



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-second session

### Summary record of the 1770th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 23 January 2013, at 10 a.m.

*Chairperson:* Ms. Maurás Pérez (Vice-Chairperson)

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*Initial report of Slovakia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** *(continued)*

*Initial report of Slovakia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SVK/1; CRC/C/OPSC/SVK/Q/1 and Add.1)*

*Initial report of Slovakia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/SVK/1; CRC/C/OPAC/SVK/Q/1 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Slovakia took places at the Committee table.*
2. **Mr. Rosocha** (Slovakia) said that his country was committed to ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2013.
3. He explained that criminal law penalized the transfer of children abroad, trafficking children for adoption, forced labour, prostitution or any other purpose, sexual violence and any act with the intention of organizing, facilitating or gaining from the prostitution of children. Criminal law also classified as criminal offences the offering, delivering or accepting, by whatever means, of a child for the purpose of sexual exploitation, the transfer of organs for profit or the engagement of the child in forced labour.
4. The Slovak Government had adopted the 2011–2014 National Programme to combat trafficking that coordinated the activities of all the bodies working to eliminate or prevent trafficking. A working group had been set up to create a system for collecting data on trafficking.
5. Anti-trafficking measures had been taken and special training given to experts involved in upholding the provisions of the Optional Protocol. One of the major challenges in 2013 was the establishment of the Office of the Children’s Ombudsman as an independent mechanism compliant with the Paris Principles, which it was planned to place under the authority of the Office of the Public Defender of Rights.
6. With regard to the Optional Protocol on the involvement of children in armed conflict, the legal minimum age for voluntary recruitment into the armed forces was 18 years. The Slovak army was a professional army and could have recourse to conscription only in the event of a threat to national security or in time of war. Units participating in crisis management operations under the aegis of the United Nations, the North Atlantic Treaty Organization or the European Union received special training in international humanitarian law and human rights. Furthermore, on 14 November 2012, on the occasion of the tenth anniversary of the entry into force of the Optional Protocol, the Ministry of Foreign and European Affairs had organized a seminar for students, teachers and experts in international law on the specific application of the Protocol.

*Optional Protocol on the sale of children, child prostitution and child pornography*

7. **Ms. Al-Shehail** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked what measures had been taken under the National Programme to combat trafficking, which had been extended until 2014, and enquired whether the measures were monitored and assessed and had a specific budget for implementation. She also enquired about the steps taken to identify child victims. She asked how many complaints on behalf of children the Public Defender of Rights had filed for offences covered in the Optional Protocol and requested more information on the dedicated phone line for children and the resources allocated to programmes on prevention

and protection and the social reintegration of victims. She requested clarification on the initiatives to combat police corruption.

8. She asked whether there were any training programmes for experts working for and with children and whether action had been taken to counter the growing supply of child pornography on the Internet.

9. **Mr. Madi** asked why legislation failed to protect Slovaks who fell victim to crime abroad, whether the Optional Protocol could be used as a basis for extradition and why extradition was possible only if the offence committed entailed a penalty of at least 1 year's imprisonment under Slovak legislation.

10. **Mr. Cardona Llorens** requested clarification on the criminal liability of legal persons. He also wished to know whether Slovakia intended to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

11. **Ms. Herczog** enquired about the follow-up to proposals by the Council of Europe concerning, inter alia, the introduction of judicial procedures specifically for children.

12. **Mr. Zermatten** pointed out that, even though forced adoption was punishable under article 181 of the Criminal Code, the Code did not penalize the sale of children under the pretence of adoption. He asked the delegation to provide a precise definition of the "protected persons" referred to in paragraph 70 of the report.

13. **Mr. Koompraphant** said he wished to know what measures the State party had taken to encourage Roma children who had been victims of any of the offences included in the Protocol to lodge a complaint against their aggressor and whether it had established a victim and witness protection system. What was the State party doing to combat organized crime in the case of illicit acts related to the sale of children, child pornography and child prostitution?

14. **Ms. Wijemanne** asked whether awareness-raising campaigns had been conducted outside the school environment, particularly for the poorest children, who were more at risk of becoming victims of trafficking and commercial sexual exploitation, and whether the State party had carried out a review of the root causes of those phenomena.

