



INFORMATION NOTE

Optional Protocol on the Involvement of Children in Armed Conflict

1st Periodic Report of Slovakia

62nd session of the United Nations Committee on the Rights of the Child

Summary of Juvenile Justice related issues

Ratification of the Convention on the Rights of the Child by Slovakia: 28 May 1993

Ratification of the Optional Protocol: 7 July 2006

1.1 JUVENILE JUSTICE - KEY ISSUES

I) Legislation:

The Committee welcomed the 2006 abolition of compulsory recruitment in the armed forces and the prohibition of voluntary recruitment of children under the age of 18, thus bringing Slovakia in line with the Optional Protocol in that regard. Compulsory draft is only in the case of risk to national security.

Foreigners may assume voluntary military draft obligations on the condition that they are in their 19th year or older. Other voluntary applicants must be older than 18, be Slovak citizens exclusively and have their permanent residency in Slovakia.

Furthermore, activities of armed forces by groups other than the forces of the Slovak Republic are forbidden.

The Slovak delegation stated that the Ministry of Defence was primarily responsible for the implementation of the OPAC, in coordination with the Ministry of Social Affairs and the Ministry of Justice. However, the problem of child soldiers in Slovakia is not viewed as a most urgent matter as there have been no cases of attempt to recruit a child yet. Awareness-raising on the matter is spread nonetheless among military officers.

An amendment to the Criminal Code will extend the definition of a child to any person under the age of 18. It will enter into force in May 2013.

The Slovak Criminal Code established the liability of legal persons, although it is limited and still in discussion.

A Public Defender of Rights was established in 2001. However there has been no cases initiated by a child victim of offences under the OPAC between 2009 and 2012, there is therefore no change in the statistics since Slovakia's initial periodic report on the implementation of the Optional Protocol.

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II) Minimum age of criminal responsibility:

Not mentioned

III) Number of children and length of detention:

Not mentioned

a) Access to data:

- No
 Yes : (*specify*)

IV) Trial conditions:

Not mentioned

V) Detention conditions

Not mentioned

a) In general (access to health, education, etc.):

b) Pre-trial detention:

c) Separation from adults:

VI) Preventive measures:

Not mentioned

VII) Alternative measures:

Not mentioned

VIII) Re-adaptation / reinsertion of children:

Not mentioned

IX) Training of professionals:

Not mentioned

X) Role of the media:

Not mentioned

XI) Child participation and sensibilization:

Not mentioned

XII) Other relevant areas:

Not mentioned

1.2. GENERAL OBSTACLES:

Not mentioned



1.3. INTERAGENCY PANEL ON JUVENILE JUSTICE: Did the Committee ask any questions in relation to technical advice and assistance in juvenile justice or if they mention the Panel in any way?

No

Yes : (*specify*)

2. PROTOCOL IMPLEMENTATION

I) Concrete measures taken for implementation

Attention is being paid to the education and training of the members of the armed forces regarding the offences covered by the Optional Protocol.

As soon as the person mentions being a child soldiers when seeking asylum, he/she will automatically receive psychological care. There has been no such cases for a long period of time, which explains that the training of personnels has not focus on that particular issue. However, the Slovak delegation assured that from this year on, the curriculum of border officers will be revised to include training on the issue of child soldiers.

Asylum seekers are not returned to their home countries when there is a risk that they become child soldiers.

II) Suggested measures to be taken for implementation

The Committee noted that the definition of a child is one thing, criminalization of recruiting under the age of 18 is another. The amendment to the Criminal code, planned for May 2013, will not explicitly criminalize such recruitment and a gap will remain concerning children between the age of 15 and 18.

III) Dissemination of the Protocol

Not mentioned

3. MAIN CONCLUSIONS AND RECOMMENDATIONS BY THE COMMITTEE:

(please use bullet points or give title to paragraphs in order to facilitate the reading)

- Recruitment of children under the age of 18 should be explicitly criminalized in order to avoid a legal gap for children between 15 and 18

4. (*Only if the country has a DCI-section*): DCI perspective/response

- info on what DCI sections do on these issues
- recommendations by DCI sections

(to get this information, send the report to the National section and ask them if they have any information for this part).

Sources:



- United Nations Convention on the Rights of the Child
- United Nations Committee on the Rights of the Child. Concluding observations and recommendations to the Initial report of *country name*.
- United Nations Committee on the Rights of the Child. Initial report and 2nd/3rd periodic reports of *country name* (State reports).
- *country name* NGOs' Working Group 'on Protection of Children Rights', (Alternative report)

5. ANNEX:

5.1. CRC members present

- Ms. Agnes Akosua Aidoo
- Ms. Hadeel Al-Asmar
- Mr. Aseil Al-Shehail
- Mr. Jorge Cardona Llorens
- Mr. Bernard Gastaud
- Mr. Peter Guràn
- Ms. Maria Herczog
- Mr. Sanphasit Koompraphant
- Mr. Hatem Kotrane
- Ms. Yanghee Lee
- Mr. Gehad Madi
- Ms. Marta Mauras Perez
- Ms. Pilar Nores
- Mr. Awich Pollar
- Ms. Kirsten Sandberg
- Ms. Kamla Devi Varmah
- Ms. Hiranthi Wijemanne
- Mr. Jean Zermatten

5.2. Composition of country delegation

- Ms. Barbara Illkova, Director-General, Directorate-General for Legal and Consular Affairs, Ministry of Foreign and European Affairs of the Slovak Republic
- Mr. Peter Klenovsky, Director, Human Rights Department, Directorate-General for Legal and Consular Affairs, Ministry of Foreign and European Affairs of the Slovak Republic
- Mr. Vladimir Simonak, Director, Department of International Law and European Affairs, Directorate-General for Legislation and External Relations, Ministry of the Interior of the Slovak Republic



DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL DNI
DEFENSE DES ENFANTS INTERNATIONALE DEI
DEFENCE FOR CHILDREN INTERNATIONAL DCI
the worldwide movement for children's rights

- Ms. Renata Brennerova, Department of Social Strategy of Social Protection of Children and Family, Directorate-General for Social and Family Policy, Ministry of Labour, Social Affairs and Family of the Slovak Republic
- Ms. Daniela Geisbacherova, International Law Unit, Directorate-General for Defense Policy, International Relations and Legislation, Ministry of Defense of the Slovak Republic
- Mr. Branislav Kadlecik, International and European Law Department, Directorate-General for International and European Law, Ministry of Justice of the Slovak Republic
- Ms. Eva Tomkova, Directorate-General for Regional System of Education, Ministry of Education, Science, Research and Sport of the Slovak Republic
- Ms. Andrea Eliasova, Investigator, Department of Criminality, Presidium of Police Force of the Slovak Republic
- Mr. Branislav Lysak, First Secretary, Deputy Permanent Representative, Permanent Mission of Slovakia to the United Nations Office and other International Organizations in Geneva
- Mr. Viliam Behran, Interpreter

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