



SLOVAKIA

45th session of the Committee on the Rights of the Child

**Consideration of the second periodic report
submitted by the Slovak Republic
in accordance with article 44 of
the Convention on the Rights of the Child**

Opening statement by

Head of the Delegation of the Slovak Republic

Mr. Igor GREXA

**Director-General for Legal and Consular Affairs
Ministry of Foreign Affairs of the Slovak Republic**

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PERMANENT MISSION OF THE SLOVAK REPUBLIC TO THE
UNITED NATIONS OFFICE AT GENEVA

Statement by the Head of Delegation of the Slovak Republic before the Committee on the Rights of the Child during the consideration of the Second Periodic Report of the Slovak Republic on the Implementation of the Convention on the Rights of the Child

Madam Chair,
Distinguished Members of the Committee,
Ladies and Gentlemen,

It is an honour for me and members of the Slovak delegation to present to the Committee the Second Periodic Report of Slovakia on the Implementation of the Convention on the Rights of the Child.

Since the full version of my statement is available, to save our time, I will not read out the full text. Allow me only to underline what we consider to be the essence of our communication.

The Second Periodic Report formally covers the period between 2001 and 2005. But obviously, it is not only about this period. It is also about how Slovakia has dealt with Concluding observations adopted by the Committee in October 2000 and about the whole actual picture which continues to be a very dynamic one.

The report has been prepared by the governmental authorities, most of which are represented here through their experts, who will be ready and capable, I hope so, to answer the questions raised by the members of the Committee and to furnish complementary information on the subject matters of your interest.

In addition to governmental authorities, the Slovak National Centre for Human Rights, which is a human rights institution in the area of promotion and protection of human rights (and which is also represented here), and several non-governmental organisations – namely the Slovak Humanitarian Council, the *Návrat* Civic Association and the Equal Opportunities Centre – participated in the drafting process. May I stress that we consider the co-operation with the NGO - sector as an important prerequisite for the effective implementation of human rights commitments and we intend further to intensify it.

In the review period (between 2001 and 2005) significant reforms were carried in Slovakia in the fields of education, social security, healthcare, family law, criminal law, access to information and public administration.

Most of these reforms have had a direct or at least certain impact on the situation of the children in the country. Some of them have been complementing the previous measures adopted in favour of children.

DOMESTIC LEGISLATION

Let me start with domestic legislation.

Already in the Concluding observations of October 2000, The Committee noted that the Constitution of the Slovak Republic and other legislative acts provide for the adequate protection of the child. The Committee identified a number of points of concern, but most of them were not of legislative nature.

Obviously, our legislation has been further developing since then, also – but not only – because of the progressive integration of Slovakia into EU family. As you know, Slovakia has become now a full fledged EU member.

Today, especially after the recent reforms, we can affirm that all of the provisions enshrined in the Convention have been reflected in the legal system of Slovakia at all levels – in constitutional law, civil law, family law, as well as criminal law.

Among recent developments, let me mention the following.

The child's right to express his or her views, the freedom of expression and of thought, conscience and religion have been reflected in a newly adopted Family Act, the Criminal Procedure Code and the amendment of the Civil Procedure Code.

The views of the child must be paid appropriate attention corresponding to age and mental maturity of the child. The newly adopted Criminal Procedure Code regulates interviewing of children as witnesses and victims in such a way that the interview can be repeated only when necessary. The Code distinguishes two aspects as regulated in Article 12 of the Convention. The first aspect expresses the right of the child with respect to his parents. The second aspect covers the right of the child to be heard in all proceedings of concern to him or her.

Parental rights and responsibilities have been specified in detail in a new Family act effective from April 2005. They include, in particular, regular and consistent care for the upbringing, health, nutrition and complex development of minors, the representation of minors and the administration of their assets.

In cases of divorce, the right of children to maintain their relationship with both parents and the right of the parent who does not have the custody of the minor to be regularly informed about the child are respected.

