



BUILDING A EUROPE FOR AND WITH CHILDREN



## Child and youth participation in the Slovak Republic

*A Council of Europe policy review*



COUNCIL OF EUROPE  
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DGI – Justice and Human Dignity Directorate  
Programme “Building a Europe for and with children”  
Cover design and layout: Documents and Publications Production Department (SPDP)  
Council of Europe  
Illustration: Anne-Sophie Schlick  
Council of Europe  
F-67075 Strasbourg Cedex  
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Printed at the Council of Europe

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# Foreword

**Be empathic and just imagine being in our shoes. You surely also wanted to change things when you were little.**

It was a group of children from the Slovak Republic who gave this advice to the Council of Europe experts who drafted our new recommendation on participation. I think these children's advice captures the essence of child and youth participation: empathy and respect for every person, however young he or she may be. This policy review on child and youth participation in the Slovak Republic includes many such powerful messages for adults, be they parents, teachers, health professionals, social workers or policy makers. It is no accident that one key recommendation of this report is to launch a campaign to raise adults' awareness of the benefits of child participation.

The findings of this policy review confirm that the Council of Europe is on the right track with the legal standards it has developed over the past few years. The child's right to be heard and taken seriously is a central requirement in all recent Council of Europe conventions and recommendations on children's rights. We are proud to say that these standards now cover all relevant areas of children's lives: the family (Recommendation Rec(2006)19 on policy to support positive parenting), health-care and social services (Guidelines on child-friendly health care and Recommendation CM/Rec(2011)12 on children's rights and social services friendly to children and families), the education sector (Charter on Education for Democratic Citizenship and Human Rights Education), and the judiciary (Guidelines on child-friendly justice).

I am convinced that these standards provide excellent guidance to those who want to improve the way children's and young people's views are taken into account by the adults surrounding them. The policy review in the Slovak Republic shows that this is a challenging task, but it also reveals examples of good practice and progressive legislation. Reading the report, one can virtually feel the optimism of children and adults in this country and their motivation to improve the way they interact and build their future together.

I would like to thank the Slovak authorities for having volunteered to undertake this policy review and in particular the co-ordination team within the Joint Secretariat of the Committees at the Ministry of Labour, Social Affairs and Family. My thanks go also to the author of the report, Mieke Schuurman and to all the other people who contributed to this process: the members of the European review team, the Slovak in-country review team, including the children's reflection group and the children who participated in the focus-group meeting and the national survey.

Last but not least, I would like to thank Pavla Geschwandtnerová and Michal Brichta, two young people who came to Strasbourg in June 2011 to advise the Council of Europe on its draft recommendation on the participation of children and young people and who brought the message I quoted at the beginning to our attention: “Be empathic and just imagine being in our shoes. You surely also wanted to change things when you were little”. Indeed, remembering one’s own childhood is crucial to enabling adults to understand children better. Or, as the German children’s book author Erich Kästner put it: “Only those who grow up and remain children at heart are truly human.”

Maud de Boer-Buquicchio

*Deputy Secretary General of the Council of Europe*

# Executive Summary

**“Children’s participation is very important. Everyone should have the right to express their views”**

**“In matters that concern us, we should be involved”**

Quotations from Slovak children at the national hearing on the draft review report, 31 May 2011

These quotations illustrate the wishes of Slovak children and young people to be able to participate, to express their views on issues that concern them and to be listened to. There are numerous examples in the Slovak Republic of good practices which enable children and young people to have their voices heard, including in families, schools and a number of alternative care institutions. However, a change in culture is needed to ensure that child and youth participation becomes fully embedded in Slovak society.

Child and youth participation as guaranteed in **Article 12 of the UN Convention on the Rights of the Child** (UNCRC) means that children have the right to be heard and taken seriously. The UN Committee on the Rights of the Child has adopted a General Comment on the implementation of this article and gives detailed guidelines on the areas in which children have a right to participate. The Slovak country review on child and youth participation was based on these guidelines.

The review was conducted with the support of a **European review team**, involving European experts and Council of Europe representatives, and an **in-country review team**, including a **reflection group of six children**. This group of children took part in a meeting of the in-country review team, which discussed their input to the review process, and in a national hearing which discussed the draft review report. In addition, an **on-line survey** was carried out with more than 6,000 children throughout the Slovak Republic aged 7–17, and a discussion day, with **focus groups of children** aged 9–18, was held in March 2011. During the focus group discussions the children talked about their own experiences and the everyday activities in which they are involved. They discussed whether adults listened to them in connection with these activities and in different situations, including school, contacts with healthcare staff, in the family, in residential care institutions, in public life and civil society and in the media. In relation to cases where adults failed to listen to them, they discussed the reasons why and came up with suggestions for improving the situation. In addition to the active consultation of children in the review, **two municipal case studies** were carried out in Banská Bystrica, a town in central Slovakia, and Gelnica, a small municipality in eastern Slovakia.

