

# National Action Plan for Children 2009-2012

## I.

### *Introduction*

Children's rights form a component of human rights. The protection of human rights is important for everyone, particularly for someone who for any reason needs help and protection in asserting their rights. The need to ensure special care for the child has been enshrined and emphasised in various important international documents<sup>1</sup>, particularly in the most substantial document for ensuring the protection of children's rights in the UN Convention on the Rights of the Child<sup>2</sup> (hereinafter simply Convention on the Rights of the Child) and its Optional Protocols<sup>3</sup>, including the Millennium Development Goals. It is important that children's rights are recognised as a separate field and not subsumed in a broader effort to promote human rights in general. Certain rights relate exclusively or specifically to children. The European Union has explicitly recognised children's rights in the European Charter of Fundamental Rights, primarily in Article 24.

### **1. General background**

#### **1.1 Convention on the Rights of the Child**

The Slovak Republic as a party to the Convention on the Rights of the Child has, with a view to its thorough implementation, taken and is realising a number of measures and is obliged by the UN Secretary General to submit to the UN reports on measures adopted for implementing into daily life the rights recognised in the Convention on the Rights of the Child, and on progress achieved in exercising these rights.

The Slovak Republic defended its initial report before the UN Committee on Rights of the Child at its 25<sup>th</sup> session in October 2000. After discussing the report the UN Committee on the Rights of the Child adopted Final Observations for the Slovak Republic, containing in total 54 points. The Committee's observations from 2000 focused primarily on the coordination, monitoring, budgetary allocation, non-discrimination, protection against cruelty,

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<sup>1</sup> E.g.: Geneva Declaration of the Rights of the Child of 1924; Declaration of the Rights of the Child, UN 1959, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the European Convention on Human Rights.

<sup>2</sup> Convention on the Rights of the Child (Notification No. 104/1991),

<sup>3</sup> Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (424/2004 Coll.) and the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict.

inhuman or degrading treatment or punishment, and on the field of foster care and the family environment, health care, education and special protection measures. One of the key observations of the UN Committee was to prepare a National Action Plan for Children for implementing obligations under the Convention.

On 22 May 2007 in Geneva at the 45<sup>th</sup> session of the Committee on the Rights of the Child (hereinafter the “Committee”) the Committee considered the Second Periodic Report of Slovakia on the implementation of the Convention on the Rights of the Child (hereinafter the “Second Periodic Report”) submitted in accordance with Article 44 of the Convention on the Rights of the Child.

On 8 June 2007 the Committee approved the Final Observations regarding the Second Periodic Report of Slovakia, containing in total 74 points, which form a component of the National Action Plan for Children (hereinafter simply “NAP”). The Observations to a large degree contain the expected topics of the Convention’s implementation in the period since issuing the Committee’s observations regarding the initial report in 2000. In this regard it should be noted that the Committee held a critical opinion regarding implementation of the Concluding Observations from 2000 in the issues of minorities, the judicial system for juveniles and police brutality.

The priorities identified by the Committee in its observations include the creation of a coordinating body for children’s rights - a ministerial body for rights of children and youth and the creation of an independent mechanism for implementing the Convention that would, among others, have the right to receive and investigate complaints concerning violations of children’s rights under the Convention. The committee also recommended an appropriate increase in budgetary funding for supporting children’s rights as well as the adoption of a new, time bound National Action Plan for Children covering at least a 5-year period<sup>4</sup>.

The obligations resulting for the Slovak Republic from the Convention on the Rights of the Child form the basic starting point for the Slovak Republic’s strategy in the field of children’s rights protection.

## **1.2. European Union Strategy in the field of rights of the child**

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<sup>4</sup>The Committee’s observations concerned various fields, for example the problem of the acquisition and collection of data on the Roma minority, the elimination of discrimination and comprehensive protection for Roma children, police brutality against Romanis, and discrimination against Roma children in adoptions, access to health care, segregation of Romani patients in hospital facilities as well as access to education. The concluding observations contained in several topics that cannot be considered as standard, at least not properly reflecting the second periodic report and the discussion of it. This includes the recommendation to adopt a comprehensive act on the protection of members of ethnic minorities, including children and references to information on child labour, in particular begging.

The Convention on the Rights of the Child represents the basic source document for all other international documents adopted either at the European forum or broader international forum concerning the protection of children's rights.

The European Union proposes to establish an integrated EU strategy for effectively supporting and protecting rights of the child in internal and external policies of the European Union and to support member states' efforts in this field.

The Commission in its statement concerning strategic objectives for the period 2005-2009 present children's rights as one of its main priorities: *"A special priority must be the effective protection of children's rights against economic exploitation and all forms of abuse, where in so doing the Union should stand as a beacon for the rest of the world"*.

Within the EU the Commission and member states give priority particularly to the issue of child poverty in the framework of the Open Method of Coordination on Social Protection and Social Inclusion (OMC), which forms the framework for mutual learning between member states, which is based on a series of common objectives and indicators and the adoption of national strategies for promoting access to systems of social protection and for promoting their quality.

Specific objectives of the EU strategy in the field of children's rights

- Capitalizing on existing activities while addressing urgent needs
- Identifying priorities for future EU measures
- Promoting children's rights in EU measures
- Implementing new mechanisms for effective coordination and consultation
- Strengthening powers and expertise in the field of children's rights
- More effective information on children's rights
- Support for rights of the child in the field of external relations

In the European context a programme of particular importance is that of the Council of Europe "Building a Europe for and with Children". This programme aims to eradicate all forms of violence committed against children by means of protection of children, prevention of violence, prosecution of criminals and participation of children. The programme pays special attention to particularly vulnerable children: children with disabilities, children living in poverty and children being raised without parental care.

The Council of Europe programme "Building a Europe for and with Children" intends to help states consolidate or develop national strategies for the protection of children's rights. It also helps states design comprehensive, coherent and accessible legal frameworks. It proposes models for effective institutional frameworks and promotes the launching of participatory processes for the design and implementation of national policies.

The programme campaigns to eradicate all forms of violence against children, focusing in particular on awareness-raising, education, training and capacity-building to promote a culture of non-violence and reach a zero level of tolerance.

