Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Slovakia - 5th Session - 2009
13th May 2009, 2.30pm to 5.30pm

National Report

33. As a follow-up to the presentation of its Initial Report before the United Nations Committee on the Rights of the Child in 2000, the government has taken several measures to implement the applicable Convention on the Rights of the Child. In 2001, a Committee for the Rights of the Child was established at the Ministry of Labour, Social Affairs and Family, albeit with limited powers. Another important step was the adoption of several social and family law standards fully incorporating the provisions of the Convention. Family policy objectives aimed, inter alia, at protecting the family and its members, including children and youth, are also included in the “Concept of the State Family Policy”.

85. Slovakia was among the first member countries of the Council of Europe that ratified its legal instrument to provide assistance to victims of trafficking – the Convention on Action against Trafficking in Human Beings. Slovakia is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol). The definition of trafficking in human beings included in the Penal Code fully reflects the definition provided by the Palermo Protocol. Relevant EU resolutions and directives to combat trafficking in human beings have also been transposed into the national human trafficking legislation. Victims of human trafficking are, inter alia, exempt from the obligation to pay an administrative fee for a permit for tolerated stay.

94. The solution of the problems of the Roma ethnic group is one of the key policy priorities of the Slovak government. In cooperation with the international community and the NGO sector, various initiatives are endorsed in order to, inter alia, eliminate the number of school classes missed by Roma students and early termination of compulsory education, improve access to employment, and remove discrimination of the Roma minority in various areas of public life.

103. Education of Roma children still requires special attention. In April 2008, the government approved a new draft of the “Concept of Education and Training for Roma Children and Students, Including the Development of Secondary and Tertiary Education”, prepared in line with current needs and practices. One of the much-discussed issues is the non-existence of a uniform education consultancy system, which causes problems mainly with respect to admitting Roma children to special schools. The interpretation of the term “special educational need” results in problems with distinguishing among children and students with different special education needs, which may lead to discrimination of certain children and students in some cases.

Compilation of UN information

5. While welcoming efforts of the Office of the Public Defender of Rights in the area of protection of children’s rights, CRC was nevertheless concerned that monitoring of all areas of concern covered under the Convention was not adequate and coordinated, and recommended that Slovakia expedite the establishment of an independent mechanism for monitoring and implementation of the Convention in accordance with the Paris Principles.

8. CRC recommended that Slovakia adopt a new time-bound national plan of action for children, covering at least a five-year period, and that this plan of action be based on a solid assessment of the implementation of the 2002-2004 Plan and cover in a comprehensive manner the rights of the child enshrined in the Convention.

14. CRC urged Slovakia to ensure full protection under the Anti-Discrimination Law and to strengthen its awareness-raising and other preventive activities against discrimination and, if necessary, to take affirmative actions for the benefit of certain vulnerable groups of children, especially the Roma. In 2008, the ILO Committee of Experts noted the different retirement ages for men and women which
15. In 2007, CRC welcomed the creation of the Commission for Coordinating Action in the Elimination of Racially Motivated Crime and Slovakia’s efforts to improve cooperation between the police and Roma communities. Nevertheless, it remained concerned at the continuing incidents of excessive use of force by police personnel, including police brutality against the Roma community and other vulnerable groups. CRC reiterated its previous recommendations to expand State preventive programmes to curb racially motivated violence. In 2004, CERD also expressed concern about allegations of discriminatory behaviour by the police towards members of minority groups, in particular Roma, including acts of ill-treatment and violence. It recommended that Slovakia intensify its action to halt this phenomenon and set up an independent monitoring mechanism to carry out investigations into allegations of police misconduct.

17. CRC also raised concerns about domestic violence and recommended that Slovakia introduce mandatory reporting of abuse of children, including sexual abuse, and that it take the necessary measures to ensure that child victims of abuse and other forms of violence are not victimized once again during legal proceedings.

20. CRC was concerned at the high level of rape of children between the ages of 7 and 18, even in protective environments such as families and schools. It was also concerned at the fact that the Slovak legislation and practice did not explicitly penalize sexual exploitation of children. CRC was further concerned that despite its legal prohibition, child prostitution remains a problem in Roma settlements with the worst living conditions. It recommended that Slovakia take adequate legislative measures to ensure the explicit prohibition of sexual exploitation and abuse of children under criminal law; ensure that child victims are not criminalized or penalized; implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims; and carry out gender awareness-raising campaigns to combat sexual exploitation.

22. CRC noted the Government’s efforts to implement and enforce the Labour Code and policies to protect children from exploitation in the workplace. However, CRC was concerned about reports indicating that such practices still occur and that child labour, primarily in the form of begging, was a problem in some communities. It urged Slovakia to intensify its efforts to implement and enforce laws and policies protecting children from economic exploitation, including child labour and begging.

