



Convention on the Rights of the Child

Distr.: General
20 July 2016

Original: English

Committee on the Rights of the Child

Concluding observations on the combined third to fifth periodic reports of Slovakia*

I. Introduction

1. The Committee considered the combined third to fifth periodic reports of Slovakia (CRC/C/SVK/3-5) at its 2116th and 2117th meetings (see CRC/C/SR.2116 and 2117), held on 24 and 25 May 2016, and adopted the following concluding observations at its 2132nd meeting (see CRC/C/SR.2132), held on 3 June 2016.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/SVK/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress made by the State party in implementing the Convention and notes in particular the ratification of and/or accession to international and regional human rights instruments, especially the Optional Protocol on a communications procedure.

4. The Committee also notes with appreciation the adoption of various legislative, institutional and policy measures in response to the recommendations of the Committee.

5. The Committee notes that the State party has continued to make progress in safeguarding the rights of children in the areas of violence prevention, health, standard of living and education. The situation of Roma children as it relates to these areas has not, however, improved significantly, which is why they are the main focus of the relevant recommendations that follow.

* Adopted by the Committee at its seventy-second session (17 May-3 June 2016).



III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

Coordination

6. The Committee welcomes the establishment in 2011 of the interministerial Committee for Children and Young People. It is concerned, however, that regional and municipal governments are reportedly taking over the competencies of that body in the fields of housing, education and childcare.

7. **The Committee recommends that the State party ensure that the Government Council for Human Rights, National Minorities and Gender Equality and the Committee for Children and Young People have sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national and local levels and that they are provided with the necessary human, technical and financial resources for their effective operation.**

Allocation of resources

8. The Committee regrets the State party's decision to cancel the priority task stipulated in the National Action Plan for Children of designing and implementing a method for tracking resources allocated from the State budget for the implementation of children's rights, with a particular emphasis on children in vulnerable situations, including Roma children, and its explanation, set out in the written replies to the list of issues, that specifying funds designated to implement the Convention is not realistic and that the voluntary provision of data on the budget through annual collection by addressing competent institutions is sufficient.

9. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child: responsibility of States", the Committee recommends that the State party:**

(a) **Reinstate as a priority in the National Action Plan for Children the task of designing and implementing a method for tracking resources allocated from the State budget for the implementation of children's rights;**

(b) **Ensure transparent and participatory budgeting through public dialogue, especially with children, and proper accountability on the part of local authorities.**

Data collection

10. **The Committee reiterates its previous recommendations (see CRC/C/SVK/CO/2, para. 20) and further recommends that the State party:**

(a) **Expediently improve its data-collection system, which should cover all areas of the Convention, in order to ensure effective analysis and monitoring of the situation of all children, particularly those in situations of vulnerability, as well as impact assessments of the measures taken. The data should be disaggregated, inter alia by sex, age, disability, nationality and ethnic origin, geographic location, and socioeconomic and migratory status;**

(b) **Ensure that the data and indicators are shared among the ministries concerned and used to formulate, monitor and evaluate policies, programmes and projects with a view to the effective implementation of the Convention;**

(c) **Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights**

(OHCHR) entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.

Independent monitoring

11. The Committee welcomes the fact that the Public Defender of Rights (Ombudsperson) has recently dedicated several reports to children's rights issues. It regrets, however, that some of these reports, especially as they relate to violence against Roma children, have reportedly been labelled as politically motivated and have not triggered an adequate response by the State. The Committee also welcomes the adoption of the Act of 25 June 2015 on the Commissioner for Children and the Commissioner for People with Disabilities and on changes and amendments to certain acts. It regrets, however, that the criterion of political independence is not enshrined in the Act and was not upheld in the election of the first Commissioner on 2 December 2015. The Committee is also concerned about:

- (a) Allegations that children's rights are being violated in a children's home located in the permanent residence of the elected Commissioner;
- (b) The proliferation of monitoring institutions in the State party, without an effort to strengthen their independence and bring them into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

12. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

- (a) **Ensure the independence of the institution of the Commissioner for Children with regard to its election process, funding, mandate and immunities, so as to guarantee full compliance with the Paris Principles;**
- (b) **Ensure adequate and long-term funding for the institution of the Commissioner for Children and establish a system for monitoring the implementation of measures proposed by the Commissioner;**
- (c) **Fully and impartially investigate the allegations surrounding the current Commissioner for Children and ensure that new elections adhere to the requirements of political independence and professionalism;**
- (d) **Ensure that all past, present and future reports by the Ombudsperson as well as the Commissioner for Children, on children's rights, including those on sensitive issues, are adequately considered and acted upon;**
- (e) **Seek technical cooperation with OHCHR and the United Nations Development Programme, among others.**

Cooperation with civil society

13. The Committee is concerned that civil society:

- (a) Reports difficulties in cooperating with the State party's authorities on promoting innovative practices in the field of child protection and in providing social services for children and families;
- (b) Considers that State and municipal and regional subsidies for non-governmental organizations, especially those providing social services, are insufficient.