The programme aims to help countries set up strategies for the prevention of violence against children. The programme will work to improve systems that facilitate reporting through child lines, support to families and early identification and documentation of cases. It seeks to provide authorities and professionals with the ability to respond quickly and adequately to reported violence. Special efforts are being made to eradicate sexual abuse and the exploitation of children. It aims to mobilise all sectors of society, make them aware of their specific responsibilities and strengthen their capacities to prevent violence and protect children. The campaign will improve children's access to information and develop methods and tools to achieve meaningful children's participation at all levels: local, regional and national, and making the most out of international cooperation. It combines important tools such as standard-setting, monitoring, policy development, technical assistance and awareness-raising, putting them to the service of children's rights.

The programme "Building a Europe for and with Children" also contains a campaign for banning corporal punishment of children.

The Slovak Republic as an EU member state has committed to the idea of effective protection of children's rights against economic exploitation and all forms of abuse, as well as to the strategic goal of the Union's core task in the worldwide dimension. It likewise endorses programmes of developing strategies for preventing violence against children. These strategic goals are fully reflected in all measures being implemented by the Slovak Republic.

### **1.3 Objective and methodology of the National Action Plan for Children**

The basic objective of the National Action Plan for Children is to ensure, by means of defined tasks and measures, progress towards the protection of children's rights recognized by the Convention on the Rights of the Child and progress in their application.

The strategic intentions of the Slovak Republic in the field of children's rights may be summarised into three basic areas:

1. institutional provision for the implementation of the Convention on the Rights of the Child, coordination and monitoring of all areas of concern according to the Convention on the Rights of the Child,
2. the adoption and realisation of measures of a legislative and non-legislative nature for achieving progress in the protection of children's rights,

3. improving the professional training and expertise of professionals working with children.

In applying the Convention on the Rights of the Child it is necessary to focus on achieving the main goals, namely:

- to prevent violations and to progressively eradicate from the life of society deficiencies regarding compliance with the provisions of the Convention on the Rights of the Child,
- to create and enhance protection systems in institutions that pursue activities in relation to children, particularly by engaging workers and non-governmental organisations, and thereby deepening of the democratic approach to this minority group and also to continually strengthen also society's monitoring function,
- purposefully develop and consolidate positive factors that preclude any emergence and growth in violations of the provisions of the Convention on the Rights of the Child,
- prevent violations of the provisions of the Convention on the Rights of the Child,
- encourage parental childcare.

The tasks contained in the National Action Plan for Children seek to ensure the implementation of the Slovak Republic's intentions in the field of protecting children's rights.

The National Action Plan for Children was prepared with the participation of a wide spectrum of experts from different fields, so that it covers not only a broad range of fields, but also to ensure consistency and compatibility of measures and tasks. It was created in cooperation with representatives from the responsible departments, the General Prosecutor of the Slovak Republic, the Public Defender of Rights, representatives of the Slovak National Centre for Human Rights, the Office of the Government Plenipotentiary for Roma Communities, local authorities, non-state actors operating in the field (a list of members of working groups is given in Annex 4 to this material).

The National Action Plan for Children derives primarily from:

- the Convention on the Rights of the Child,
- the previous National Action Plan for Children, approved by SR Government Resolution No. 837 of 7 August 2002 setting out the tasks for the period 2002 to 2005 and from a brief appraisal of progress over the years 2005 to 2007,
- concluding observations of the UN Committee on the Rights of the Child regarding the initial report of Slovakia on the implementation of the Convention on the Rights of

the Child and regarding rights of the child set out in the Convention on the Rights of the Child, 2000,

- the Concluding Observations of the UN Committee on the Rights of the Child regarding the second periodic report of Slovakia on the implementation of the Convention on the Rights of the Child and regarding rights of the child set out in the Convention on the Rights of the Child, 2007.

The National Action Plan for Children is designed as an open document, containing the basic tasks for the period 2009 - 2012 with the expected first evaluation and update tasks in 2010 for the years 2009 and 2010, and with subsequent annual evaluation and updating.

The proposed time period for the National Action Plan assumes an overall assessment of the 5-year period in 2013, so that the Concluding Observations of the UN Committee on the Rights of the Child following defence of the third and fourth consolidated report can be taken into account as the starting point for the following period.

At the same time it should be noted that the tasks of the National Action Plan for Children for the coming period have been formulated without the involvement of children; this action plan, though, not only foresees the participation of children in fulfilling tasks of the National Action Plan for Children, but in particular includes tasks designed to make space for exploring children's views, providing relevant information to children so that children in future can actively participate and comment on policies concerning them.

## **2. Assessment of the fulfilment of tasks for 2002-2007**

### **3. National programmes, strategies, white papers and action plans relating to tasks and activities of the NAP for Children**

For information we present here, according to the basic areas, certain fundamental materials directly relating to rights of the child

#### ***Education, upbringing, leisure and cultural activities:***

- White paper for the development of youth homes and the development of school meal facilities,
- White Paper for pre-schooling in connection to preparing children for entry to primary school,
- White paper for teaching traffic safety education,
- White paper for the pedagogical-psychological advice system and its implementation in practice,
- White Paper for special pedagogical advice,

- White Paper for upbringing and education of ethnic minorities,
- White Paper for the development of gifted children and youth,
- White Paper for the upbringing and education of Roma children and pupils, including the development of secondary and higher education,
- Key areas and action plans of state policy in relation to children and youth in the Slovak Republic for 2008-2013.

#### ***Anti-discrimination plans***

- Action plan for preventing all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance.

#### ***Children and family, the family environment and foster care***

- National Action Plan for the Prevention and Elimination of Violence against Women and in Families 2005-2008.