The principle of the consideration of the best interest of the child is reflected in the Family Law, in the Law on Social and Legal Protection of Children and Social Guardianship, the Code of Civil Procedure, as well as the Civil Code.

The criminal law protection of children and young people from any physical or psychological violence, insults or abuse, including sexual abuse, neglectful treatment, mistreatment or exploitation at the time of being in the custody of one or both parents, legal guardians or any other person taking care of them is guaranteed through the provisions of the Penal Code, which entered into force on 1 January 2006.

Penal Code considers criminal acts committed against children as aggravated offences and contains special provisions governing proceedings against juveniles. For example, juveniles must already have a lawyer at the moment of being charged with a crime. They may be remanded in custody only if it proves impossible to achieve the purpose of custody by other

means. The assessment of the juvenile's situation is performed by an authority on the care of young people.

INTERNATIONAL INSTRUMENTS

International legal instruments are inherent part of our legal system. International conventions which have been ratified are directly applicable in the country.

I dare to affirm that our internal ratification procedures are rapid ones. This is partially due to rather simple and not very time consuming constitutional proceedings.

For example, Slovakia ratified the Council of Europe Convention on Action against Trafficking in Human Beings in March 2007 - among the first countries in Europe. In July 2006, it ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

ACTION PLANS

Now, briefly about governmental Action plans.

Here, first of all, Action plans for the Prevention of All Forms of Discrimination, Racism, Xenophobia, anti-Semitism and Other Expressions of Intolerance should be mentioned.

The practice of biannual plans of that kind started in year 2000. The action plans are comprehensive and systemic tool of the Government in the area of preventing discrimination, increasing the awareness of citizens of the principles and provisions in international human rights instruments including the Convention, but also in the area of education - and I mean not only systematic general education, but also targeted one, involving professional groups who are able to influence the prevention of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance.

The 2006–2008 Action Plan (adopted this time for three years period) is currently being implemented. It continues the efforts to improve the awareness of citizens, to implement effectively the anti-discrimination legislation, and particularly addresses the situation of migrants in Slovakia. Its priorities include the prevention of extremism and anti-Semitism mainly by educating professional groups. This focus on education is in accordance with the UN Decade for Human Rights Education.

According to the UN Guideline, Slovakia has adopted the 2005 - 2014 Human Rights Education National Action Plan in February 2005. The National Commission for Human Rights Education having a supra-ministerial and supra-sectoral nature was established in January 2006 and has become a coordinator of the implementation of the National Plan. The National Commission performs tasks in the field of human rights education and is responsible mainly for coordinating a basic study on the human rights education situation in the Slovak Republic.

As to the other Action plans, the time compels me to simply refer to our Report or to our forthcoming debate.

Madam Chair,

Allow me now to touch very briefly some concrete areas, namely those of social and legal protection, substitute family care, institutional care and education.

SOCIAL AND LEGAL PROTECTION

In the review period, radical changes have been introduced to the system of social and legal protection of children.

The monitoring of the effects of the new legislation and annual assessment of the changes introduced show positive results, despite the fact that the new legislative and regulative measures have been in force for a relatively short period of time. I am speaking about the legislation on social and legal protection of children and social guardianship effective since 1 September 2005, about the amendments to the related legal regulations, which include regulations on allowances promoting alternate custody, about the new Family Act, the new Penal Code and Code of Criminal Procedure, and the amendment to the Code of Civil Procedure.

SUBSTITUTE FAMILY CARE, INSTITUTIONAL CARE

Beneficial results are most noticeable in the area of substitute family care and institutional care. Other outcomes also show that the objectives of the new legislation are being met.

The system of assistance to children with behavioural disorders is gradually changing, various types of preventive measures are being introduced, emphasis is being placed on co-operation and co-ordination of the involved parties. The co-operation between municipalities and NGOs is being activated, and conditions are being created for the provision of substitute family care as a vocation.

At the same time, ambitious reform of institutional care is taking place.

Its basic objective is to effectively deal with the situation of children who cannot be brought up in their families, with priority attention to the causes for such situations.