14. **The Committee calls on the State party to systematically involve civil society, including non-governmental organizations and children's organizations, in the development, implementation, monitoring and evaluation of policies, plans and**

programmes related to children's rights, and to provide non-governmental organizations, especially those providing social services where governmental services are lacking or inadequate, with sufficient funding.

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

Non-discrimination

15. The Committee shares the concern of the European Commission against Racism and Intolerance that the implementation of the Anti-discrimination Act is not being adequately monitored and that the Slovak National Centre for Human Rights, as the monitoring body, does not function effectively and independently. The Committee is seriously concerned that:

(a) Despite numerous plans and strategies, Roma children, especially in segregated settlements, continue to face multiple forms of discrimination, mainly in the fields of education, health care and standard of living, including as they relate to housing, evictions and payment of benefits;

(b) Incidents of different forms of hate speech against vulnerable groups, such as the Roma, Muslims, and lesbian, gay, bisexual, transgender and intersex persons, including children, are increasing.

16. **The Committee urges the State party to:**

(a) **Ensure the implementation of the Anti-discrimination Act as well as other laws prohibiting discrimination, including by ensuring the full independence, impartiality and effectiveness of the monitoring body;**

(b) **Conduct awareness-raising programmes on the prohibition of discrimination and related sanctions, paying particular attention to Roma children, children with disabilities, and lesbian, gay, bisexual, transgender and intersex children or children from lesbian, gay, bisexual, transgender and intersex families;**

(c) **Ensure the equal enjoyment by Roma children, especially those living in segregated settlements, of their rights to education, health care and an adequate standard of living;**

(d) **Investigate and sanction all cases of political figures and religious leaders using anti-Roma and anti-Muslim rhetoric as well as offensive discourse targeting sexual orientation;**

(e) **Ensure that law enforcement officials and legal professionals are adequately and systematically trained to effectively investigate and sanction hate crime, including in social and other media;**

(f) **Use legislative, policy and educational measures, including sensitization and awareness-raising, to end stigmatization of Roma, Muslim and lesbian, gay, bisexual, transgender and intersex children and children with disabilities.**

Best interests of the child

17. Despite recent legislative amendments to the 2005 Family Act, the Committee is concerned about the interpretation of article 3 of the Convention and its implementation in the State party and about reports that the concept of best interests of the child is being increasingly misused in activities and campaigns by certain groups and misinterpreted by the media, which may compromise the rights of the child as a rights holder.

18. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

- (a) Strengthen its efforts to ensure that this right is consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children;
- (b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving the best interests of the child due weight as a primary consideration;
- (c) Conduct awareness-raising activities to counteract all harmful interpretations of the best interests principle.

Respect for the views of the child

19. The Committee reiterates its previous recommendations (see CRC/C/SVK/CO/2, para. 32) and, in the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee further recommends that the State party:

- (a) Develop toolkits for public consultation on national policy development to standardize such consultation at a high level of inclusiveness and participation, including consulting with children on issues that affect them;
- (b) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, the community and in schools, including within student council bodies, paying particular attention to girls, Roma children and children with disabilities;
- (c) Institutionalize permanent participative structures and ensure that they are provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate the effective engagement of children on issues that affect them.

C. Civil rights and freedoms (arts. 7, 8 and 13-17)

Right to identity

20. The Committee is deeply concerned about the continued use of baby boxes that allow for the anonymous abandonment of children in the State party, which is in violation of the provisions of the Convention.

21. The Committee urges the State party to prohibit the use of baby boxes, and strengthen and promote existing alternatives, including by providing family planning services, adequate counselling and social support for unplanned pregnancies and, as a last resort, the possibility of confidential hospital births.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

22. The Committee welcomes that the State party's Appeal Court overturned in April 2016 the District Court's decision acquitting the police officers charged with the physical abuse and degrading treatment of six arrested Roma children in 2009. The Committee is however seriously concerned at:

- (a) The growing number of violent verbal and physical attacks and incidents of harassment against the Roma, including Roma children, by State actors, especially the police, as well as private individuals;
- (b) The punitive use by the Government of violent police raids in Roma settlements, aimed at gaining the support of the neighbouring non-Roma population, resulting in police injuring children;
- (c) The reported lack of impartiality of the Ministry of Interior, which is responsible for investigating alleged acts of police brutality and unlawful police action, resulting in failure to systematically institute prompt and effective criminal proceedings and bring charges against the perpetrators of such violence;
- (d) A complete lack of systematic steps planned or funding allocated to improve the work of the police with Roma communities.