#### ***Health, health care and child nutrition***

- National Programme of Care for Children and Adolescents in the Slovak Republic for 2008-2015,
- National Programme for Mental Health,
- National Programme for Sexual and Reproductive Health in the SR (not approved),
- National Programme for Supporting the Health of Disadvantaged Community Groups in Slovakia to 2008,
- National Programme for Preventing Obesity,
- National Programme for the Development of Sport,

#### ***Social and other measures for raising living standards of children and families***

- White Paper on Migration Policy,
- Medium-Term White Paper for the Development of the Roma Ethnic Minority in the Slovak Republic 2008-2013,
- *Programme for Promoting the Health of Disadvantaged Communities in Slovakia 2006-2013,*
- SR National Action Plan for a Decade of Roma Population Inclusion 2005-2015,

#### ***Special protective measures***

- National Programme in the Fight Against Drugs,
- National Action Plan for Alcohol Problems 2006-2010,
- Programme for Fighting Crime 2008-2010,
- National Action Plan for the Fight Against Terrorism,
- Crime Prevention Strategy for 2007-2010,
- National Programme to Combat Human Trafficking for 2008-2010,

From the above there clearly is a need for coordination of activities, programmes and policies for protecting children's rights, so that individual activities and programmes that are a component of theme-targeted plans, strategies etc in future together with the National Action Plan for Children comprehensively cover the rights of the child enshrined in the Convention on the Rights of the Child. Coordination of activities, programmes and policies for protecting children's rights is also necessary for solving two basic problems – duplication of tasks in individual plans, programmes, etc and avoiding an insufficient solution, or absence of any of the fields of the rights of the child under the Convention.

## II.

### **National Action Plan for Children 2009-2012**

In the preceding parts there were listed as examples several important activities that over the period of approximately the past three years had been implemented by departments and non-state actors, as well as a summary of the basic documents of the Slovak Republic containing the strategic objectives and tasks in individual policies that directly in the given circumstances contain also tasks and objectives targeted at the child population. It is clear that the diversity and quantity of legislative and non-legislative measures bears witness to the efforts of the Slovak Republic to implement the rights of the child conferred by the Convention on the Rights of the Child and by other important international documents from the field of children's rights. The Slovak Republic takes account of the principal of the child's best interests in all its policies and the corresponding tasks are contained in all national programmes, strategies, white papers, action plans in various fields and at various levels. The quantity of materials and their understandable thematic focus, however, nevertheless justifiably gives rise to the effort for appropriate and corresponding coordination of sub-policies.

The National Action Plan for implementing obligations under the Convention on the Rights of the Child is, from the aspect of its content, divided into the following thematic fields:

1. Policy coordination and independent mechanisms for protecting rights of the child
2. Cross-sectional tasks and measures and specific tasks and measures
3. Education, upbringing, leisure and cultural activities
4. Children and family, the family environment and foster care
5. Health, health care and child nutrition
6. Social and other measures for raising living standards of children and families
7. Special protective measures



From the formal aspect the above-mentioned tasks contain not simply deadlines for their performance and responsibility for them, but in the case where the nature of the task so allows or requires, the tasks also contain the manner of their performance. With the exception of tasks in policy coordination and independent mechanisms for protecting the rights of the child, it is also the responsibility of the ministry or co-responsible ministries to secure funding for the task's realisation. Task holders are also responsible for monitoring the efficiency of the given task and for evaluating it, including stating concrete results or performance indicators from the aspect of the task's objective.

## **I. Tasks and measures**

### **1. Policy coordination and independent mechanisms for protecting the rights of the child** (points 11, 12, 15, 16 of the Concluding Observations of the Committee for the Rights of the Child (hereinafter simply the "points"))

**Strategic objective:** Improvement in the coordination of policies for the protection and exercising of rights of the child, for achieving effective cooperation between stakeholders (more in Part II. of the material).

**Indicator:**

Existence of the national authority Ministerial Committee for Children

The existence of an independent children's rights protection institution for monitoring the implementation of the Convention in accordance with the Paris Principles.

- a) institutionalise the coordination of policies for protecting children's rights as results from the UN Committee's observation and from the SR Government Programme Declaration (part 3.4)

Deadline: 31. March 2009

Responsible: SR Ministry of Labour, Social Affairs and the Family, SR Ministry of Finance

Manner of performance: The complete Proposal for establishing the Ministerial Committee for Children forms Part II of the material.

- b) Institutionalise an independent children's rights protection institution as a separate, independent mechanism for receiving and investigating complaints from children or on their behalf, monitoring implementation of the implementation of the Convention on the Rights of the Child corresponding to the Paris Principles.

Deadline: by 30 June 2009

Responsible: Public Defender of Rights, SR Ministry of Justice

Manner of performance: preparation of amendments to relevant legislation

## **2. Cross-sectional tasks and measures:**

**Strategic objective:** Improve the effectiveness of general measures for implementing the Convention and achieving progress in compliance with the general principles of protection of children's rights.

**Indicator:** ability to provably (according to concrete indicators for subtasks) provide information on progress in the implementation of articles 2, 3, 4, 6, 7, 8, 12, 13-7, 19, 37a, 42 of the Convention on the Rights of the Child.

### **2.1. Allocation of funds** (year 2000 / points 13, 14, year 2000 / points 7, 17, 18)

Design and subsequently implement the **manner of monitoring assigned funds** of the state budget allocated for the implementation of economic, social and cultural rights of the child with specific emphasis on the most vulnerable groups of children, including Roma children.

Deadline: 2012

Responsible: all departments in cooperation with the SR Ministry of Finance, SR Government Office, SR General Prosecutor, SR Statistics Office, Secretariat of the Ministerial Committee for Children

Recommended by: Self-governing regions, municipalities

Status: implementation of monitoring state budget funds spent on implementing rights of the child from 2011 in all state budget chapter is 2012, all chapters of state budget

### **2.2. Data collection** (points 19, 20)

- a) Review and supplement statistical monitoring, including collection and monitoring of subdata and supplementary statistical monitoring in accordance with the UN Committee's Observations 19 and 20 (i.e. information enabling transparent monitoring and evaluation of the implementation of the Convention's articles and information on a broad range of vulnerable groups, including, children from ethnic minorities such as Roma children living in poverty) as the basis for evaluating progress achieved in implementing rights of the child and as the starting point for policy-making for implementing the Convention on the Rights of the Child.

- b) Adapt data collection and statistical monitoring to the EU and UN classification so as to allow comparison of progress achieved in the field of health, the social situation and demographic development in the country.

