2           | 0           | 0           | 2            |
| Of which, activities of membership organisations                                  | 0                            | 0           | 0           | 2           | 0           | 0           | 2            |
| <b>Total</b>  | <b>23</b>                    | <b>25</b>   | <b>25</b>   | <b>27</b>   | <b>20</b>   | <b>21</b>   | <b>141</b>   |

224. In response to concluding observation No. 62, the Ministry of Labour, Social Affairs and Family instructed its research facility to carry out the following task: Analysis of the phenomenon of begging children. The task was carried out in 2010 and the content

presented information on begging activities by children on three levels: begging by children from Slovakia in their own country, begging by children from Slovakia abroad and also, marginally, begging by children from other countries in Slovakia. The findings of research into begging show that begging by children does take place in Slovakia, that Slovak children beg in their own country and abroad and that foreign children also come to beg in Slovakia. It was also found that begging is not so widespread in Slovakia as in other countries and it is not a daily activity for children. It must also be noted that begging was not previously a crime. In 2012 a legislative proposal was made to amend the Criminal Code which would modify the definition of human trafficking, making “kidnapping” one of the crime’s characteristics, “begging” a special type of forced service and “abuse for the purpose of committing a crime”. Furthermore, in response to experience it incorporates “forced marriage” as a special form of human trafficking. (The amendment is expected to come into effect on 01/08/2013.)

225. Slovakia provided detailed information on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in its initial report on this Optional Protocol, in its responses to the Committee’s written questions on the report and questions during consideration of the initial report, which took place on 23/01/2013. The Ministry of Interior has collected information from the competent bodies and prepared a document on the concluding observations of the Committee on the Rights of the Child on the initial report of the Slovak Republic on the Optional Protocol concerning the implementation of the recommendations made in the concluding observations. The material has been submitted to the Ministry of Foreign and European Affairs and will be discussed in interdepartmental consultation and then submitted for deliberation by the government.

226. The authorities for social guardianship play an important role in helping children convicted of criminal offences. Social guardianship authorities essentially deal with situations connected with criminal activity and offences by children. In addition to social work with child offenders and their families social guardians perform duties in criminal proceedings (a social guardian for children is present during all activities in pre-trial proceedings, finds out important information on the development of adolescents, life event that have affected his/her behaviour, relations in the family, in school, on his/her family’s situation, on the family environment and social environment) and during trials (the social guardian is a party to proceedings with strong procedural rights and duties). While a young offender is serving a sentence (or during protective re-education as an alternative to a sentence), the social guardian maintains personal and written contact with him/her and is involved in his/her preparation for release. After a sentence/detention/protective re-education is completed, the social guardian helps an adolescent to return to his/her family and continued preparation for an occupation, to find work and to solve personal problems and problems in relationships. In addition to the above target group, a social guardian for children helps children who abuse drugs and who are addicted to drugs, children who gamble and who are addicted to gambling, children with behaviour disorders and so on.

Table 10

**Development of numbers of cases of adults and children – social guardianship**

|      | <i>Number of cases per year dealt with by authorities for social and legal protection of children and social guardianship</i> |                 | <i>Number of which cases dealt with by social guardianship</i> |
|------|---|-----------------|--|
|      | <i>Families</i>   | <i>Children</i> |  |
| 2007 | 134 287   | 193 011         | 25 316   |
| 2008 | 137 836   | 199 482         | 26 239   |
| 2009 | 131 885   | 194 809         | 25 704   |

|      | <i>Number of cases per year dealt with by authorities for social and legal protection of children and social guardianship</i> |                 | <i>Number of which cases dealt with by social guardianship</i> |
|------|---|-----------------|--|
|      | <i>Families</i>   | <i>Children</i> |  |
| 2010 | 128 703   | 193 257         | 25 264   |
| 2011 | 121 553   | 184 079         | 26 186   |
| 2012 |   |                 |  |

*Source:* Ministry of Labour, Social Affairs and Family, Annual reports, Central Office of Labour, Social Affairs and Family.