23. **The Committee reiterates its previous recommendations (see CRC/C/15/Add.140, para. 26 and CRC/C/SVK/CO/2, para. 35) and urges the State party to:**

- (a) Establish an independent monitoring and oversight mechanism, which complies with the requirement of institutional independence, for alleged acts of police brutality and unlawful police action;**
- (b) Carry out prompt, impartial, thorough and effective investigations into all allegations of violent verbal and physical attacks and incidents of harassment against Roma children by State actors, especially the police, as well as private individuals, including all violent police raids in Roma settlements, and bring the perpetrators of such acts to justice;**
- (c) Design and implement a systematic strategy to improve the work of the police with Roma communities and allocate adequate funding for its implementation.**

24. The Committee is concerned that despite the 2012 European Court of Human Rights ruling, the State party has not acknowledged any responsibility for the past systematic practice of forced sterilization of Roma women and girls, nor has it provided compensation for the victims or adopted uniform standards concerning the obtaining of free and informed consent in cases of sterilization.

25. **The Committee supports the recommendations made recently by the Committee against Torture in its concluding observations on the third periodic report of the State party (see CAT/C/SVK/CO/3, para. 12) and the Committee on the Elimination of Racial Discrimination in its concluding observations on the ninth to the tenth periodic reports of the State party (see CERD/C/SVK/CO/9-10, para. 13) to the State party and calls on the State party to investigate the full extent of the practice of forced sterilization of women and girls in the communist and post-communist period in the State party and to provide financial and other reparations to the victims.**

Corporal punishment

26. The Committee deeply regrets that the 2005 Family Code, despite the amendments made in June 2015, still tolerates the use of “reasonable physical punishment” in the raising of children in families.

27. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel and degrading forms of punishment and its previous recommendations (see CRC/C/SVK/CO/2, para. 37), the Committee urges the State party to explicitly prohibit corporal punishment within the home without further delay.**

Violence, abuse and neglect

28. The Committee is concerned that:

- (a) Reporting of suspected physical or sexual abuse by public or other relevant institutions in the State party is rare and sanctions are either not imposed or are too lenient;
- (b) In some cases, instead of being helped, the child victim is subjected to various correctional measures and placed in a detention facility;
- (c) Owing to a lack of coordination and procedures, sexually abused children are often forced to recount their experience several times to various untrained persons and, as a consequence, many children withdraw their testimonies in legal cases;
- (d) There is no exact data available on the number and types of crisis centres available in the State party and new centres founded by municipal and regional governments are not subject to accreditation, are not bound by requirements relating to the quality of services and are not monitored by the State.

29. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of the Sustainable Development Goals (target 16.2: end abuse, exploitation, trafficking and all forms of violence against and torture of children), the Committee urges the State party to:**

- (a) **Establish early detection and investigative programmes for identifying child victims of violence and sexual abuse;**
- (b) **Improve cooperation and coordination between all entities involved in child protection, including crisis centres, and introduce standard operating procedures and methodologies for them which are duly monitored, including as these relate to testimonies;**
- (c) **Ensure effective prosecution against and commensurate sanctions for the perpetrators of violence against children and sexual exploitation and abuse, including through capacity-building for judges and other relevant personnel, taking fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex);**
- (d) **Establish a national database of all cases of domestic violence against and sexual abuse of children, and undertake a comprehensive assessment of the extent, causes and nature of such behaviour;**
- (e) **Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse, including sexual abuse, and neglect, including by involving former child victims, volunteers and community members, and providing training to them.**

Cyberbullying

30. The Committee is concerned about the growing instances since 2010 of cyberbullying, the lack of awareness among children of its harmfulness as well as the lack of preventive measures to address it.

31. **The Committee recommends that the State party:**
- (a) **Carry out surveys among children and young people concerning Internet ethics, cyberbullying, and meaningful and safe use of the Internet and social media;**
 - (b) **Systematically train teachers on these topics and include interactive classes focused on these topics in school curricula;**
 - (c) **Organize campaigns for parents with the goal of increasing their awareness of cyberbullying and safe use of the Internet and social media by their children.**

E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

32. The Committee notes the explanation given by the State party during the dialogue that all types of families are protected without discrimination. The Committee is nevertheless concerned that the definition contained in the June 2015 amendment to article 3 of the 2005 Family Code, of a stable family consisting of the child's father and mother as the most suitable environment for the complex and harmonic development of the child, does not take into account the different kinds of families that exist and is not in conformity with the definition of the family environment as set out in the Convention.