Deadline: 2010

Responsible: SR Ministry of Labour, Social Affairs and the Family, SR Ministry of Education, SR Ministry of Health, SR Ministry of the Environment, SR Ministry of the Interior, SR Ministry of Justice, SR Ministry of Culture, SR Government Office, Government Plenipotentiary for Roma Communities, Secretariat of the Ministerial Committee of the Children, self-governing regions, municipalities in cooperation with the SR Statistics Office

Status: Task evaluation and use of data in the Fulfilment Report in 2010

- c) Prepare a draft system of methods for collecting and analysing data on children from ethnic minorities (race, ethnic origin) and for whom socio-legal protection and social care measures are performed.

Deadline: 2009

Responsible: SR Ministry of Labour, Social Affairs and the Family

- d) Extend the departmental information system to data monitoring in the field of socio-legal protection of children and social guardianship.

Deadline: 2009 - pilot testing, 2010 - introduction of monitoring

Responsible: SR Ministry of Labour, Social Affairs and the Family

## **2. 3. Dissemination of the Convention, raising awareness about rights of the child and cooperation with civil society (points 21-24)**

(tasks focused on developing human resources in specific areas are contained in other parts)

- a) Draw up comprehensive programme of disseminating information about the Convention focused on raising the understanding of all provisions of the Convention by both adults and children.

Deadline: ongoing

Responsible: Secretariat of the Ministerial Committee for Children, SR Ministry of Labour, Social Affairs and the Family, SR Ministry of Education, SR Ministry of Health, SR Ministry of the Environment, SR Ministry of the Interior, SR Ministry of Justice, SR Ministry of Culture, SR Government Office, SR Statistics Office, self-governing regions in cooperation with non-state actors in the field of children's rights

Status: Elaboration in the work plan of the Ministerial Committee for Children, Task evaluation and use of data in the Fulfilment Report in 2010

- b) Incorporate the field of knowledge about all the Convention's provisions into all systems for deepening qualification and lifelong learning of all professional groups working for and with children, particularly police officers, teachers, health care workers, social workers and childcare institution workers.

Deadline: ongoing

Responsible: SR Ministry of the Interior, SR Ministry of Education, SR Ministry of Health, SR Ministry of Labour, Social Affairs and the Family, SR Ministry of the Environment, SR Ministry of Justice, SR Ministry of Culture, SR Ministry of Transport, Posts and Telecommunications, SR Government Office, SR Statistics Office, self-governing regions and municipalities

Status: Task evaluation and use of data in the Fulfilment Report in 2010

## **2. 4 Corporal punishment (points 36 - 37)**

- a) Consider ways of implementing the principle of zero tolerance of corporal punishment and other rough or degrading forms of punishment in any environment, including the family. Review in this regard legislation in the relevant fields.

Deadline: In accordance with the Plan of Legislative Tasks of the Government not later than by 2012

Responsible: SR Ministry of Education, SR Ministry of Labour, Social Affairs and the Family, SR Ministry of the Interior, SR Ministry of Justice, SR Ministry of Health, Secretariat of the Ministerial Committee for Children

- b) Carry out an information campaign within the departments' competence as to the use of alternative non-violent forms of discipline in the family that respect the child and support parental authority.

Deadline: 2009 et seq.

Responsible: Secretariat of the Ministerial Committee for Children, SR Ministry of Labour, Social Affairs and the Family, SR Ministry of Education,

Co-responsible: Information Office of the Council of Europe

- c) Collaborate in the development, implementation and evaluation of policies, legislation, strategies and processing of analyses, etc. in the field of socio-legal protection of children and social guardianship with municipalities, self-governing regions, non-state actors operating in the field of children's rights protection and with children who are recipients of socio-legal child protection measures and social guardianship measures.

Deadline: ongoing

Responsible: SR Ministry of Labour, Social Affairs and the Family

- d) Actively cooperate in dealing with complaints by minors concerning a violation of their rights.

Deadline: ongoing

Responsible: State bodies and the independent children's rights protection institution in cooperation with the SR General Prosecutor

- e) Monitor and actively support the quality of provided services on the newly-introduced 116111 helpline.

Deadline: from the start of operator services

Responsible: SR Telecommunications Authority, SR Ministry of Labour, Social Affairs and the Family

## **2. 5 Non-discrimination** (in particular points 27 and 28)

- a) Strengthen the activities for raising awareness and other preventive activities against discrimination, including information about how to protect against discrimination and violations of human rights as an important instrument of the active approach to combating discrimination.

Deadline: ongoing

Responsible: Slovak National Centre for Human Rights

Status: e.g. Monitoring of human rights and the principles of equal treatment, Monitoring of rights of the child

- b) Elaborate, in terms of an action plan for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance, measures to prevent and tackle discrimination against children in all sectors of society (where specific measures are not contained in the National Action Plan for Children).

Deadline: according to the timetable for the action plan for preventing all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance

Responsible: Secretariat of the Ministerial Committee for Children - coordination of task performance, SR Government Office, Office of the Government Plenipotentiary for Roma Communities, SR Ministry of Education, SR Ministry of Labour, Social Affairs and the Family, SR Ministry of Health, SR Ministry of the Environment, SR Ministry of the Interior, SR

Ministry of Culture, SR Statistics Office, self-governing regions, municipalities in cooperation with non-state actors and child rights protection organisations

Status: Task evaluation and use of data in the Fulfilment Report in 2010

- c) Continual monitoring of views and attitudes among residents of municipalities in connection with negative attitudes to socio-legal child protection and social guardianship facilities and their clients, and where appropriate drawing up plans for sensitisation of the population in municipalities (local media campaigns, community work, etc).

Deadline: ongoing

Responsible: SR Ministry of Labour, Social Affairs and the Family

- d) In the framework of the Operational Programme Employment and Social Inclusion Priority Axis 2 and Priority Axis 3 create the conditions for realising joint educational activities for staff of children's homes and municipality representatives, a part of which will be also the field of rights of the child and antidiscrimination issues.