Table 11  
**Selected indicators on social guardianship for children**

|  | 2007    | 2008    | 2009    | 2010    | 2011    |
|--|---------|---------|---------|---------|---------|
| Participation in criminal proceedings against adolescents            | 11 385  | 10 750  | 10 694  | 8 753   | 8 225   |
| Contact with adolescents during sentence/detention (number of cases) | 529     | 408     | 393     | 283     | 295     |
| Reports submitted to law enforcement agencies                        | 8 498   | 8 699   | 9 351   | 9 127   | 10 863  |
| Guardian <i>ad litem</i> in criminal proceedings                     | 2 348   | 2 354   | 1 981   | 1 773   | 2 300   |
| Assistance in other criminal cases                                   | 2 564   | 2 607   | 2 654   | 2 265   | 2 258   |
| Assistance in cases of behaviour disorders                           | -       | -       | 878     | 988     | 1 668   |
| Assistance in connection with drug and other addictions              | 584     | 526     | 385     | 724     | 779     |
| Assistance for victims of crimes/witnesses to crimes                 | 308/511 | 376/514 | 220/493 | 263/330 | 276/380 |

*Source:* Ministry of Labour, Social Affairs and Family, Annual reports, Central Office of Labour, Social Affairs and Family.

227. Other activities include decisions on educational measures and their implementation (for approximately 550 children per year) and the provision of cooperation in carrying out education measures imposed by a court (approximately 100 non-residential cases and 100 residential cases per year). Social guardianship of children requires perfect case management due to the large number of interested parties. In addition to tasks under the act on social and legal protection of children and social guardianship, social guardians for children have powers and duties under the Criminal Code, the Code of Criminal Procedure and the Act on the Family. In addition to the necessary personal qualities and social guardians must have perfect knowledge of the specialised methods of social work as well as extensive knowledge in many other areas and therefore the profession is open only to people who have completed a university degree social work.

228. With regard to protection and implementation of the rights of young offenders it must be mentioned that the age of criminal responsibility was not changed during the reporting period. During the reporting period a number of measures were taken to improve protection for young offenders.

229. Order of the Prosecutor General No. 6/2008 of 23 June 2008 established the position of prosecutors specialising in youth crime and crimes against children. From 01 July 2008 all levels of the prosecution service (district and regional prosecution offices, the Office of

the Prosecutor General) appointed prosecutors specialising in youth crime and crimes committed against children. Here specialisation means the main activity of a prosecutor. Prosecutors were selected for the specialisation based on their professional knowledge, life experience and experience with the upbringing of children. These specialised prosecutors supervise compliance with the law before the start of a prosecution and during pre-trial proceedings and present the prosecution case or a proposal for an agreement on guilt and sentencing in trials where the accused is an adolescent or a person under the age of 14 years at the time of the offence, or where the crime was committed against the family or against youth or where the injured party is a person under 18 years of age. Prosecutors specialising in youth crime and crimes committed against children provide information from case investigation or supervision files to a prosecutor responsible for civil law proceedings when a petition is to be filed with a court for protective re-education. A specialised prosecutor is obliged to study relevant matters and to take part regularly in professional training provided by the prosecution service and the Judicial Academy. A list of specialised prosecutors is kept by the Office of the Prosecutor General and regional prosecution offices are obliged to report any changes in posts within one month of the date of the change. The order of the prosecutor general has since been superseded by Order of the Prosecutor General No. 1/2013 of 18 January 2013 establishing the position of prosecutors specialising in crimes committed by adolescents and minors, crimes committed against children and violence in families,<sup>36</sup> which entered into effect on 01 February 2013. With effect from 01 February 2013 the specialisation was extended to include supervision of crimes involving violence in families.

230. Young offenders, unlike adult offenders, can be held in detention only if the purpose of detention cannot be achieved by other means. The most common alternative means are a guarantee of good behaviour of an accused adolescent provided by an interest group or a trustworthy person, and/or the imposition of reasonable duties and restrictions, the guarantee or promise of the accused or supervision by probation and mediation officials or a cash bond. Prosecutors, like other law enforcement agencies and the courts, are obliged to inquire at each stage of a prosecution whether the purpose of detention could be achieved by other means.