33. **The Committee recommends that the State party amend article 3 of the Family Code to bring it into full compliance with the Convention, focusing on the well-being of the child rather than the composition of the family.**

Children deprived of a family environment

34. While welcoming that the national legislation provides for support for community services to identify children or parents at social risk and provide them with assistance, the Committee is concerned that such services are not available throughout the State party. The Committee is also concerned that:

- (a) Preventive measures to avoid the removal of children from their families and programmes that aim to prevent the abandonment of children after birth are lacking;
- (b) Work quality standards and the level of education required of professionals working in the residential and foster care systems are very low and there is no systematic training and education in place for such professionals;
- (c) The duty to conduct regular monitoring of the situation of all children in alternative care, which is enshrined in the Family Code, is carried out on a pro-forma basis only and the provision of services to families at the community level provided for under the Act on Social and Legal Protection of Children and Social Guardianship is non-existent in practice;
- (d) Biological parents do not receive sufficient support to enable them to maintain contact with their children who have been placed in foster care and young people who leave residential and foster care do not receive adequate support as they enter adulthood;
- (e) Children placed in institutional care do not receive child-friendly information about their new placement and their rights, and their placement often does not take into account the geographical location of their biological family, their culture or language;
- (f) Child-friendly mechanisms to enable children in institutional care to make complaints and ensure their views are heard are lacking;

(g) While Roma children comprise the largest ethnic group in children's homes in the State party, there are rarely any Roma employees in these homes and Slovak is often the only language spoken.

35. **The Committee recommends that the State party:**

(a) **Put in place measures promoting positive parenthood in order to avoid situations of family crisis that lead to the removal of children from their families, ensure access to professional help for families in crisis and ensure that children can stay in contact with their parents at all times, if it becomes necessary to separate them from their parents;**

(b) **Support and facilitate family-based care for children wherever possible, and strengthen the system of foster care for children who cannot stay with their families, with a view to further reducing the institutionalization of children;**

(c) **Provide anti-discrimination training for all relevant authorities in order to ensure that recommendations and decisions regarding the removal of Roma children from, and their return to, their families, are objective;**

(d) **Strengthen support to young people leaving care so as to enable them to reintegrate into society, by providing access to adequate housing, legal, health and social services, as well as educational and vocational training opportunities;**

(e) **Ensure the periodic review of the placement of children in foster care and institutions, and monitor the quality of care, including by providing accessible channels for reporting, monitoring and remedying the maltreatment of children;**

(f) **Ensure that foster families are entitled by law to receive financial and professional help such as respite services, education, supervision and guidance;**

(g) **Prioritize the hiring of Roma professionals and the use of the Roma language in addition to Slovak in children's homes, maintaining the ethnic identity of individual children and increasing cultural sensitivity towards all children in children's homes.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

36. The Committee welcomes that the 2014 National Plan for Developing Living Conditions for Persons with Disabilities includes an obligation by the Ministry of Education to ensure greater accessibility of individualized support for children with disabilities, in particular through the employment of teaching assistants, school psychologists and special education teachers. It also welcomes the fact that the Plan requires that the provision set out in article 29 (11) of Act on Education (No. 245/2008 Coll.), stipulating that integration can be denied to a child with a disability if he or she could jeopardize the education of other children, be removed. The Committee is concerned, however, that the 2014 National Plan does not set out a specific time frame and that:

(a) The State party's legislation does not provide a framework for achieving inclusive education, there is no effective policy providing for the transition from a segregated to an inclusive educational system and material, financial and human resources are not available for mainstream schools to ensure inclusive education;

(b) Children with disabilities are generally directed towards vocational training as opposed to higher education studies, regardless of their intellectual abilities;

- (c) The State party continues to prioritize expensive investment in residential care, while home carers of children with severe disabilities receive an inadequate subsidy;
- (d) Children with disabilities are exempt from the requirement that children under the age of 6 are placed in a family instead of a children's home;
- (e) The number of early intervention centres continues to be insufficient and relies on private donors.

37. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

- (a) **Amend the Education Act in order to enshrine in the national legislation the principle of, and right to, inclusive education, and establish comprehensive specific measures for implementation, including defined responsibilities and a time frame;**
- (b) **Ensure that inclusive education is given priority over the placement of children in specialized institutions and classes, and train and assign specialized teachers and professionals in integrated classes providing individual support;**
- (c) **Amend the Act on the Social and Legal Protection of Children and Social Guardianship to prohibit the institutionalization of children with disabilities under the age of 6;**
- (d) **Prioritize family and community care and fully commit to the implementation of the "deinstitutionalization policy" in order to ensure that children with disabilities no longer live in segregated institutional settings;**
- (e) **Increase the amount of parental allowance for families with children who have a severe disability and grant them a special child-care allowance;**
- (f) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.**

Health and health services

38. The Committee is concerned that:

- (a) There is a shortage of doctors, especially in rural areas, which hinders children's access to regular medical check-ups and emergency care;
- (b) The vaccination rate has recently dropped below the 95 per cent threshold due to anti-vaccination campaigns, contraindications and the reported resistance to vaccination in Roma communities;
- (c) Indicators related to infant and young child feeding are not monitored and the International Code of Marketing of Breast-milk Substitutes has only partially been implemented;
- (d) Despite progress achieved through the work of health assistants with Roma communities since 2014, many Roma children continue to be discriminated against in access to health care due to the segregation of their communities and Roma women and children reportedly continue to be segregated in hospital facilities such as paediatric departments or gynaecological and obstetrics departments in Eastern Slovakia, e.g., in the State-run hospital in Prešov;

(e) Infectious diseases, such as tuberculosis and syphilis, spread in isolated Roma communities and the use of inhaled substances, such as toluene, is widespread, especially among young children.

39. **In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee reiterates its previous recommendations (see CRC/C/SVK/CO/2, para. 50) and further recommends that the State party:**

(a) **Continue adopting measures to return the vaccination rate to above 95 per cent, including by conducting pro-vaccination campaigns and extending the use of health assistants to include all towns with low child vaccination rates;**

(b) **Monitor infant and young child feeding as defined by the World Health Organization, extend the Baby Friendly Hospital Initiative throughout the State party, fully implement the International Code of Marketing of Breast-milk Substitutes and enforce it through a systematic monitoring mechanism with deterrent sanctions for violators of the Code;**

(c) **Introduce systematic measures to effectively monitor, sanction and stop segregation in all its forms in the State party's hospitals and conduct awareness-raising programmes in Roma communities on basic rights and complaint mechanisms in cases of violations of those rights;**

(d) **Continue taking measures to combat the spread of infectious diseases in isolated Roma communities and the use of inhaled substances, especially among young children.**

Adolescent health

40. The Committee is concerned about:

(a) The lack of a comprehensive national policy on adolescent sexual and reproductive health and rights;

(b) The lack of knowledge and limited use of modern contraceptives and the decrease in that regard since 2007 as well as the high teenage birth rate, accompanied by a high rate of school dropout and high infant mortality rate among newborn children of young mothers from socially disadvantaged backgrounds;

(c) The relatively high cost of contraceptives and general lack of subsidization thereof;

(d) The statutory requirement for parental consent in cases of all adolescent girls under 18 wishing to use contraceptives by prescription or wishing to undergo abortion and the fact that abortion on request for adolescent girls is not covered by public health insurance;

(e) The 2009 amendment to the Act on Health Care and Services Related to the Provision of Health Care providing for a mandatory waiting period for abortion and requiring the collection of personal data on girls having an abortion and mandatory counselling, which is intended to dissuade girls, through the provision of medically inaccurate, misleading and stigmatized information, from obtaining abortion services;

(f) The inadequate regulation of conscience-based refusals of reproductive health care leading to lack of access for adolescent girls;

(g) The lack of comprehensive data on adolescent sexual and reproductive health.

41. **The Committee recommends that the State party:**
- (a) **Adopt and implement, without further delay and in consultation with children’s rights organizations, women’s rights organizations and reproductive rights organizations, a comprehensive human rights-compliant and evidence-based sexual and reproductive health policy for adolescents, and allocate adequate financial and human resources for its effective implementation, with particular attention to girls with disabilities;**
 - (b) **Take effective measures to expand adolescent girls’ practical access to affordable contraception, including through training and information programmes designed to improve public and health-care providers’ levels of knowledge and evidence-based information on contraception;**
 - (c) **Repeal the 2011 prohibition on the public health insurance coverage of contraception, ensure the universal coverage of modern contraception and abortion services under public health insurance and remove the parental consent requirement for abortions and contraceptives requested by adolescent girls above the age of sexual consent;**
 - (d) **Take effective measures to ensure adolescent girls’ access to safe and legal abortion services, including by repealing legislative provisions which subject them to a mandatory waiting period;**
 - (e) **Ensure that health-care professionals provide medically accurate and non-stigmatizing information on abortion and guarantee adolescent girls’ confidentiality;**
 - (f) **Amend legislation to explicitly prohibit institutions from adopting institutional conscience-based refusal policies or practices and establish effective monitoring systems and mechanisms to enable the collection of comprehensive data on the extent of conscience-based refusals of care and the impact of the practice on girls’ access to legal reproductive health services;**
 - (g) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them and to foster responsible parenthood and sexual behaviour, with particular attention to boys and men.**