24. CRC urged Slovakia to ensure that juvenile justice standards are fully implemented. In particular, it recommended that Slovakia take all necessary measures to ensure that children are held in detention only as a last resort and for as short a time as possible, and that such detention is in compliance with the law and respects the rights of the child; ensure regular review of detention; set up a programme to train specialized judges for children; and take all necessary measures to ensure that children are not ill-treated in detention and their rights not violated, and that cases involving juveniles are promptly brought to trial.

26. CRC noted with concern that the Family Act allowed a parent who is a minor to act before the court in cases of paternity determination only upon consent of the minor’s parents. It urged Slovakia to modify the provisions of the Family Act in order to allow a minor parent to bring a motion before the court regarding the determination of paternity, without the necessity for parental consent.

35. CRC noted with appreciation that measures have been adopted to improve the living conditions of Roma children living in segregated Roma settlements, and that funds have been allocated to municipalities to build centres of personal hygiene and laundry rooms. It remained concerned, however, that some Roma communities live in substandard, racially segregated slum settlements. CRC recommended that Slovakia take all necessary measures to ensure that all communities, including Roma communities, are given equal access to adequate housing, sanitation and infrastructure, are protected from environmental hazards, and given access to clean air, land and water.

39. CRC recommended that Slovakia increase considerably both human and financial resources to develop an effective infrastructure of mental health services for children and families at risk. It also recommended that Slovakia take all necessary measures to improve access to health services by the Roma population. Slovakia should also take the necessary steps to end segregation in hospital facilities and to raise awareness of the population about the necessity and benefits of immunization of children.

41. A 2007 UNDP report informed that 35 per cent of all members of the Roma population above school age had not finished their primary education. A 2006 UNDP report indicated that less than 5 per cent of the Roma complete secondary school. CRC recommended that Slovakia, inter alia, take all necessary measures to ensure that children, particularly Roma children, have equal opportunities for access to schools, including the possibility to receive education in their mother tongue; and to take steps to ensure that the educational curriculum and teaching material take into account the culture and history of children belonging to different minority groups, particularly the Roma.

42. CRC urged Slovakia to recognize the rights of persons, including children, belonging to minority groups and to consider adopting a comprehensive legal act providing protection of the rights of such persons. It urged Slovakia to ensure that children belonging to minority groups have equal access to education, health and other services.

54. CRC recommended that Slovakia seek further cooperation with OHCHR, UNICEF and the World Health Organization (WHO) regarding violence against children.