In the Slovak Republic, legislation focuses considerable attention on the right of children to be heard and taken seriously, in particular in legal proceedings and in the healthcare context.



However, the children consulted in the review stated that their views were often neither listened to nor taken seriously and, more importantly, that **many children are not aware of how to make their voice heard**. A similar conclusion can be drawn for Slovak adults: the majority are not aware of children's rights and their right to have their voice heard and taken seriously. Therefore the **key conclusion** that can be drawn from the Slovak policy review is that there is a need to **increase the awareness** both of adults and of children and young people themselves **about children's rights and their right to participate** as laid down in Article 12 of the UNCRC.

A change in culture has to be brought about among Slovak citizens, including parents, professionals working with and for children, local, regional and national government representatives and children and young people themselves. To bring about this change in culture and attitude, an **awareness-raising campaign** has to be organised. **A step-by-step process to improve child and youth participation in Slovakia is therefore proposed.**

It is recommended that this step-by-step process begins with **research among adults on their perception of participation**, similar to the survey carried out with children for the policy review. The results of the survey could lead to a more targeted approach by the awareness-raising campaign.

**The second step is the organisation of an awareness-raising campaign**, including a clear definition of child participation and what this means in practice. The campaign needs to involve persons who appeal to children and young people. It is important in such a campaign to show the positive outcomes and achievements made in overcoming existing prejudices in this area by children's participation.

**The third step is the training of professionals** working with and for children and young people on child participation. A methodology needs to be developed to train trainers on child and youth participation. Ideally training should first target families and schools, as these are the places where children are likely to spend most of their time. In addition, legal and healthcare professionals need to be better trained, given that the children contributing to the policy review found that these professionals often fail to communicate in a child-friendly way.

**The fourth step is to ensure equal participation of all children.** In practice children from minority groups, such as the Roma (9.17% of the population) and the Hungarian minority (9.7% of the population),<sup>1</sup> and disadvantaged groups of children such as **children with disabilities**, do not participate in the same way as other Slovak children. The perception in Slovakia is that where there are participation structures (mainly in the education system), all children at school have equal chances to participate. However, in practice children will select their school representatives from among the more articulate children who are able to represent their views, and it is not often that minority or disadvantaged children will be among them. Many children with specific learning difficulties, including children with disabilities, and many Roma children, attend 'Special Schools'. No indication is given as to whether these schools have school councils or other participatory bodies in place.

**The fifth step is the adoption of legal standards** for setting up formal child and youth consultation bodies and for ensuring monitoring of these legal standards. Legal standards are

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1. Statistics taken from the Annex to the EU Framework for National Roma Integration Strategies up to 2020 adopted by the Commission in April 2011, COM (2011)173 final, and relating to for 2010. According to official Slovak statistics, based on the 2001 census, only 1.7% of the Slovak population is of Roma origin.

the basis for enabling children and young people to participate in decision-making processes, including in all types of schools and residential care institutions, at local, regional and national government level. Alongside this top-down approach, support must be given for initiatives from children and young people and adults working with them. There are several examples of good practices in such **bottom-up approaches** in Slovakia, such as opinion polls devised and carried out by children at schools, the organisation of their own after-school clubs and initiatives taken by teachers.

The **National Action Plan on Children's Rights 2009–2012**, which includes a wide range of measures to protect and implement children's rights as laid down in the UNCRC, is a positive development with a commitment to consult children in the implementation and monitoring of the Action Plan.

The Slovak Public Defender for Rights (Ombudsman) is very active in promoting and protecting children's rights, including consulting children and young people themselves. Following the Concluding Observations of the UN Committee on the Rights of the Child it is recommended that an **independent Ombudsman for children or an independent mechanism for monitoring the implementation of the UNCRC** be established.

Linked to the above steps, it is essential to ensure that children and young people are **consulted by the government at all levels** (local, regional and national) on legislation, policies and action programmes relevant to or with an impact on children.

**In conclusion**, there are several positive developments and examples of good practices in the Slovak Republic furthering the participation of children and young people in decision-making processes. However, more constructive work needs to be undertaken to bring about a change in culture and attitude in Slovak society regarding the right of children and young people to participate, to have their voice heard and to be listened to seriously.