Deadline: 2009 and following

Responsible: SR Ministry of Labour, Social Affairs and the Family

## **2.6 Best interests of the child** (points 30, 31)

- a) In preparing legislation, as well as all materials having an impact on children, continue to consistently reflect the principle of best interests of the child according to Article 3 of the Convention.

Deadline: in accordance with the Plan of Legislative Tasks of the Government and the Plan of Work of the Government

Responsible: SR Ministry of Education, SR Ministry of Labour, Social Affairs and the Family, SR Ministry of Health, SR Ministry of the Environment, SR Ministry of the Interior, SR Ministry of Justice, SR Ministry of Culture, SR Government Office, SR Ministry of Transport, Posts and Telecommunications, SR Statistics Office, Office of the Government Plenipotentiary for Roma Communities, Secretariat of the Ministerial Committee for Children, self-governing regions, municipalities

- b) Review and initiate the adequate incorporation of the principle of best interests of the child under Article 3 of the Convention on the Rights of the Child in all laws and all programmes, projects and other actions or activities of all entities working with children.

Deadline: ongoing

Responsible: Secretariat of the Ministerial Committee for Children,

## **2. 7 Respect for the views of the child** (points 32, 33)

- a) Introduce specific measures, programmes, projects, etc for supporting the real implementation of the principle of respect for the child's views in practice (in the family, at school and community, as well as in institutions and in administrative and judicial proceedings).

Responsible: Secretariat of the Ministerial Committee for Children - coordination of task performance, SR Ministry of Justice, SR Ministry of Education, SR Ministry of Labour, Social Affairs and the Family, SR Ministry of the Interior, SR Ministry of Health

Co-responsible: accredited bodies

Deadline: Ongoing since 2009

- b) Create the organisational and technical conditions for providing relevant information to children who actively express themselves regarding policies concerning them, interpreting the views of children.

Deadline: 2010

Responsible: Secretariat of the Ministerial Committee for Children,

## **3. Education, upbringing, leisure and cultural activities** (points 57-58)

**Strategic objective:** Raise the effectiveness of measures and policies for ensuring/strengthening access to education, leisure activities and participation in cultural and artistic life for children from all social backgrounds.

**Indicators:** ability to provably (according to concrete indicators for subtasks) provide information on progress in the implementation of articles 28, 29, 31 of the Convention on the Rights of the Child

## **4. Children and the family, the family environment and foster care** (points 41 – 46)

**Strategic objective:** Improve the quality and effectiveness of measures for ensuring child protection as necessary for their well-being and that respects their best interests under the Convention by creating optimal conditions for the upbringing and all-round development in their natural family environment or in a foster family environment if they cannot be raised in their own family, including monitoring the situation of the rights of the child in the family, foster family environment, in facilities and in the broader social environment.

**Indicators:** ability to provably (according to concrete indicators for subtasks) provide information on progress in the implementation of articles 1, 5, 8, 9-11, 19-21, 25, 27 (paragraph 4) and 39 of the Convention on the Rights of the Child.

**5. Health, health care and child nutrition** (points 47 – 54)

**Strategic objective:** Adopt and implement the necessary measures in all spheres of children's lives, particularly for children from marginalised groups, for improving access to healthcare services and to services for children with disabilities.

**Indicators:** ability to provably (according to concrete indicators for subtasks) provide information on progress in the implementation of articles 6, 23, 24

**6. Social and other measures for raising living standards of children and their families** (points 55-56)

**Strategic objective:** Adopt measures for supporting the fulfilment of family functions, avoiding social exclusion of children and families and reducing child poverty.

**Indicators:** ability to provably (according to concrete indicators for subtasks) provide information on progress in the implementation of articles 18, 26, 27 (1-3) of the Convention on the Rights of the Child.

**7. Special protective measures** (points 59 – 68)

**Strategic objective:** Improve the interaction and coordinated approach of stakeholders in all fields covered in special protective measures, with emphasis on preventive activities.

**Indicators:** ability to provably (according to concrete indicators for subtasks) provide information on progress in the implementation of articles 22, 30, 32-36, 30 7b, d, 38 and 39,

Optional Protocols to the Convention on the Rights of the Child

## **II. Policy coordination and independent mechanisms for protecting rights of the child**

The UN Committee on the Rights of the Child at its 45<sup>th</sup> meeting on 8 June 2007 discussed the Second Periodic Report of Slovakia on the implementation of the Convention on the Rights of the Child and adopted main themes and observations for the Slovak Republic.



In its main themes and observations for the Slovak Republic the UN Committee on the Rights of the Child recommends, among others, that the State party expedite the establishment of an independent mechanism (an independent children's rights protection institution) mandated to receive and investigate complaints from or on behalf of children on violations of their rights, working in coordination with other relevant bodies for monitoring the implementation of the Convention on the Rights of the Child in accordance with the Paris Principles. Such a mechanism should be provided with the necessary human and financial resources. The UN Committee on the Rights of the Child concurrently recommends that Slovakia as a state party to the Convention take measures to ensure the establishment of the Ministerial Committee for Children and Youth as a matter of priority, including guarantees that this new body will have sufficient human and financial resources to effectively fulfil its mandate.

The Slovak Republic must, with regard to international obligations, the UN Committee's observations and primarily with regard to the actual need to complete construction of an integral system for protecting rights of the child in accordance with the European standards of protection, in connection with institutional provision for protecting the rights of the child, cope with two tasks:

- institutionalise the **coordination of policies for protecting rights of the child** as results from the UN Committee's observations,
- institutionalise a special, **independent mechanism** for receiving and investigating complaints from children or on their behalf, for **monitoring implementation of the Convention on the Rights of the Child** corresponding to the Paris Principles.

It should also be noted that the Government of the Slovak Republic in its Programme Declaration has undertaken to fulfil the task: *The Government shall establish a Ministerial Committee for Children and Youth, for the purpose of coordinating and completing an integral and effective system of protecting the rights and interests of children in accordance with the Convention on the Rights of the Child and with the comprehensive strategy of the European Union and for effectively supporting and ensuring children's rights in its external and internal policies.*

#### **1.1. Coordination of policies for protection of children's rights – Ministerial Committee for Children**

The Ministerial Committee for Children, as the national authority for coordinating policies for the protection of rights of the child, shall address fundamental questions from the field of rights of the child and the exercising of these rights. Given the importance of this institution it is necessary, not only for reason of fulfilling recommendations of the UN Committee on the Rights of the Child, to create appropriate conditions for the Committee for Children to fulfil its tasks.

