



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-second session

Summary record (partial)* of the 1771st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 23 January 2013, at 3 p.m.

Chairperson: Ms. Maurás Pérez (Vice-Chairperson)

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* No summary record was prepared for the rest of the meeting.

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In the absence of the Chairperson, Ms. Maurás Pérez, Vice-Chairperson, took the Chair.

The discussion covered in the summary record began at 3 p.m.

Consideration of reports of States parties (continued)

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

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

1. *At the invitation of the Chairperson, the members of the delegation of Slovakia resumed places at the Committee table.*
2. **Ms. Geisbacherová** (Slovakia) said that the Ministry of Defence was the main body responsible for the implementation of the Optional Protocol on the involvement of children in armed conflict. The Ministry coordinated its efforts with other departments responsible for its implementation, such as the Ministry of Foreign Affairs. Slovakia did not have an independent agency to monitor the implementation of the Optional Protocol. The National Action Plan for Children for 2009–2012 would be extended for another two years, and an annual review of the Plan would continue to be carried out. Furthermore, background documents on the status of implementation of the Plan would be provided by the Ministerial Committee for Children and Youth.
3. **The Chairperson**, noting that the delegation had stated at the previous meeting that there was no review mechanism for the Action Plan and that the lack of such a mechanism was a shortcoming, would like clarification of the annual review that had just been mentioned. She would also welcome further details of the role that the Committee for Children played in implementing the Optional Protocol, particularly in conjunction with the Ministry of Defence.
4. **Ms. Brennerová** (Slovakia) said that her delegation had been referring at the earlier meeting to a different plan, on trafficking in persons. The Ministerial Committee for Children and Youth was a standing advisory body responsible for monitoring compliance with the obligations and commitments of Slovakia under the Convention. It ensured that the rights of the child were observed by public and private entities, the best interests of the child were taken into account and children and young persons were included in policy decisions that affected them. The Committee held public meetings on an ad hoc basis, often before meetings of the Cabinet.
5. **Ms. Geisbacherová** (Slovakia) said that foreign nationals or citizens not permanently residing in the country who wished to volunteer for military service in Slovakia were required to be at least 19 years of age to serve. Slovak citizens who permanently resided in the country must be 18 years of age to serve in the military and must not have another nationality.
6. The Optional Protocol had been published on the websites of the Office of the Ombudsman, the Ministry of the Interior, the Ministry of Labour, Social Affairs and the Family and other bodies. There had been other efforts to raise public awareness about the Optional Protocol, including events to celebrate the tenth anniversary of its adoption. While Slovakia had not had to grapple with cases of child soldiers in recent years, military officers were informed about the problem at all stages in their training. A unit was specially trained in human rights issues for foreign missions and operations led by the European Union, the North Atlantic Treaty Organization (NATO) and the United Nations. There was also a working group within the framework of the European Union that focused on training

military officers in Slovakia in the prevention of human trafficking and protection of the rights of the child during armed conflicts.

7. **Mr. Kadlečík** (Slovakia) said that Act No. 300 of 2005 and Act No. 301 of 2005, both of which referred to the Optional Protocol, were separate laws. Act No. 301 was thus not an amendment to Act No. 300. The Criminal Code stated that any person who committed an offence considered to be a war crime under article 8 of the Rome Statute of the International Criminal Court, which included the use of children in armed conflict, was punishable by 12 to 25 years' imprisonment. The penalties for such offences were increased to life imprisonment if they caused grievous bodily harm or death or had other serious consequences. Conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate in hostilities was among the war crimes listed under article 8. While there was no specific reference to the involvement of children in armed conflict in the Criminal Code, the offence was covered under the section on war crimes.

8. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) said that the Committee was concerned about children aged 15 to 18, who were covered neither by the Rome Statute nor, therefore, by the Criminal Code. Conscripting or enlisting children under the age of 18 should be made a specific criminal offence under domestic law. He would appreciate further details of Act Nos. 300 and 301 and how they related to the Optional Protocol.