# Background to the review

The review is based on the Framework for the policy review process of the Council of Europe policy review on child and youth participation 2010–2011<sup>2</sup>.

**Article 12 of the Convention on the Rights of the Child** provides:

*“1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

*2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”*

## Objectives of the review

The overall objective for the review is:

- (a) to provide member states with an analysis of the extent to which legislation and policy in their country complies with the rights in the UN Convention of the Rights of the Child pertaining to children and young people’s participation and influence in decision-making;
- (b) to give member states advice and recommendations that will help them to implement international and national provisions on child and youth participation in practice;
- (c) to work towards a comparative framework in the field of child and youth participation in different member states and identify “parameters” of participation.

The outcomes of the review process will contribute towards

- creating Pan-European guidelines on how to mainstream child and youth participation at different levels of decision-making;
- developing educational and training tools on child and youth participation.

## Expected results

### **At a member state level:**

Independent recognition of positive developments and evidence of change;

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2. See Framework for the policy review process of the Council of Europe policy review on child and youth participation 2010–2011 (final version March 2010).

- Advice on how to strengthen the legislative and policy framework for children and young people's participation, using the framework of the Convention on the Rights of the Child and positive developments in other member states;
- Increased awareness of children and young people's right to be heard and taken seriously, contributing towards a broad culture of participation;
- Positive contribution to government's preparations for periodic reviews by the UN Committee on the Rights of the Child.

**At the Council of Europe level:**

- Development of quality indicators, based on the results of the reviews and existing provisions (conventions and recommendations);
- Working methods which fully include children and young people in policy analysis at a national and European level;
- To produce a comparative framework identifying different parameters of participation in the reviewed countries.

*Focus areas*

The review will focus on child and youth participation in the following areas:

- Family
- Alternative care
- Health care
- Education (including kindergarten/early childhood education)
- Out of school activities (sports, arts, leisure, influence over public space)
- In situations of violence
- Judicial and administrative proceedings (including criminal justice and immigration)
- Public life and civil society (political activities, engagement in the democratic process at local and national level, child- and youth-led organisations and activities)
- Children in the media

In the actual review the focus areas have been slightly adapted, which is based on the UN Committee's General Comment No. 12 on the implementation of Article 12 of the UN Convention on the Rights of the Child (UNCRC), the right of a child to participation.

# The Slovak Republic in brief

The **Slovak Republic** (short form: **Slovakia**) is a landlocked state in Central Europe, bordered by the Czech Republic and Austria to the west, Poland to the north, Ukraine to the east and Hungary to the south. The largest city is the capital, Bratislava, and the second largest is Košice.

The Slovak landscape is noted primarily for its mountainous nature, with the Carpathian Mountains extending across most of the northern half of the country. Amongst these mountain ranges are the high peaks of the Tatra mountains. To the north, close to the Polish border, are the High Tatras, home to many scenic lakes and valleys as well as the highest point in Slovakia.

In the course of history, Slovakia belonged to Czechoslovakia. The present-day Slovakia became an independent state on 1 January 1993, after the peaceful dissolution of Czechoslovakia.

Slovakia is a high-income advanced economy with one of the fastest growth rates in the European Union and the OECD. The country joined the European Union in 2004 and the Eurozone on 1 January 2009.

Slovakia is a parliamentary democratic republic with a multi-party system. The Slovak head of state is the president, elected by direct popular vote for a five-year term, but with very limited powers. Most executive power lies with the head of government, the prime minister, who is usually the leader of the winning political party, but needs to form a majority coalition in the parliament. The prime minister is appointed by the president. The remainder of the cabinet is appointed by the president on the recommendation of the prime minister.

The unicameral parliament (National Council of the Slovak Republic) is composed of 150 members and delegates are elected for a four-year term on the basis of proportional representation. Slovakia's highest judicial body is the Constitutional Court of Slovakia, which rules on constitutional issues. The 13 members of this court are appointed by the president from a list of candidates nominated by parliament.

## Population

The Slovak Republic has 5,424,925 inhabitants (2009), of whom 20% (1,103,452) are children aged 0–18 (31.12.2010). The gender ratio in Slovak population is 51.5% females and 48.5% males, but for the age group 0–18 it is the opposite: 51% boys and 49% girls.<sup>3</sup> The majority of the population are ethnically Slovaks. Hungarians are the largest ethnic minority (9.7%),

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3. Statistical Office of the Slovak Republic

followed by the Roma (9.17%)<sup>4</sup>. Immigration to Slovakia is one of the lowest in the European Union.