15. It would be interesting to know whether Slovakia was a sex tourism destination and whether it was true that persons involved in the trafficking of children had been given only suspended sentences.

16. **The Chairperson** asked how the State party intended to ensure the practical implementation of the principle of the best interests of the child; what method it used to determine the age of asylum seekers; and whether, in case of doubt, the individual was deemed a minor.

*The meeting was suspended at 11 a.m. and resumed at 11.25 a.m.*

17. **Mr. Šimoňák** (Slovakia) said that, in case of doubt about the age of an asylum seeker, the competent authorities deemed the applicant to be a minor and placed him or her in a specialist centre for unaccompanied minors. To attempt to determine the exact age of the minor, they used various scientific or medical methods, such as X-rays.

18. It was difficult to root out corruption completely, but special units had been created in the Ministry of the Interior to combat police corruption.

19. Information and public-awareness campaigns for parents and children, organized parallel to exhibitions, concerts and other such events, helped to prevent offences covered by the Protocol. Campaigns would be carried out during the major programme of events to be held in Košice, the 2013 European Capital of Culture.

20. Slovakia had set up a hotline (116 000) for reporting child disappearances.
21. **Mr. Kadlečík** (Slovakia) said that, under the Criminal Code, the penalties for child prostitution and child pornography were more severe if the victims belonged to particularly vulnerable groups.
22. **Ms. Brennerová** (Slovakia) said that more than 700 social workers had been engaged to carry out an assistance programme for some 30,700 people from disadvantaged communities. Local communities familiar with the specific needs of the beneficiaries were also involved in the programme. The aid was tailored to individuals, and social workers were due to undergo regular training courses to learn how to identify trafficking victims.
23. **Mr. Kadlečík** (Slovakia) said that, in order to align its national legislation with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), signed by Slovakia on 9 September 2009, his country was currently amending its Criminal Code and Code of Criminal Procedure with a view to ratifying the instrument. Thus, it was applying the Directive of the European Parliament and the European Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and the Directive of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. The amendments should enter into force on 1 May 2013 and the Lanzarote Convention should be ratified by the end of 2013.
24. **Ms. Al-Shehail** asked whether the law prohibiting the use of any language other than Slovak in communications with the Government applied to the childcare provided by social workers to victims of trafficking, prostitution or child pornography. She also asked how the State party was able to guarantee the rights of minority groups, when such a law existed.
25. **Ms. Herczog** said she wished to know whether the State party had established a mechanism to allow the various individuals involved in caring for child victims of trafficking and prostitution to share relevant information, while at the same time respecting their confidentiality. She also asked how the State party, which did not collect data disaggregated by ethnic origin, was able to ascertain the number of Roma children in the territory and, hence, to identify at-risk groups and carry out the European programme for Roma inclusion.
26. **Ms. Brennerová** (Slovakia) said that there was support for all children needing protection, irrespective of their ethnic origin, and that, in the case of foreign children, communication was in a language which they understood.
27. **Mr. Kadlečík** (Slovakia) pointed out that the Committee on the Elimination of Racial Discrimination had warned the Slovak Government against the potential risk of discrimination involved in collecting statistical data disaggregated by ethnic origin and that Slovakia had amended its legislation accordingly.
28. The Ministry of Labour, Social Affairs and the Family, the authority overseeing the initiatives to assist trafficking and prostitution victims, verified that the best interests of the child were taken into consideration in all circumstances. Victims' confidential data were only disclosed in the context of judicial proceedings, and, to date, no information had been leaked.
29. **Ms. Tomková** (Slovakia) explained that students were instructed during civic education lessons about the risks of sexual exploitation, and that a variety of material on prevention had been disseminated in schools through nationwide campaigns. In the various regional help centres, which worked closely with the police, child victims were looked after by a psychologist or paediatrician with appropriate training in therapeutic treatment of

victims of sexual violence. Teachers were trained to identify signs of sexual abuse and were also familiarized with the provisions of the Optional Protocol.

30. Children belonging to linguistic minorities could be educated at school in their mother tongue, while some schools offered education in Hungarian, Ruthenian, German or Ukrainian.