9. **Mr. Kadlečík** (Slovakia) said that under pending amendments to the Criminal Code a child would be defined as any person under the age of 18, thus filling the gap left under the Rome Statute for children aged between 15 and 18. All criminal law would include a reference to the definition of the child, and that definition would apply to all criminal offences.

10. **Mr. Polar** asked what would happen if a Slovak citizen was involved in the recruitment of persons aged between 15 and 18 for participation in armed conflict before the new provisions took effect.

11. **Mr. Kadlečík** (Slovakia) said that the amendments to the Criminal Code would enter into force on 1 May 2013.

12. **Ms. Sandberg** asked whether the amendments referred only to the Rome Statute. If so, she wondered how children aged 15 to 18 would be covered under the new legislation.

13. **Mr. Madi** said that providing a definition of the child was not the same thing as making the acts covered by the Optional Protocol into criminal offences under domestic law.

14. **Mr. Kadlečík** (Slovakia) said that while such acts were not specifically criminalized under the Criminal Code, as amended, his Government would take into consideration the Committee's recommendation to introduce further amendments to the law.

15. **Mr. Šimoňák** (Slovakia) said that any persons claiming to be minors were treated as such in facilities for minors unless there was medical evidence to the contrary. With respect to persons who claimed to have been used as child soldiers, he said that once a person made such a claim in an asylum interview he or she was automatically given access to psychological care. The authorities had not received any such claims for the past 13 years. However, his Government was aware of the problem and had taken steps to train or retrain immigration and asylum officers on the issue, including by means of a new training programme to be introduced in 2013.

16. Turning to the issue of arms export licences, he said that legislation had been adopted in 2012 that fully reflected the international commitments that had been undertaken

by Slovakia, including those under the Wassenaar Arrangement. Under the new export control regime, an end-user certificate was required for a licence to be issued. The transport of arms through the territory of Slovakia could also be denied if any doubts arose as to the final use of the goods in question, including the possibility that they would end up in the hands of child soldiers. Several ministries took part in the export control regime, including the Ministry of the Economy, which issued the licences, the Ministry of the Interior, the Ministry of Defence and the intelligence services. They offered their views on the persons involved in the export of the weapons and the entities designated as the end users. The controls were designed in a manner that prevented to the greatest extent possible the misuse of weapons exported from Slovakia.

17. **Mr. Madi** would appreciate information on the aviation school in Trenčín. Noting that the country had had no cases of child soldiers in 13 years, he said that Slovakia had been processing the applications of refugees and asylum seekers from countries with a history of armed conflict, such as Afghanistan and Somalia. What protections were currently in place for children claiming to be former child soldiers?

18. **Mr. Šimoňák** (Slovakia) said that all personnel who processed asylum applications received training in dealing with children in armed conflict. Training programmes were reviewed and updated on a regular basis, as the new training programme that he had mentioned clearly showed. The topic of child soldiers had been introduced in the programme precisely because Slovakia had begun to receive a significant number of asylum seekers at its eastern border from war-torn countries such as Somalia.

19. Any person who claimed to have been used as a child soldier immediately was assigned to a psychologist. If it was shown that the person had been a child soldier, he or she was entitled to asylum. Asylum seekers who were denied asylum were not returned to countries where they were at risk of becoming child soldiers. They were entitled to other forms of protection, including subsidiary protection.

20. **Ms. Tomková** (Slovakia) said that the aviation school located in the city of Trenčín was not a military school. It was a secondary school under the Ministry of Education. The subjects taught at the school included aircraft maintenance, mechanical engineering and others. There was, therefore, no possibility that its students participated in any way in armed conflict.

21. **Mr. Cardona Llorens** said that he would like to know whether legal persons, including private military and security companies, incurred liability for offences under the Criminal Code and, if so, whether or how it differed from the liability of natural persons working for such companies.