The previous negative experiences of the Slovak Republic with the predecessor of the proposed Ministerial Committee for Children, the Slovak Committee for Rights of the Child from the period 2000-2001 clearly highlights the short-sightedness and inexpediency of creating institutions without clearly defining their terms of reference, responsibilities and without providing for their staffing and material and technical requirements.

It is suggested that, given the seriousness and sensitivity of the issue, the national authority for state policy on the rights of the child and policy coordination for protection of the rights of the child be composed of ministers from the responsible ministries and that this institution be chaired by the Prime Minister of the Slovak Republic. It is also proposed that an executive body of the Ministerial Committee for Children be established – the Secretariat of the Ministerial Committee for Children, which would be responsible for implementing the conclusions of the Ministerial Committee for Children. (Annex 3 also contains the draft Statute of the Ministerial Committee for Children as well as financial implications associated with establishing the Ministerial Committee for Children).

The activity of the Ministerial Committee for Children (via the Secretariat) should, among others, be for example:

- policy coordination at the level of ministries and other central government bodies,
- evaluation of information on the state of the application of rights of the child in the activities of the respective public authorities,
- identification of the main shortcomings in the application of rights of the child, practical shortcomings in the use of measures aimed at improving rights of the child and at preventing violations of children's rights, including legislative shortcomings,
- a thorough analysis of the application of the rights of the child under the Convention (scope of reflecting the rights of the child in SR legislation, identifying public authorities responsible for applying individual-specific rights of the child under the Convention, an analysis of the state of application of rights of the child in practice on the basis of knowledge gained), including an analysis of possible causes of violations of children's rights,

- preparation of draft white papers for improving the application of rights of the child (on the basis of knowledge gained and analysed),
- in the framework of preventive activity, design specific measures in relation to children who are at risk of violation of their above-mentioned rights (children in foster care, children in institutional care, children in protective upbringing, children / juveniles in detention, imprisoned, children from families at risk of domestic violence, children from single-parent families, children from families in which there is a dispute between the parents concerning the exercising of parental rights, or where there exist disagreements concerning the exercising of parental rights for contact with a child, children with special needs arising from disability, children with behavioural disorders).

The proposal entails increased demands on the budget. In the case of consent to establishing the Ministerial Committee for Children, it is also necessary to ensure sufficient staffing and funding. Given the scale of the anticipated duties and tasks, particularly of the Secretariat of the Ministerial Committee for Children, it will be necessary to make provision for five extra employees in the SR Ministry of Labour, Social Affairs and the Family chapter. The total estimated impact in 2009 may be derived from the number of months during which the Secretariat will carry out tasks and the number of staff at the Secretariat. The whole scope of activities of the Committee and the Secretariat in the period from 1.4.2009 and total costs will entail an impact on the state budget of €130 000 in 2009, €178 000 in 2010 and €183 000 in 2011.

## **1.2 Independent institution for the protection of children's rights**

As already mentioned, the Slovak Republic must, in relation to the institutional provision for protecting children's rights, cope with the task of setting up and implementing a separate, independent mechanism for receiving and investigating complaints from children or on their behalf, monitoring implementation of the Convention on the Rights of the Child corresponding to the Paris Principles. i.e. it is necessary to solve the issue of an ombudsman for children's rights.

An ombudsman is an institution that deals in a certain manner with complaints from a defined group of people (children), is the spokesperson for this group and endeavours to improve conditions for members of this group as a whole. Ombudsmen are constituted for various fields, the ombudsman for children being a relatively new institute, created in

connection with the Convention on the Rights of the Child, or with preparatory works on the Convention.

At the European level, there is the European Network of Ombudspeople for Children – ENOC, which was founded in 1997 at a meeting in Trondheim, Norway. Its aim is to promote the fullest possible integration of the Convention on the Rights of the Child into the legal systems of European countries and to oversee compliance. Some states have several separate offices included in the European Network of Ombudspeople for Children. Likewise, it is not clearly specified that an independent institution for the protection of children's should bear the name "ombudsman", though it is required that this institution satisfy the Paris Principles.

Under the Paris Principles and independent institution for the protection of children's rights must satisfy the following general conditions:

1. **Independence** – it is crucial that the institution be established so that it is independent of state power and that it has its sustainability guaranteed.
2. **Specificity** – the institution's terms of reference must be clearly set; the office must develop activities specially for the purpose of promoting children's rights and interests or concentrate on children's rights (in so doing this concerns not simply child protection via the law, but through the role of a defender of children's rights the institution is to cover all forms and components of child protection, with the active participation of children themselves).
3. **Openness** - easy accessibility for all citizens, especially children who contact the Office of the Defender of Children's Rights with a complaint, problem, proposal or initiative regarding the protection and promotion of children's rights.
4. **Professionalism** – staff must meet professional requirements in their knowledge of legal regulations and in the field of psychology, sociology, social work or other humanities and should have some experience in child care and protection of their rights.

In 2005 an Analysis for Raising the Effectiveness of Children's Rights Protection was prepared, which sought to analyse the institutional provision for the protection of children's rights in Slovakia from the aspect of institutions involved in the protection of children's rights (not institutions safeguarding individual rights as set out in the Convention on the Rights of

the Child, or controlling compliance in the framework of competence given by law) and to summarise the possibilities for raising the effectiveness of children's rights protection from the institutional aspect. The material included a generalisation of the tasks and standing of ombudsman for children in different countries, broadly defining the scope of action of this type of institution.