Standard of living

42. **The Committee is concerned that:**
- (a) **Recent legislative provisions which have made the payment of child benefit, parental care allowance and childbirth allowance conditional on compliance with preventive measures aimed at reducing child criminality, securing compulsory school attendance and supporting responsible parenthood have been largely ineffective and have had a disproportionately negative effect on the socioeconomic well-being and right to social security of marginalized Roma families and their children;**
 - (b) **A significant percentage of Roma families continues to live in segregated situations and many still do not have access to adequate housing and suffer from a lack of basic facilities such as sanitation, electricity, drinking water, a sewage system and waste disposal;**
 - (c) **In several communities Roma children suffer from malnutrition owing to extremely poor living conditions;**
 - (d) **Roma families have frequently been subjected to forced evictions.**
43. **The Committee draws attention to the Sustainable Development Goals (target 1.3: implement nationally appropriate social protection systems and measures for all,**

including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable) and recommends that the State party:

- (a) Amend the discriminatory legislation making the rates of payment of child benefit, parental care allowance and child birth allowance conditional on compliance with preventive measures;
- (b) Develop anti-poverty strategies to ensure that Roma families and children are included as target groups in need of special protection and include reference thereto in the National Roma Integration Strategy;
- (c) Adopt policies and allocate budgets for connecting Roma settlements to public drinking water and sewage systems;
- (d) Ensure that Roma families are not subjected to forced evictions and demolitions of their settlements without prior notice and that when such demolitions are necessary adequate and appropriate alternative housing solutions are provided for them, in line with relevant international standards, including the basic principles and guidelines on development-based evictions and displacement (see A/HRC/4/18, annex I) and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security, adopted by the Committee on World Food Security of the Food and Agriculture Organization of the United Nations (FAO) in 2012.

G. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

44. The Committee welcomes that the amendments of 30 June 2015 to the Act on Upbringing and Education — the Schools Act — introduced a number of measures aimed at promoting desegregation. It is concerned, however, that:

- (a) Roma children continue to be the victims of de facto segregation in the State party's school system, with over 50 per cent being taught in Roma-only classes or attending classes in separate school pavilions, often providing inferior education;
- (b) The Public Defender of Rights has reported race-motivated redrawing of school districts and, instead of investing in desegregation, the State party has built cheap metal containers close to Roma settlements to serve as schools for Roma children only;
- (c) The school enrolment rate among Roma children remains low and the dropout rate high;
- (d) Despite the recent legislative amendments, the number of Roma children placed in schools for children with mild disabilities continues to be disproportionately high, the process of psychological assessment during school attendance continues to fail to take into account the different socioeconomic backgrounds of Roma children, the State party's legislation does not stipulate that a regular re-evaluation of the initial diagnosis of the disability should be undertaken and the system is financially incentivized to retain the highest possible number of Roma children in special schools and classes;
- (e) There is no systematic application of the Romani language in schools, primarily owing to a lack of Romani-speaking teachers, and children of the Hungarian minority likewise face difficulties in receiving education in their mother tongue.

45. **In the light of its general comment No. 1 (2001) on the aims of education and taking note of Sustainable Development Goal 4 (target 4.5: by 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational**

training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations) the Committee recommends that the State party:

- (a) Introduce in its legislation a definition of racial/ethnic segregation in education and adopt systemic measures to effectively monitor and eradicate this practice in all its forms;
- (b) Includes in its legislation the requirement of mandatory periodic re-evaluation of the initial diagnosis of disability concerning children with special education needs, not conditional upon the parents' request;
- (c) Revise education financing to disincentivize enrolment in special education systems and incentivize inclusive education and measures that encourage integration;
- (d) Condition the disbursement of national, regional and local funds for education on the development of anti-segregation plans and reporting of compliance therewith;
- (e) Provide educators in primary schools with sufficient guidance on how to include Roma children in mainstream education and how to better involve Roma parents in collaboration with the schools their children attend;
- (f) Strengthen its efforts to facilitate the education of children belonging to national minorities in their mother tongue.