231. Proceedings against adolescents are subject to the general principle that law enforcement agencies (the police, prosecutors) must deal with questions of detention as a priority and a matter of urgency. Throughout criminal proceedings against adolescents a prosecutor must ensure compliance with the criminal law provisions (as cited above) strengthening protection for adolescents accused of crimes. Sentences of imprisonment for persons under 18 years of age are served in youth detention centres.

232. Prosecutors are also responsible for supervising compliance with the law in places for the detention of persons deprived of personal liberty or whose personal liberty is restricted by decision of a court or other eligible state body, including centres for protective re-education and institutional care and facilities carrying out protective measures ordered by a court. Prosecutors' supervision of special establishments is regulated by law, other legislation and Order of the Prosecutor General of 12 May 2010 on the procedure for supervision by a prosecutor in centres for protective re-education and institutional care and facilities carrying protective measures ordered by a court. Establishments are inspected once every three months and a report is made of inspection. Complaints, statements and petitions of persons placed in an establishment are sent delivered without delay to the competent prosecutor for the establishment's location, who then investigates them. When

<sup>36</sup> Accessible on the internet: <http://www.genpro.gov.sk/legislativa/zbierka-sluzobnych-predpisov-generalneho-prokuratora-308f.html?a=download&id=1421>.

carrying out an investigation the prosecutor speaks with inmates without the presence of other persons at their request or at the prosecutor's own initiative if there is no risk to personal safety. Some establishments have boxes for complaints to the prosecutor where inmates can also deposit anonymous complaints of violations of rights. Examples of such establishments are Crisis Centre Nádej in Snina, Crisis Centre Humenné, Children's Home Slon in Šarišské Michaľany, Children's Home on Požiarnická ulica in Prešov, Children's Home in Spišská Belá, Children's Home Štós, Children's Home Nižná Kamenica, Therapeutic and Educational Sanatorium Košice – Barca. These boxes are checked during inspections and any messages found are evaluated. Other establishments have confidential boxes whose contents are checked and processed by the staff of the establishment. The procedure for handling complaints is checked by prosecutors as part of regular quarterly inspections. The Public Prosecution Service reports on youth crime separately in the Report on the Activities of the Prosecution Service which the Prosecutor General submits annually to parliament. The issue has its own chapter in the Report on the Activities of the Prosecution Service for each calendar year. The chapter includes a verbal/descriptive analysis of youth crime (trends, aims and causes of crime, structure of young offenders, and analysis of the incidence of crimes) and extensive statistical data.

233. Another duty of the prosecution service is to prosecute persons suspected of committing crimes and supervision compliance with the law before the start of a criminal prosecution and during pre-trial proceedings. In criminal proceedings it is the rule that injured parties who are minors have the same legally protected right as other citizens to file a criminal complaint if they feel that their rights have been violated or are threatened. In view of the limited legal capacity of children, the law enforcement agencies are obliged to ensure that all interviews with them are attended by a legal guardian, guardian *ad litem*, pedagogical professional or representative of the authorities for social and legal protection of children and social guardianship. If the perpetrator of a crime is a close relative of the victim (a parent, i.e. a legal guardian who otherwise exercises the rights of a child or another relative) a guardian *ad litem* is appointed to defend the child's rights and interests. If there is a risk of delay in pre-trial proceedings, at the prosecutor's request the judge for pre-trial proceedings can be appointed the guardian *ad litem* for the injured party. A guardian *ad litem* is a representative of the state authorities or a victim-assistance organisation. A criminal complaint can be filed at any prosecution office by any means (other than by telephone). Anonymous complaints by mail are also possible. Although legislation requires that every complaint filed by electronic means without a guaranteed electronic signature must be confirmed within three working days, the prosecution service goes beyond the letter of its duties to ensure the investigation of criminal complaints. This applies especially to complaints from minors of crimes against them. In urgent cases prosecutors begin immediate cooperation with regional offices of labour, social affairs and family and forward the criminal complaint to them as a matter of urgency in order to ensure adequate assistance for the minor.