Members of working groups evaluated previous outputs, resulting in the following framework for the basic scope of expected activities:

- examining children's opinions, their perception of problems in the implementation of children's, promoting their interest in public issues and interest in learning more about the extent of their rights, the possibilities and ways of exercising them under the law,
- representing the general interest of children – a spokesperson for children in society
- independent oversight of implementation of all rights of the child under the Convention on the Rights of the Child,
- carrying out systematic and comprehensive oversight of compliance with rights of the child, evaluating compliance with children's rights and submitting findings and conclusions to the respective bodies,
- receiving complaints from minors or their legal representatives if they believe that rights of the child have not been respected; cooperation with parents, central and local government bodies in investigating complaints,
- addressing non-compliance with or violation of children's rights at the ombudsman's own initiative,
- proposing measures to remedy deficiencies identified in monitoring compliance with children's rights and in the investigation of complaints/submissions, including the possibility to notify deficiencies to the respective bodies according to the nature of the matter investigated and the nature and seriousness of the findings,
- proactively issuing expert opinions on current issues in the field of children's rights, proposals for measures to raise the level of implementation of children's rights in terms of both prevention and application,
- the right to publish and to publicly highlight illegality or other shortcomings and has identified, while taking account of the right to protection of privacy, personal data protection, protection of personality as enshrined in the SR Constitution and reflected in specific legislation,
- involvement in raising legal awareness about rights of the child, not only among children themselves, but also among subjects influencing implementation of children's rights,

- cooperation with local authorities as learners – gaining knowledge, raising legal awareness on the possibilities and means of enforcing children’s rights,
- attempting to resolve disputes over the exercising of parental rights between parents themselves, or disputes between parents and children by way of agreement, using mediation techniques (intermediating and facilitating dialogue, explaining the rights and obligations of the parties involved, proposing possibilities for mutual agreement, while pointing out the benefits of a mutually advantageous solution),
- processing of personal data gathered in connection with the application of children’s rights and with overseeing compliance with children’s rights, and handling this data in accordance with specific legislation,
- analysis of generally binding laws and initiation of changes to generally binding legislation concerning children’s issues,
- providing cooperation to general government bodies and subjects involved in protecting children’s rights,
- cooperation with foreign subjects involved in exercising the rights of the child or dealing with the protection of children’s rights.

The independent body that in the scope and manner provided for by Act no. 564/2001 Coll. on the Public Defender of Rights as later amended is engaged in the protection of fundamental rights and freedoms of natural persons and legal entities in proceedings, decisions or omissions of general government bodies, if their proceedings, decisions or omissions are in contravention of the law or with the principles of a democratic and legal state, is pursuant to article 151a of the Constitution of the Slovak Republic the Public Defender of Rights.

In the Slovak Republic tasks in the field of human rights and fundamental freedoms, including rights of the child pursuant to Act no. 308/1993 Coll. on the establishment of the Slovak National Centre for Human Rights as later amended are performed also by the independent legal entity – the Slovak National Centre for Human Rights.

With regard to the current situation in institutional provision, a solution establishing a new separate institution in the form of a defender of children’s rights would seem a counterproductive step. Members of the working group in this question have taken as a starting point the position of the SR Ministry of Justice:

- establishing another specialised institution alongside the existing aforementioned two child protection bodies would be counterproductive and unsystematic,

- the demarcation of powers of the new subject in relation to the existing institutional structure would be both problematic and questionable,
- the principle of legality versus a tribalistic division of power,
- the present institutional provision allows for a solution within the existing institutions.

Both institutions: the Public Defender of Rights and the Slovak National Centre for Human Rights have expressed interest in the position of a public defender of children's rights. Both institutions have prepared their own proposals for incorporating the institute for the protection of children's rights within the existing arrangements, and which form a part of this material (Appendices 1a, 1b and 2).

The following table gives a basic comparison of the fulfilment of general conditions placed on the independent institution for the protection of rights: the Slovak National Centre for Human Rights and the Public Defender of Rights.

|  | <b>Slovak National Centre for Human Rights</b>  | <b>Public Defender of Rights</b>  | <b>Note</b>  |
|--|---|---|--|
| <b>Independence</b>                          | <b>An independent institution established by a separate act</b> (on the basis of an international treaty between the UN and the SR Government (no. 29/1995 Coll.) financed from subsidies from the state budget; its staff are not in state or public service.                    | <b>The independence of the Public Defender of Rights is guaranteed by the SR Constitution</b> , including the manner of its creation and cancellation – absolute independence of action without any political influence whatsoever. Since 2007 its expenditure and income have been reimbursed via the General Treasury Administration.   | <b>In the case of both institutions</b> it is necessary to satisfy the condition of independent – separated funding of a public defender of children's rights - a <b>separate budgetary programme or element within existing budgets. In the case of the Centre it is appropriate that this be arranged also with the competences of the Board of Trustees.</b>  |
| <b>Specificity (Specialisation of scope)</b> | Part of the activities are focused specifically on the field of the protection of children's rights - the Board of Trustees agreed to a change to the centre's statute as of 1.4.2008, <b>creating a separate department for international relations and rights of the child,</b> | <b>The sphere of action</b> of the Public Defender of Rights relates to the fundamental rights and freedoms, including rights <b>guaranteed by the Convention on the Rights of the Child.</b> An amendment to the Act on the Public Defender of Rights with effect as of 1 April 2006 <b>extended the scope</b> of action also to persons that <b>otherwise intervene</b> in the rights and obligations of natural persons and legal entities in the field of general government. | In both cases it is necessary to amend the relevant legislation. In the case of the Public Defender of Rights it is necessary, with regard to the rights of the child under the Convention, that the Public Defender of Rights protect <b>all rights and freedoms</b> , not only fundamental rights and freedoms. In this case it is necessary to consider amending the Constitution of the Slovak Republic. |