Aims of education

46. The Committee is concerned that human rights education is not part of the compulsory curriculum and that no statistics are available on the extent to which it is provided in schools. It is also concerned that the State party's educational system:

- (a) Remains focused mainly on supporting "talented" children rather than helping all children to fully develop their potential;
- (b) Is reportedly based on excessive adult authority, with respect for and communication with children generally missing;
- (c) Uses educational approaches and teaching methods that cannot ensure that pupils acquire adequate competencies in valuing diversity and equality, particularly between different faiths and ethnic groups, settling disagreements and conflicts in a non-violent manner, and combating all forms of discrimination and violence, especially bullying.

47. In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:

- (a) Include human rights education in the curricula for primary and secondary schools and revise those curricula and the educational methodology to place emphasis on the value of education, critical thinking, accepting differences, embracing diversity and building social cohesion;
- (b) Support methodical innovations that would help teachers at all levels of the education system to respond to the individual needs of pupils and develop skills needed in their personal and professional lives;
- (c) Support the transformation of schools to open learning communities able to respond flexibly to the needs of both pupils and society.

Early childhood development

48. The Committee is concerned that many children do not have access to preschool education owing to the lack of kindergarten facilities.

49. Taking note of Sustainable Development Goal 4 (target 4.2: by 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education) the Committee recommends that the State party allocate sufficient financial resources for the development and expansion of early childhood care and education on the basis of a comprehensive and holistic policy of early childhood care and development.

Rest, leisure, recreation and cultural and artistic activities

50. While welcoming the fact that children from poor families are entitled to the free use of the services provided by leisure centres, the Committee is concerned at the absence of data indicating the extent to which such children use these services. The Committee is also concerned that:

- (a) Children in rural areas often lack access to leisure activities;
- (b) There is insufficient financing for making cultural activities accessible for children from national minorities who face language barriers or for children with special needs;
- (c) There has been a significant decrease in quality programmes for children and young people on the State party's public radio and television channels.

51. **The Committee recommends that the State party:**

- (a) **Establish a central register at the Ministry of Education to collect data on the number of children from families receiving the living wage benefit who use the services of leisure centres;**
- (b) **Provide adequate financing directly to leisure centres throughout the municipalities, and ensure that all children up to the age of 18 are able to access their services;**
- (c) **Subsidize public transport and adjust the schedules of such transport so as to facilitate the participation of all children in leisure activities;**
- (d) **Allocate funds in order to make cultural activities accessible to children from national minorities and children with special needs;**
- (e) **Increase the provision of quality programmes for children and young people on the State party's public radio and television channels.**

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

52. The Committee is concerned that:

- (a) Asylum-seeking families with children are being systematically detained for lengthy periods in highly unsuitable conditions, and alternatives to detention are often not available to them;
- (b) There are no support services or special shelters for asylum-seeking and refugee families;
- (c) Asylum-seeking and refugee children only have access to education after they have spent three months in detention, they receive inadequate health care, including owing to a lack of medical personnel who speak languages other than Slovak and a lack of interpreters, and at times of peak demand they do not receive sufficient clothing and other basic necessities;

(d) In the recent discussions on migration and the European Union's relocation and resettlement schemes, the State party has repeatedly made clear that it will not accept refugees and asylum seekers who are Muslims.

53. **The Committee recommends that the State party:**

(a) **Expediently and completely discontinue the detention of children on the basis of their or their parents' immigration status and provide alternatives to detention that allow children to remain with their family members and/or guardians in non-custodial, community-based contexts, without requiring proof of the availability of unreasonably high daily subsistence funds;**

(b) **Ensure the rights of all asylum-seeking and refugee children to an adequate standard of living, education and health care free from discrimination, including on religious grounds.**

Unaccompanied children

54. The Committee is seriously concerned that:

(a) Almost all unaccompanied children placed in foster homes in the past five years have disappeared and no specific effort has been made to find them;

(b) There are often delays in identifying a guardian for an unaccompanied child, which can result in delayed access to the formal process of searching for his or her family or starting the asylum procedure, usually resulting in the disappearance of the child before the process of appointing a guardian is completed;

(c) The State party's legislation provides for legal counselling for an unaccompanied child only upon request by the child and only in front of the court, which excludes the possibility of legal counselling in the first instance at the Migration Office and means that legal counselling is rarely provided in practice;

(d) Article 127 of the Act on Residence of Foreigners (No. 404/2011 Coll.) provides under the presumption of majority that a person claiming to be an unaccompanied child shall be considered an adult until the results of the medical age assessment examination prove the contrary, which means that no guardian is appointed to that person in the interim;

(e) Age assessment procedures are not undertaken as a measure of last resort and their results cannot be appealed;

(f) There is no mechanism in the State party to facilitate the tracing of family and relatives of unaccompanied asylum-seeking and refugee children.