### **C. Training activities for all professionals participating in the juvenile justice system**

234. The topic of children's rights is included in the state education programmes that provide the core framework for teaching in police secondary schools. The state education programme for police secondary schools is issued by the Ministry of Interior. After entering service in the Police Force police officers undertake post-maturity qualification studies at a police secondary school providing basic police training including work on this issue. In the topic "Psychology of Interviews, Social and Psychological Training" in the subject "Ethics and Psychology of Police Work" students learn special procedures for interviewing minors.

In the topic “Forensic Tactics” in the subject “Forensics” students learn about the special characteristics and tactics of interviewing minors.

235. Continuing education for police officers in permanent service who are called for post-secondary advanced training at a police secondary school providing specialised police training (higher rank training) deals with the issue the topic “The police and human rights” part of the subject “Law”, which covers eight teaching hours and includes discussion of the “UN Convention on the Rights of the Child”. In the topic “Selected aspects of forensic tactics affecting the investigation of crimes” in the subject “Forensics” students study how to prepare for interviews with minors and adolescents and the tactical procedures to follow.

236. In continuing education for police officers the issue is included in vocational courses and training sessions organised by individual organisational units of the police force.

237. Alongside vocational education provided by the Judicial Academy, the public prosecution service places a strong emphasis on internal training, which all specialised prosecutors in Slovakia are obliged to take part in once a year.<sup>37</sup> The work of specialised prosecutors is permanently under the control and guidance of the Office of the Prosecutor General. In addition to the guidelines and general instructions for working with children and young people, serious problems affecting children are dealt with in evaluations of activities of prosecutors in order to eliminate deficiencies and ensure full implementation of rights not only for accused adolescents but also minors who are victims of crime, including the right to have their views heard allowing for their age and level (“Evaluation of the justification and lawfulness of criminal prosecutions of adolescents under the age of 15 years in Slovakia 2006-2007”, which emphasised the importance of the method used to determine the intellectual and moral development of 14-year-olds in criminal proceedings, 2008; “The practice of prosecutors in decisions on crimes against the family and against youth under title III of the special part of the Criminal Code in particular the crime of abandoning a child under section 205 and section 206 of the Criminal Code”, 2010; “Crimes committed in schools, school establishments and establishments for the implementation of measures for social and legal protection of children and social guardianship”, 2011.

238. In 2009 the uniformed police department of the Presidium of the Police Force issued a manual “Project for police specialists working with Roma communities” The aim of the manual was primarily to present the “Project for police specialists working with communities” to the broader professional community and the general public. Another no less important aim of the manual was for it to be used as a methodological aid for similar

<sup>37</sup> In 2009 the seminar “Procedural status of young offenders in criminal proceedings, the lawfulness of procedures used in proving criminal guilt of minors and in connection with crimes against the family and youth”.

In 2010 the seminar “Proving criminal guilt in selected crimes against freedom and human dignity and against the family and youth, in particular on the application of special provisions for the protection of juvenile victims and witnesses and psychological aspects of procedural actions with them”. Particular attention was given to the procedure for communicating with children (the physical context, the cultural context, the social and psychological context, the time context), the prosecutor’s reaction to a child’s behaviour during interviews and his/her testimony, the evaluation of his/her perception and other factors accompanying in particular interviews with an abused child.

In 2011 a seminar on selected issues relating to crimes against the family and youth, in particular the production, distribution and possession of child pornography as regards computer crime.

In 2012 an international workshop was held on the topic “Protection of human rights in pre-trial proceedings” attended by Czech judges and judges from the Slovak Constitutional Court, the Czech and Slovak representative to the European Court of Human Rights and the Czech supreme state attorney. The workshop included discussion of the rights of juvenile injured parties.

preventative projects carried out by other state and non-state actors. One target group of the manual is police officers, in particular police specialists working with Roma communities. Other target groups are field social workers, community workers, Roma leaders, Roma citizens, representatives of local government and local state administration bodies whose participate in aspects of the project within their area of responsibility and their local community, in which the police specialists are posted. The manual can also be used by workers in other sectors who contribute in any way to the preparation and implementation of preventative projects, programmes and measures on the nationwide, regional or local level. By implementing the Project for police specialists working with communities in its routine activities, the uniformed police made another important step towards improving services for the public and the project showed a new direction for the activities of police officers, the majority of whose service time should be spent in communication with people, finding out their problems and providing appropriate assistance. Police specialists also make a major contribution to building cooperation between the Police Force and citizens, in this case by gradually building up the confidence of Roma citizens in the work of the police.