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| <b>Openness</b>        | Provides advisory and consulting services to clients, including children, who contact the Centre with a problem concerning the protection of children's rights. Staff work in the field (e.g. talks, discussions at schools, actively cooperate with UNICEF, the Public Defender of Rights and NGOs in preparing professional events, opinions or solutions to particular cases). The Centre is accessible to a broad spectrum of clients, though the actual possibilities for protecting children's rights are limited by the current terms of reference. | The Public Defender of Rights is fully accessible to a broad range of clientele. The actual possibilities for protecting children's rights are given by the statutory definition of powers.<br>Under the Constitution of the Slovak Republic "all public bodies shall provide the necessary cooperation to the Public Defender of Rights". The scope of rights and obligations of general government subjects toward the Public Defender of Rights is regulated by law.  | In both cases it is necessary to amend the legislation. With regard to the present scope of powers of the Public Defender of Rights it is clear that extending the Centre's powers would require extraordinarily precise regulation as regards competencies so as to not impinge on the current competence of the Public Defender of Rights. The Centre with regard to its institutional standing will not be able to perform such a scope of powers as the Public Defender of Rights.  |
| <b>Professionalism</b> | Workers are specialized in children's rights, having many years experience of working in this field, both the practical and theoretical level. They work on professional commissions at ministries in the field of the protection of children's rights, at international bodies and have a broad range of publishing activity and presentations in the media. An advantage of the Centre is its current activities and experience with monitoring.   | The professionalism of the office of the Public Defender of Rights derives from its current scope of activity (performing supervision over the implementation and promoting the dissemination of information on the Convention on the Rights of the Child, monitoring the impact of legislation on the lives of children, preparing and distributing information and educational materials for children on their rights and the ways how they can enforce them, raising legal awareness and educating, etc). An advantage is its experience with a broad | In both cases some supplementing is necessary: the a public defender of children's rights must satisfy professional requirements in the field of knowledge of legal regulations and also in the field of psychology, sociology, social work, or other humanities and should have certain practice in the field of child care and protection of their rights. Neither institution fully satisfies this criterion, since their professional base is directly connected with its current range of activities and statutory duties. |

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|                                       |   | spectrum of activities and its inherent standing as Public Defender of Rights.   |  |
| <b>International standing</b>         | Representatives of the centre are members of all relevant European institutions for the protection and monitoring of children's rights – L' Europe de l' Enfance, Forum for Rights of the Child and ChildONEurope. Since 2005 the centre has also been an observer in the European Network of Ombudspople for Children (ENOC).  | The management of the European Network of Ombudspople for Children has granted the Public Defender of Rights the status of associate member. The most problematic of the required criteria for admission into the ENOC is the explicit reference to protection of children's rights or the Convention on the Rights of the Child in legislation governing the mandate of the Public Defender of Rights and the absence of a clearly defined entity mandated with protecting children's rights. | Neither of the institutions fully satisfies the present criteria for admission to the ENOC. The centre has had observer status in ENOC since 2005. The Public Defender of Rights has had associate member status in ENOC since 2008 (active involvement without voting rights) |
| <b>Need for institutional changes</b> | The Slovak National Centre for Human Rights proposes the establishment of an independent institution at the Centre – a separate unit – the Office of the Defender of Children's Rights, which would within the structure of the Centre enjoy a relatively separate standing, under the Centre's executive director; the Office would be funded within the Centre's budget as a separate accounting unit with its own internal budget. | The Public Defender of Rights is an independent monocratic body. For ensuring protection of children's rights it proposes a separate organisational unit managed by an appointed person, with special professional staffing and a separate budget.   | In both cases organisational change is needed, entailing increased demands on the state budget.  |
| <b>Changes in legislation -</b>       | The establishment of an Office of the Defender of Rights of the   | In Act no. 564/2001 Coll. on the Public Defender of Rights as  |  |

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| <p><b>fundamental prerequisite</b></p> | <p>Child necessitates a major amendment to SR Act of Parliament no. 308/1993 Coll. on the establishment of the Slovak National Centre for Human Rights, primarily in terms of institutionalising the Office of the Defender of Rights of the Child as a separate unit of the Centre, in expanding the tasks, ambit and competences of the Centre so as to include the tasks are to fall within the Centre's new terms of reference, in the composition and creation of the Centre's Board of Trustees, which should reflect the Centre's new terms of reference (enlarging the Board of Trustees to include eminent persons from the field of children's rights protection, and possibly also foreign members) and reflect the extension of competences of the Centre's Board of Trustees.</p> | <p>later amended, and possibly also in the Constitution of the Slovak Republic it is necessary to expressly lay down that the Public Defender of Rights shall protect the rights of children (in article 151a paragraph 1 after the word "protect" delete the word "fundamental"), and to also amend Act no. 564/2001 Coll. on the Public Defender of Rights as later amended).</p> <p>Concurrently, the Act on the Public Defender of Rights requires major amendment.</p> <p>In the case of the Public Defender of Rights it is necessary to consider, for example, stipulating whether a general government officer's refusal to provide cooperation would constitute a disciplinary offence (proposal requires legislative amendment)</p> |  |
|--|--|---|--|

Conclusion: Both solutions require legislative amendments. In both cases it is necessary that the changes to the relevant legislation are embraced by the relevant subjects to which this competence pertains.

In the case of the Slovak National Centre for Human Rights it will be a problem to solve those specific powers that the Centre, in contrast to the Public Defender of Rights, does not at present possess. A further problem will be to clearly separate the scope of competence of the defender of children's rights from the general defender of rights.

In the case of the Public Defender of Rights it is necessary to solve, besides the aforementioned issue, amendments to the Constitution of the SR and from the practical aspect also the future relationship to one of the basic activities of the Slovak National Centre for Human Rights - monitoring.

**Proposal: The SR Ministry of Labour, Social Affairs and the Family as the submitter of the draft Action Plan for Children, proposes solving the institutionalisation of independent children's rights protection in Slovakia by way of an adjustment to the mandate of the Public Defender of Rights so that the above-mentioned criteria are satisfied, including clearly designating the individual in charge of protecting children's rights.**

**Reasons:** clearly independent status in the Slovak Republic, extensive existing powers, including children's rights, availability, international status of Public Defender of Rights

**Necessary steps:** extend the terms of reference in the Act on the Public Defender of Rights so as to allow the performance of the complete and separate agenda of public protection of children's rights; regulate the independent unit, including regulation for management by the appointed person; ensure special staffing appropriate to the tasks, and a separate budget (separate funding)

**Risks:** impact on the state budget, amendment to the Constitution of the Slovak Republic.