The first two stages of the process of alignment of the living conditions of children in institutional care have been implemented – the transformation of dormitory-type children's homes into family-type children's homes and the placement of children in court-imposed institutional care, who lived in the dormitories of special schools, to children's homes.

A challenge for the near future is to complete this process by modifying the system of care for children with behavioural disorders, i.e. by changing the re-education system in Slovakia, while implementing the said changes and continuing to implement qualitative changes in the area of institutional care.

INDEPENDENT AUTHORITY

Another important task for the near future is to complete the establishment of an independent authority to protect the rights of children.

Our experience from the past years demonstrates that setting up a governmental institution for this purpose leads to inefficiency and formality.

The Slovak Committee for the Rights of the Child, established in 2000, initially had the ambition to operate as an institution effectively protecting the rights of children, but its activities gradually became too formal and it failed to meet the goals for which it was originally created, in particular due to its dependent position.

The functioning of such a committee as an advisory body to the minister of labour, social affairs and family has also proved ineffective.

In its Program of August 2006, the new Government undertook to resolve this situation. During the discussion, the competent expert is ready to provide more detailed information on this issue.

EDUCATION

Turning now to education

Like in other areas of public life, education reform is currently under way. This reform promotes education on the rights of the child on the basis of recognition of the freedom and responsibility of pupils, differences between pupils, and co-operation between pupils.

Because we consider the education to be one of the key elements, let me dwell a bit more on it.

The legislative amendments implemented in this sector since 2002 in compliance with the Convention are related to the following issues:

(i) The issue of education and instruction of children coming from a socially disadvantaged environment, such as Roma children, but not only them.

(ii) The issue of education and instruction of children with disabilities.

(iii) The transfer of certain competencies in the area of education from State administration to municipalities and regional self-government, namely those related to the financing of schools.

(iv) The reinforcement of the education in the area of human rights and the rights of the child.

(v) The improvement and extension of services *in the area of preschool establishments* by adopting the education policy related to the preparation of children for school attendance - adopted by the Government in February 2007.

ROMA

Madam Chair,

Obviously, one can not avoid here mentioning especially the situation of the Roma children, which is inseparable from the situation of the Roma population as such.

The main document in this field is "Basic Theses of the Slovak Government's Policies for the Integration of Roma Communities" adopted in April 2003.

The document consists of fundamental medium- and long-term objectives and methods that should serve the state administration authorities as the basis for concrete steps. They are formulated into individual areas such as human rights, education, employment and social affairs, housing, culture and media and healthcare with aim to achieve the integration of Roma

communities through creating conditions for equal participation in political, social and economical life of society.

The Government of the Slovak Republic annually reviews the document and at the same time the new priorities are adopted for the next period.

The respective ministries have transformed individual tasks as defined in Basic Theses into concrete measures and policies. Let me mention some of them.

The Ministry of Education has elaborated the Integrated Education Policy for Roma Children and Youth including the Development of Secondary and Tertiary Education.

The Ministry of Construction and Regional Development adopted The Long-term Housing Policy for Marginalized Population Groups and the Model of its Funding.

The Ministry of Justice has prepared the programme for probation and mediation officers for Roma assistant within the probation and mediation service.

The programme for Roma health-care field assistants was developed by the Ministry of Health.

In 2002, the profession of a teacher assistant as educational staff working in kindergartens, primary schools and special primary schools was introduced, with the aim of improving the education of Roma children.

Teacher assistants participate in the creation of conditions necessary for overcoming mainly the linguistic, health and social barriers encountered by children in the educational process. There are some 1000 teacher assistants working at schools today.

Another form of support for the education of Roma children is a scholarship programme for secondary school and university students.

In order to improve the access of the Roma minority, including Roma children, to healthcare, a number of projects are currently carried out with a focus on the systemic framework for the provision of healthcare and improvement of information about reproduction health issues.