22. **Mr. Kadlečík** (Slovakia) said that private military and security companies were deemed to be legal persons but that their criminal liability was limited. Amendments to the Code to fill the current gaps in legislation concerning corporate criminal liability were being studied by the Ministry of Justice and the Office of the Prosecutor-General. Limited criminal sanctions, such as the confiscation of a legal person's property, could be applied. He referred the Committee to a volume on the implementation of international humanitarian law in Slovakia, which had been produced in conjunction with the International Committee of the Red Cross and contained a selection of texts in English and Slovak from the Criminal Code and Code of Criminal Procedure, along with Acts incorporating the provisions of international instruments into Slovak domestic law.

23. **Mr. Cardona Llorens** noted with concern that, under current legislation, private military or security companies could not be held liable for offences related to the Optional Protocol on the involvement of children in armed conflict unless officers of the companies were charged with such offences.

24. **Mr. Kadlečík** (Slovakia) said that the Ombudsman had received no claims regarding child victims of offences related to the Optional Protocol between 2009 and 2012. Criminal statistics were available from the police, the Office of the Prosecutor-General and the Ministry of Justice, which provided figures on court convictions.

25. **Mr. Rosocha** (Slovakia) said that the delegation would shortly submit in writing information on extraterritorial jurisdiction and dual criminality.

26. **Ms. Tomková** (Slovakia) said that a parliamentary inquiry had confirmed the accuracy of reports on the adoption of Slovak children filed by States members of the European Union.

27. The matter of forced labour came under section 11 of the Labour Code, which prohibited the employment of children under the age of 15 or children who had not completed their compulsory education, except in advertising work, sporting and cultural events and some other activities. Such work required permits from and was monitored by the National Labour Inspectorate. The Ministry of Labour, Social Affairs and Family advocated the creation of an independent institution for the protection of children's rights.

28. Children leaving orphanages were monitored whether they returned to a family environment, moved to another institution or were placed in foster care. Children could remain in orphanages until the age of 27 if they chose to pursue tertiary education. Orphanages also helped leavers above the age of 18 to find work and accommodation. Upon leaving, residents of orphanages received a modest lump sum payment. The situation of almost three quarters of the children leaving orphanages was kept under regular supervision.

29. **Ms. Herczog** asked whether the authorities received feedback directly from children adopted abroad; whether the delegation had any information regarding the adoption of Roma children aged 10 and above; whether any attempt was made to reunite the many children in orphanages who had been abandoned with their families; and what percentage of young people stayed on in orphanages while completing tertiary studies.

30. **Ms. Tomková** (Slovakia) said that the delegation had no information concerning purported adoptions involving Roma children aged 10 and above.

31. **Mr. Rosocha** (Slovakia) said that the Permanent Mission of Slovakia in Geneva, in conjunction with those of the Czech Republic and Hungary, regularly organized events on the subject of international adoptions, which was an indication of the seriousness with which those countries viewed the matter.

32. **Mr. Cardona Llorens** asked whether, under the Code of Criminal Procedure, special protection measures for child victims under the age of 15 were applied at the discretion of the courts. It was unclear whether victims aged between 15 and 17 were entitled to any such protection.

33. **Mr. Kadlečík** (Slovakia) conceded that there were gaps in the legislation that might need to be filled when the Code of Criminal Procedure came up for review.

34. **Ms. Al-Shehail** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that the State party needed to take action on all aspects of the Optional Protocol on the sale of children, child prostitution and child pornography, not just human trafficking. It had failed to implement many of its plans regarding the Optional Protocol because of a lack of resources. She urged it to work more closely with civil society to identify victims and reintegrate them into society.

35. **Mr. Madi** said that, although the Committee was satisfied with the State party's position on the minimum age for recruitment into the armed services, there remained a need for further legislative initiatives and administrative measures in order to bring Slovakia into full compliance with the Optional Protocol on the involvement of children in armed conflict.

36. **Mr. Rosocha** (Slovakia) assured the Committee that his Government would do all in its power to act on the recommendations of the Committee.

The discussion covered in the summary record ended at 4.25 p.m.