31. **Mr. Kadlečík** (Slovakia) emphasized that Slovakia was party to the Council of Europe's Convention on Cybercrime and noted that the Code of Criminal Procedure contained several provisions expressly prohibiting trafficking and the dissemination of child pornography. Act No. 166 of 2003 on protection against the illegal use of information and Act No. 351 of 2011 on electronic communication reinforced the legal arsenal. Under the Criminal Code, it was now illegal for an adult to solicit a child under 15 years of age for sexual purposes. The offence was punishable by a prison sentence of between 6 months and 3 years.

32. **Mr. Šimoňák** (Slovakia) explained that the police had worked with civil society to create a website warning children of the risks associated with using the Internet. The fun and appealing website highlighted the pitfalls to avoid online and was designed as a preventive and informational tool. No specific budget had been allocated to the implementation of the Optional Protocol.

33. **The Chairperson** asked whether the results of the first National Programme to combat trafficking had been assessed prior to the start of the second Programme (2011–2014).

34. **Mr. Šimoňák** (Slovakia) replied that they had not, but that in both cases ongoing evaluation and monitoring had been conducted.

35. **Ms. Wijemanne** asked whether a mechanism for monitoring and reporting suspicious activity on the Internet had been set up.

36. **Mr. Šimoňák** (Slovakia) replied that Internet surveillance was difficult because cybercrime was generally committed by organized criminal groups with a number of offshoots abroad. The various surveillance teams did, however, work in coordination with one another.

37. **Ms. Brennerová** (Slovakia) explained that in Slovakia the national and international adoption procedures were governed by very strict rules and the principle of subsidiarity was followed. In 2012, nearly 40 Slovak children had been adopted abroad. There was a follow-up process for all children adopted internationally until they reached the age of majority. Slovakia scrupulously followed the guidelines of Council of Europe Regulation No. 2201/2003 and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

38. **Ms. Herczog** asked what progress had been made by the Parliamentary Human Rights Commission on the investigation opened in October 2012 into alleged cases of forced adoption. She also asked whether international adoption was considered solely as a last resort and whether the records of children transferred between different institutions were sent to the competent authorities for the purposes of monitoring and information exchange.

39. **Ms. Brennerová** (Slovakia) said that the matter of forced adoptions had been taken out of context and did not warrant such media coverage. She explained that, when a child was deprived of parental protection, all options not involving adoption were considered, such as for the child to be supported by the immediate family or placed in a foster family or orphanage. Where adoption was the only answer, the adoption could become definitive only once the child had spent nine months in the future adoptive family.

40. **Mr. Kadlečík** (Slovakia) said that the extraterritorial jurisdiction of Slovak courts for offences covered by the Optional Protocol was the subject of discussions between the Ministry of the Interior and the Office of the Attorney General. Further information would be sent to the Committee once the competent authorities had completed their review of the matter.

*Optional Protocol on the involvement of children in armed conflict*

41. **Mr. Madi** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) asked how the Optional Protocol was applied in the context of the National Action Plan for Children for 2009–2012. He also wished to know whether the Children’s Ombudsman had received any complaints of violations of children’s rights as set out in the Optional Protocol, and what body was in charge of coordinating the implementation of the Protocol. In addition, he asked whether the provisions of the Protocol, particularly the explicit prohibition of the enlistment of children in armed forces or recruitment by non-State armed groups, had been incorporated into national law. Furthermore, he invited the delegation to indicate how many students were enrolled in the Secondary Technical and Aviation School in Trenčín. Lastly, he enquired what efforts the State party had made to ascertain whether juvenile asylum seekers had been involved in armed conflict.

42. **Mr. Cardona Llorens** asked for clarification on the extraterritorial jurisdiction of national courts and on the criminal liability of legal persons, not least, private security companies.

43. **Mr. Pollar** asked whether the provisions in the State party’s legislation regulating the minimum age of recruitment into the armed forces complied with the Optional Protocol.

44. **Ms. Wijemanne** enquired about the rules governing the export of arms and the measures taken to ensure that arms were not exported to countries where children might be used in hostilities.

*The meeting rose at 1 p.m.*