Summary of Stakeholder compilation
France welcomed the establishment of the post of Mediator and the Plan of Action for the improvement and progressive integration taken to ensure that children, particularly Roma children, have equal opportunities for access to schools. It asked Slovakia for more information on measures to be sexual exploitation. It encouraged Slovakia to continue to implement programs and projects in the field of health for Roma, as efforts on steps taken. It also asked Slovakia to elaborate on measures undertaken to combat trafficking in women and children including on implementation of two additional protocols to the Convention on the Rights of the Child. It asked Slovakia to elaborate more about Bosnia and Herzegovina encouraged Slovakia to submit outstanding reports to United Nations treaty bodies, especially initial reports of treaty bodies remain concerned about Roma's situation. Turkey asked what measures were taken to change the negative perception of domestic violence. Slovakia was concerned about the disproportionate number of Roma children placed in special schools and classes. It recommended that all children currently in special schools and special remedial classes be assessed regularly to ensure their swift reintegration in mainstream education as appropriate; to adopt the necessary legal or administrative measures to redress any erroneous placement of children in special schools, and prevent and sanction all forms of racial segregation in education; and to review the mandate of the Slovak National Centre for Human Rights in order to enable it to monitor anti-discrimination legislation and its implementation, and to investigate individual complaints, to initiate its own investigations, or to recommend remedies in individual cases of violations of the right to education. Slovakia stated that the excessive use of force by the police against Roma children in Košice was incompatible with their duties; a prompt and impartial investigation has been initiated and concerned policemen were immediately dismissed from the police service and face prosecution. In order to address police harassment, measures for enhanced psychological care of policemen are taken, new educational programs are being prepared for special police schools and human rights training will be strengthened. Domestic violence against women and children was of significant concern in Slovakia. Amendment to the Police Act (2008) permits the banning of perpetrators of domestic violence from the home for up to 48 hours. In cases where children are affected, a copy of the police record is sent to the social protection authority. Legislative and other measures, including the ratification of the European Convention on the Compensation of Victims of Violent Crimes and the gathering of data, have been taken to support victims of violent crimes. With regard to education, the greatest problems faced by the Roma community are the high number of pupils in classes, irregular school attendance and an insufficient number of nursery schools. The Roma children are coming from socially disadvantaged and a low motivational environment. Turkey noted that the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women expressed concern at the high rate of domestic violence in Slovakia and that the lack of legal tools to ensure that the perpetrators leave the family environment. Turkey asked whether Slovakia has undertaken any legislative measure to penalize sexual exploitation and abuse of children in its criminal law. Turkey recognized efforts to improve the situation of the Roma community. Nonetheless, a number of treaty bodies remain concerned about Roma’s situation. Turkey asked what measures were taken to change the negative perception of the Roma community in the society as suggested by several treaty bodies. Slovenia commended Slovakia for the elaboration of the Decade and National Action Plan for Roma Inclusion 2005-2015. Slovenia, while commending Slovakia on the Action Plan for Children and for establishing a permanent Ministerial Committee for Children, was concerned about the disproportionate number of Roma children placed in special schools and classes. It inquired as to when Roma children are likely to receive education in the Roma language, taking into account its official standardization in June 2008 to serve as a basis for such education. Bosnia and Herzegovina encouraged Slovakia to submit outstanding reports to United Nations treaty bodies, especially initial reports on implementation of two additional protocols to the Convention on the Rights of the Child. It asked Slovakia to elaborate more about efforts on steps taken. It also asked Slovakia to elaborate on measures undertaken to combat trafficking in women and children including sexual exploitation. It encouraged Slovakia to continue to implement programs and projects in the field of health for Roma, as recommended by the Committee on the Elimination of Racial Discrimination. It asked Slovakia for more information on measures to be taken to ensure that children, particularly Roma children, have equal opportunities for access to schools. France welcomed the establishment of the post of Mediator and the Plan of Action for the improvement and progressive integration
of the Roma community. France asked what measures had been taken to meet concerns of the Committee on the Elimination of Discrimination against Women regarding the high rate of violence against women and girls. Noting that Slovakia had allocated 185 million euros for 2008-2013 to assist the Roma community, it asked what measures had been taken to implement the right to health for the Roma population and, particularly, to improve their information on preventative medicine. France enquired what measures had been adopted to create an independent monitoring mechanism for implementation of the Convention on the Rights of the Child.

**Conclusion and Recommendations**

8. Implement the recommendations of the Committee on the Rights of the Child, including taking adequate legislative measures to ensure explicit prohibition of sexual exploitation and abuse of children under criminal law, ensuring that children are not criminalized or penalized, and intensify efforts in for implementation of laws and policies protecting children against economic exploitation (South Africa);

39. Pursue effective policies in combating violence against women and children (Turkey); place high priority on the introduction of comprehensive measures to address all forms of violence against women and children, including redress and protection of the victims (Azerbaijan);

42. Prohibit corporal punishment by law in all settings, including the home (Brazil); take into account international standards and the provisions of the Convention on the Rights of the Child (Argentina);

45. Explicitly codify and penalize sexual exploitation of children (Brazil); recognize under criminal law the explicit prohibition of sexual exploitation and abuse of children, as recommended by the Committee on the Rights of the Child (Portugal); take the appropriate legislative measures to ensure direct prosecution under criminal law of sexual exploitation and ill-treatment of children (Russian Federation);

46. Adopt preventive measures, including through regional cooperation, on sexual exploitation of women, particularly minors (Nigeria);

47. Combat trafficking and sexual exploitation of women and children, and exploitation of children in the workplace (Islamic Republic of Iran);

54. Ensure that juvenile justice is fully implemented and that children are not ill-treated in detention and their rights not violated (Islamic Republic of Iran); strengthen its efforts to ensure that juvenile justice standards are fully implemented, in particular that children are detained only as a last resort and for as short a time as possible, that children’s rights are not violated while in detention and that programmes are in place to train specialized judges and other professionals involved in the juvenile justice system (New Zealand);

73. Take all necessary measures to ensure that all children, particularly Roma children, have equal opportunities for access to school (Mexico); take concrete measures to improve the realization of the right to education by the Roma children, taking also into account special education needs (Finland);

74. Ensure that children belonging to minority groups have equal and adequate access to education, health and other services (Islamic Republic of Iran);

75. Develop and implement a strategy to address the disproportionate enrolment of Roma children in comparison with children with disabilities in special schools (New Zealand);

76. Establish practical measures to resolve the issue of Roma children being placed into special schools for disabled children, without clearly defined selection criteria or effective independent complaint mechanisms for parents (Japan);

77. Adopt time-bound measures to increase access for Roma children and children with disabilities to inclusive education in mainstream schools (New Zealand);