

UN CRC	Succession Date	Care-Related Concluding Observations
<p><b>CRC/C/15/Add.140</b>  <b>CRC/C/SVK/CO/3-5</b></p>	<p><b>28 May 1993</b></p>	<p>20 July 2016  <a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSVK%2fCO%2f3-5&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSVK%2fCO%2f3-5&amp;Lang=en</a></p> <p><b>III.Main areas of concern and recommendations</b></p> <p><b>E.Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))</b></p> <p><b>Family environment</b></p> <p>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.</p> <p><b>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.</b></p> <p><b>Children deprived of a family environment</b></p> <p>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:</p> <p>(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;</p>

		<p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(f) Child-friendly mechanisms to enable children in institutional care to make complaints and ensure their views are heard are lacking;</p> <p>(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.</p> <p><b>35. The Committee recommends that the State party:</b></p> <p>(a) <b>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></p> <p>(b) <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;</b></p> <p>(c) <b>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;</b></p>
--	--	---

		<p>(d) <b>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;</b></p> <p>(e) <b>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;</b></p> <p>(f) <b>Ensure that foster families are entitled by law to receive financial and professional help such as respite services, education, supervision and guidance;</b></p> <p>(g) <b>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.</b></p> <p><b>F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)</b></p> <p><b>Children with disabilities</b></p> <p>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:</p> <p>(a) <b>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></p> <p>(b) <b>Children with disabilities are generally directed towards vocational training as opposed to higher education studies, regardless of their intellectual abilities;</b></p>
--	--	---

		<p>(c) The State party continues to prioritize expensive investment in residential care, while home carers of children with severe disabilities receive an inadequate subsidy;</p> <p>(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;</p> <p>(e) The number of early intervention centres continues to be insufficient and relies on private donors.</p> <p><b>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:</b></p> <p>(b) <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;</b></p> <p>(c) <b>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;</b></p> <p>(d) <b>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;</b></p> <p>(e) <b>Increase the amount of parental allowance for families with children who have a severe disability and grant them a special child-care allowance;</b></p>
--	--	--

		<p><b>H.Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)</b></p> <p><b>Asylum-seeking and refugee children</b></p> <p>52. The Committee is concerned that:</p> <ul style="list-style-type: none"><li>(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;</li><li>(b) There are no support services or special shelters for asylum-seeking and refugee families;</li></ul> <p>53. <b>The Committee recommends that the State party:</b></p> <ul style="list-style-type: none"><li>(a) <b>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></li><li>(b) <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.</b></li></ul> <p><b>Unaccompanied children</b></p> <p>54. The Committee is seriously concerned that:</p> <ul style="list-style-type: none"><li>(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;</li><li>(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;</li><li>(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</li></ul>
--	--	---

		<p>possibility of legal counselling in the first instance at the Migration Office and means that legal counselling is rarely provided in practice;</p> <p>(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;</p> <p>(e) Age assessment procedures are not undertaken as a measure of last resort and their results cannot be appealed;</p> <p>(f) There is no mechanism in the State party to facilitate the tracing of family and relatives of unaccompanied asylum-seeking and refugee children.</p> <p><b>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:</b></p> <p>(a) <b>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></p> <p>(b) <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;</b></p> <p>(c) <b>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;</b></p> <p>(d) <b>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;</b></p>
--	--	---

		<p>(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;</p> <p>(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.</p>
<b>Country Report</b>		
<b>OPSC to CRC</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
<p>CRC/C/OPSC/SVK/CO/1</p> <p>Concluding Observation on the initial periodic report of Slovakia adopted by the Committee at the sixty-second session (14 January-1 February 2013)</p>	<p>25 Jun 2004</p>	<p>28 January 2013</p> <p><a href="http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrHPiif0%2f1kumQo%2bD50%2f9nbcD14!1%2f8iRgkKtH7UC6oV58Arvg%2bXPm9uudilFZDI1Lh%2ff1N0YbKzgiPPuGn9IiBEVPS9NYKXLj6qphDiam40%2fMVP6WKclO5qqBIYCESgg%3d%3d">http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrHPiif0%2f1kumQo%2bD50%2f9nbcD14!1%2f8iRgkKtH7UC6oV58Arvg%2bXPm9uudilFZDI1Lh%2ff1N0YbKzgiPPuGn9IiBEVPS9NYKXLj6qphDiam40%2fMVP6WKclO5qqBIYCESgg%3d%3d</a></p> <p><b>V. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)</b></p> <p><b>Programmes targeting particular groups</b></p> <p>26. The Committee takes note of the various measures taken by the State Party to pay particular attention to children who are especially vulnerable, in particular children in situation of poverty, Roma children and unaccompanied children. However, the Committee regrets the absence of measures and programmes targeting more particularly girls, children in street situations, children in residential care, children among refugees and asylum-seekers.</p>