As an example, I would mention one of the projects which was focused on the improvement of Roma access to healthcare. Its positive achievements include namely:

- the acquisition of educational tools for health education for the Roma,
- medical equipment for health centres,
- mobile medical units – field outpatient units with equipment,
- training activities for Roma health care field workers,
- refurbishment of selected health care centres.

In the context of the fight against racially motivated crime against Roma and their children, the Government has provided support to State prevention programmes to curb racially motivated violence.

The Pilot project of Police Specialists for the Work with Roma Communities implemented between 2004 and 2006 was aimed at improving the co-operation between the police and Roma communities.

The number of police specialist has increased in 118 since January 2007.

The Commission for Co-ordinating Action on the Elimination of Racially Motivated Crime was created at the Ministry of the Interior. Expressions of racial violence and incitement to racial hatred are sanctioned under the Penal Code and racially motivated crimes have been punished more severely since 2004.

ASYLUM SEEKERS

Now, allow me a couple of words on the specific but very important issue of minor aliens – asylum-seekers. Slovakia pays special attention to their situation. We adopted the set of measures concerning unaccompanied minors seeking asylum in order to protect their interests in compliance with the Convention, in particular to achieve the three basic objectives:

One - act in the best interest of the minor on the basis of his or her individual needs.

Two - to prevent any form of discrimination and provide minor aliens with all advantages and opportunities enjoyed by children who are Slovak nationals.

Three – to enable social participation and participation in decision-making in the family and community life.

Mr Chairperson,
Distinguished Members of the Committee,
Ladies and Gentlemen.

To conclude my presentation, I would like to assure you that our Government's efforts aimed at protecting and promoting the rights of children in the Slovak Republic are permanent.

The Government views these efforts as one of the most important values jointly pursued by the international community.

Your specific questions regarding the implementation of respective articles of the Convention will be answered by the members of our delegation.

You certainly noted that we opted for convening a quite large delegation to Geneva, and that for two main reasons.

Firstly, we believe this could better serve the purpose of our common exercise and we are expecting diverse and sometimes not easy questions.

But there is also another reason. For our experts coming from different Slovak institutions, today's discussion will be the precious personal experience and will help them in their future work. Because we consider this exercise not only a monitoring one, but also a teaching one.

Let me introduce now members of our delegation.

- **His E. Mr. Anton Pinter**, Permanent Representative of the Slovak Republic to the UN at Geneva
- **Mr. Drahoslav Štefánek**, Deputy Permanent Representative of the Slovak Republic to the UN at Geneva
- **Ms. Zuzana Fellegi**, Director-General for the Human Rights and Minorities at the Office of the Government
- **Ms. Erika Adamová**, spokesperson of the Deputy Prime Minister for Knowledge Society, European Affairs, Human Rights and Minorities
- **Ms. Nadežda Šebová**, Director-General for the Social and Family Policy at the Ministry of Labour, Social Affairs and Family

- **Ms. Ivana Mrázková**, Director of the Department of Strategy for the Social Protection of Children and Family at the Ministry of Labour, Social Affairs and Family
- **Ms. Jana Tomatová**, Director of the Department for Social Inclusion and Material Need Assistance at the Ministry of Labour, Social Affairs and Family
- **Ms. Alexandra Hasalová**, International and European Law Section at the Ministry of Justice
- **Ms. Marta Šikrová**, Regional Education Section at the Ministry of Education
- **Ms. Radoslava Rojková**, Legislation and External Relations Section at the Ministry of the Interior
- **Mr. Pavel Khun**, Migration Office of the Ministry of the Interior
- **Mr. Roman Záh**, Judicial and Criminal Police Office of the Police Force Presidium
- **Ms. Anežka Zummerová**, Health Section at the Ministry of Health
- **Ms. Ol'ga Augustínová**, Health Section at the Ministry of Health
- **Mr. Peter Guráň**, Head of the Monitoring and Research Section at the Slovak National Centre for Human Rights
- **Ms. Soňa Danová**, Department of Human Rights at the Ministry of Foreign Affairs.

Thank you for your attention.