239. Training for specialist officers was previously carried out under an education project for a refresher course on specialist police work with communities, which was provided at the police secondary school in Bratislava. At present a refresher course is being provided for police officers focussing on service in the Roma community, which is adapted to the challenges specialist officers encounter in their routine duties. This refresher course has been accredited by the Ministry of Interior and is provided at the police secondary school in Košice. Specialist officers who complete the course receive a certificate of completion. The course focuses on the protection of the fundamental rights and freedoms of the members of marginalised Roma communities during the performance of police service activities in the settlements of marginalised Roma communities and on the implementation of measures to prevent crimes against marginalised Roma communities, especially in the areas of racism, discrimination and extremism.

240. The development of the project and its growth to the present time is reflected in the following table showing the numbers of police officers assigned to the function described above:

|   | 2005      | 2007       | 2009       | 2012       |
|---|-----------|------------|------------|------------|
| Regional police headquarters in Bratislava        | 0         | 6          | 10         | 6          |
| Regional police headquarters in Trnava            | 0         | 6          | 18         | 18         |
| Regional police headquarters in Nitra             | 0         | 6          | 18         | 18         |
| Regional police headquarters in Trenčín           | 0         | 6          | 8          | 8          |
| Regional police headquarters in Banská Bystrica   | 0         | 18         | 44         | 44         |
| Regional police headquarters in Žilina            | 0         | 14         | 18         | 8          |
| Regional police headquarters in Prešov            | 8         | 26         | 50         | 64         |
| Regional police headquarters in Košice            | 10        | 36         | 64         | 65         |
| <b>Total for all regional police headquarters</b> | <b>18</b> | <b>118</b> | <b>230</b> | <b>231</b> |

241. The Police Force is also involved in other programmes to improve relations with members of marginalised Roma communities. As part of a cross-border cooperation programme, police officers from Slovakia are learning Roma language. A free course in Roma language is organised by the Institute of Social Sciences of the Slovak Academy of Sciences in Košice as part of the cross-border project Regional Social Map (REGSOM). The aim of the project is to improve the living conditions of the population of the Košice

Self-Governing Region and the Borsod-Abaúj-Zemplén County in Hungary. The foreign partner for the project is the Faculty of Arts of the University of Miskolc. The project, which began officially on 01 October 2012 and continues until 30 September 2013, is supported by EUR 205,381 from the European Regional Development Fund

242. Since 2008 a multidisciplinary integrated group of experts carrying out activities for the elimination of racially motivated crimes and extremism has operated under the Ministry of Interior. It was officially established by resolution of the Interdepartmental Expert Coordination Group for Fighting Crime. The multidisciplinary integrated group for the elimination of racially motivated crime and extremism was enlarged to include representatives of the Union of Towns and Cities of Slovakia and the Open Society Foundation. The working group has 4 sub-groups: the legislation sub-group, the education sub-group, the conceptual sub-group and the monitoring (operative) sub-group.

243. The multidisciplinary integrated group for the elimination of racially motivated crime and extremism is subordinate to the Interdepartmental Expert Coordination Group for Fighting Crime. In 2012 the working group became the Interdepartmental Working Group of Experts for the Elimination of Racially Motivated Crime and Extremism. At its first meeting the group agreed to establish a sub-group on legislation with representatives of the Ministry of Justice, the Public Prosecution Service, the Ministry of Interior and an operative sub-group with representatives of the Police Force, the Corps of Prison and Court Guard, the Slovak Information Service, the Military Police, the Military Defence Intelligence Service and the Criminal Office of the Financial Administration. The objective of the sub-group on legislation is to seek out effective instruments for fighting racially motivated crime and extremism and the objective of the operative group is to prepare an analysis or report on the security situation classified as “confidential” from the viewpoint of key sectors which can help to identify more effective opportunities and resources for fighting racially motivated crime and extremism and where it is possible to expect radicalisation and greater mobilisation of extremist persons and movements.

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