55. **In the light of its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee urges the State party to:**

(a) **Ensure that unaccompanied children receive appropriate protection and care and, as a matter of urgency, establish a register of disappeared unaccompanied children and conduct search operations for those children, in cooperation with other States as necessary;**

(b) **Ensure that child asylum seekers, in particular unaccompanied children, have access to education, social and psychological services and legal aid, and are provided with a legal representative and/or guardian without delay;**

(c) **Remove the presumption of majority from the Act on Residence of Foreigners and ensure that age assessment procedures are undertaken only in cases of serious**

doubt about the age of the person concerned, are subject to the informed consent of the child and are conducted by experts in that field;

(d) Take all necessary measures to ensure the principle of family unity for children in need of international protection by, inter alia amending the rules for family reunification and providing effective access to embassies and consulates, and engage with the national Red Cross to establish a mechanism for tracing the families and relatives of unaccompanied asylum-seeking and refugee children;

(e) Ensure that all professionals working with unaccompanied children receive regular training on children's rights and on appropriate procedures and communication for dealing with children;

(f) Gather and publish statistics on the number of families with minor children apprehended by immigration authorities, the age and country of origin of such children, the grounds for their apprehension or detention and the length of their detention, and regularly evaluate these statistics as well as the situation of these children.

Administration of juvenile justice

56. The Committee is concerned that:

(a) Specialized juvenile courts have not been in place since 1993;

(b) In practice, special procedures for interrogating children are often used only for children who are younger than 15 years of age;

(c) Child victims are reportedly interrogated repeatedly and are thereby revictimized by untrained police representatives, prosecutors and judges;

(d) Children can undergo initial questioning without the presence of their lawyers, parents or other trusted persons.

57. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully in line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

(a) Expeditiously re-establish specialized juvenile court procedures with adequate human, technical and financial resources, designate specialized judges for cases involving children and ensure that such specialized judges receive appropriate education and training;

(b) Ensure the provision of qualified and independent legal aid to children in conflict with the law from the beginning of the process and throughout legal proceedings;

(c) Ensure that special procedures for interrogating children are used for all children up to and including the age of 18, with particular emphasis on their protection and avoiding revictimization;

(d) Amend the relevant legislation to ensure that children can only be questioned in the presence of their lawyers, parents or other trusted persons.

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography

58. The Committee regrets the insufficient information on the implementation of its concluding observations of 3 July 2013 on the initial report of the State party submitted under article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution

and child pornography (CRC/C/OPSC/SVK/CO/1). The Committee is particularly concerned that:

- (a) The State party has not prepared a specific national action plan to combat trafficking in children or a specific programme of support and protection for children who are the victims of trafficking in human beings;
- (b) Adequate charges are reportedly not always laid for the offence of procurement and pimping of children;
- (c) Roma children are particularly at risk of sex trafficking within marginalized communities and there are reportedly cases of Roma children being sold by their parents for the purpose of improving their material situation;
- (d) Children who leave institutional care facilities are often at risk of falling victim to human trafficking owing to a lack of sufficient support.

59. **The Committee urges the State party to bring its penal code into full compliance with articles 2 and 3 of the Optional Protocol, especially as they relate to the definition of the sale of children, and recommends that it step up its anti-trafficking prevention efforts in relation to child victims, and take preventive measures to address the sale of children, child prostitution and sex trafficking in Roma communities.**

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol to the Convention on the involvement of children in armed conflict

60. The Committee regrets the insufficient information on the implementation of its concluding observations of 26 June 2013 on the initial report of the State party submitted under article 8 of the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/SVK/CO/1). The Committee is concerned about the activities of the militarized organization "Slovak Recruits" which conducted a military education course in June 2015 at two primary schools and one secondary school and welcomes that their activities have since been monitored by the State party's security forces and the Ministry of Education.

61. **The Committee urges the State party to criminalize violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities and continue the monitoring of militarized groups.**

I. Ratification of international human rights instruments

62. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.**

J. Cooperation with regional bodies

63. **The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other member States of the Council of Europe.**

IV. Implementation and reporting

A. Follow-up and dissemination

64. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

65. The Committee invites the State party to submit its sixth periodic report by 30 June 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

66. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.