		<p>27. The Committee urges the State party to pay increased attention to children particularly at risk of becoming victims of any of the offences under the Optional Protocol, especially girls, children in situation of poverty, Roma children, children in street situations, children in residential care, children among refugees and asylum-seekers, and unaccompanied and separated children. The State party should especially put in place mechanisms to monitor the situation of risks of all vulnerable children.</p> <p><b>VI. Prohibition of the sale of children, child prostitution and child pornography and related matters (arts. 3; 4, paras. 2 and 3; 5; 6 and 7)</b></p> <p><b>Existing criminal or penal laws and regulations</b></p> <p>28. While appreciating the provisions of the Criminal Code stipulating the prohibition of trafficking in human beings and child trafficking, as well as the series of provisions that prohibit sexual abuse of the child, supply of child's organs or employment of a child in forced labour, the Committee remains concerned that the Criminal Code does not adequately specify all offences under the Optional Protocol.</p> <p>29. The Committee recommends that the State party revise the Criminal Code in order to criminalize:</p> <p>(a) The sale of children by offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation, transfer of organs of the child for profit, or engagement of the child in forced labour or improperly inducing consent, as an intermediary, for the adoption of a child in violation of the applicable legal instrument on adoption</p>
<b>OPAC to CRC</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	7 Jul 2006	
<b>ICCPR</b>	<b>Succession Date</b>	<b>Care-Related Concluding Observations</b>
	28 May 1993	



ICESCR	Succession Date	Care-Related Concluding Observations
	28 May 1993	
CEDAW	Succession Date	Care-Related Concluding Observations
	28 May 1993	
CRPD	Ratification Date	Care-Related Concluding Observations
CRPD/C/SVK/CO/1	26 May 2010	<p>20 May 2016</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&amp;Lang=en</a></p> <p><b>III. Principal areas of concern and recommendations</b></p> <p><b>B. Specific rights (arts. 5-30)</b></p> <p><b>Children with disabilities (art. 7)</b></p> <p>23. The Committee is deeply concerned about the number of children with disabilities living in institutions, especially those with intellectual disabilities.</p> <p><b>24. The Committee urges the State party to prevent any new placement of children with disabilities in institutions, and to introduce an action plan with a clear timetable for its implementation and budget allocations to ensure the full deinstitutionalization of children with disabilities from all residential services and their transition from institutions into the community.</b></p> <p>25. The Committee is concerned that there is a significant lack of early intervention and early diagnosis services in the health, social and educational areas and that financial support for families with children with disabilities requiring early intervention is insufficient.</p>

		<p><b>26. The Committee recommends that the State party develop a holistic and comprehensive network of health and social care services for the early diagnosis and intervention for children with disabilities, in close consultation with their representative organizations, and increase financial support for their families using public resources.</b></p> <p><b>Respect for home and the family (art. 23)</b></p> <p>65. The Committee is deeply concerned that section 12 of the Family Act restricts the right to marriage of persons with intellectual and psychosocial disabilities. The Committee is also concerned about the lack of provision of support to children with disabilities to remain in the family and of means to avoid their placement in institutions, and the lack of measures to support parents with disabilities.</p> <p><b>66. The Committee recommends that the State party repeal section 12 of the Family Act; provide adequate support for children with disabilities to reside in the family; and provide support to parents with disabilities to retain full parental responsibility for their children.</b></p>
UPR	Date of Consideration	Link to Page
	13 May 2009	<a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/SKSession5.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/SKSession5.aspx</a>
Hague Inter-country Adoption	Ratification Date	Link to Country Profile
	6 June 2001	<a href="http://www.hcch.net/index_en.php?act=conventions.status&amp;cid=69">http://www.hcch.net/index_en.php?act=conventions.status&amp;cid=69</a>

**Acronyms and Abbreviations:**

CEDAW      Convention on the Elimination of All Forms of Discrimination against Women  
 CRC        Convention on the Rights of the Child/Committee on the Rights of the Child

CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review