The official language spoken in the Slovak Republic is *Slovak*, but Hungarian is widely spoken in the southern regions and Russian in some parts of the Northeast. Minority languages hold co-official status in the municipalities where the size of the minority population meets the legal threshold of 20%.

## The Slovak School System

Children start school at the age of six. Compulsory school attendance in Slovakia is free, and lasts for ten years. The education system is comprised of public, private and faith schools.

There are **four levels of education**:

**Pre-school education**, which is not compulsory and children may attend pre-school facilities up to the age of six.

**Primary Education**: children start primary school in the year in which they have their 6th birthday. Standard primary schools last 9 years, however, since the early 1990s pupils can attend the “8-year gymnasium”.

The primary education system is formally divided in two “stages”. The second stage is characterized by many changes in subjects taught compared to the first stage:

- **First primary education stage**: age 6 to 10, works as a platform for next studies
- **Second primary education stage**: age 10 to 15, this “stage” can be spent either in a 9-year primary school or in an 8-year gymnasium

**Secondary Education**: before entering any school of secondary education (including an 8-year gymnasium) the applicants have to pass entrance examinations. As a rule, secondary schools last for 4 years (from the age of 16 to the age of 19). A “gymnasium” can also last for 8 years (up to the age of 18) depending on how many years the student spent in primary school.

There are four types of secondary schools:

- general education (non-vocational): **gymnasium**, also translated as grammar school or high school: 4 or 8 years, for **age groups 16 to 19 (gymnasium) or age 10 to 18 (8-year gymnasium)**; prepares students for higher education.
- various **vocational schools** (visited by students interested in arts or crafts):
  - secondary professional school – usually age 16 to 19; prepares for higher education
  - secondary vocational school – usually age 16 to 19; training centre
  - ‘grouped’ secondary school – usually age 16 to 19; rare

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4. Statistics taken from the Annex to the EU Framework for national Roma integration strategies up to 2020 adopted by the Commission in April 2011, COM (2011)173 final, and relevant for 2010. The official number of the Roma minority in the Slovak Republic is based on a census carried out in 2001, which shows that only 1.7% of the Slovak population is of Roma origin.

The gymnasia (high schools) are usually considered “prestigious” schools, because they explicitly prepare for higher education and because they are often highly selective - only the brightest students from elementary schools attend these schools.

- After secondary school, students can continue with higher education at one of the **universities**.





# Methodology used for the policy review on child and youth participation

*(Annex I includes the full text of the methodology used)*

The policy review on child and youth participation to be carried out in the Slovak Republic was assigned by the Council of Europe and followed on the pilot country Finland, where the methodology to analyse child and youth participation was tested. A range of experts and children and young people have been involved in the review process. Whenever in the report 'children' are referred to, this means children and young people as defined in the UN Convention on the Rights of the Child below the age of 18 years old.

A **European Review Team** was appointed by the Council of Europe and included a European consultant, three members of the *ad hoc* advisory group on child participation, including a representative of a youth NGO, the Slovak national coordinator and two representatives from the Council of Europe Secretariat. The European Review Team supported the European consultant in providing advice on the review report.

An **In-country Review Team** was set up by the Slovak Secretariat of the Ministerial Committee for Children and was coordinated by the Slovak national coordinator, based at the Secretariat of this Ministerial Committee. The in-country team was composed of representatives of Slovak Ministries, the General Prosecution of the Slovak Republic, Children's Rights and Youth NGOs, the advisory body to the government for Roma communities (Governmental Plenipotentiary for Roma communities), the Slovak Ombudsman (Public Defender of Rights), the Union of Towns and Cities of Slovakia, the Union of 8 self-governing regions, the Youth Council of Slovakia, experts from the Statistical Office of the Slovak Republic, the Slovak Centre for Human Rights, Council of Europe Information Centre and from the Office of the Deputy Prime Minister for Human Rights and Minorities and a focus group of six children (for a full list see Annex V). The group represented a range of different backgrounds and representations and different interest areas and priority concerns in relation to children's rights and children's participation. This provided a great strength and inspiration during the course of the review in that different members of the team contributed their expertise and knowledge regarding child and youth participation in all the different aspects of Slovak society.

The process started with an in-country team meeting where the **methodology** was presented by the European consultant and discussed on 28 January 2011 at IUVENTA – the Slovak Youth Institute in Bratislava. The methodology has been inspired by the UN Committee's **General Comment No 12** on the implementation of Article 12 of the UN Convention on the Rights of the Child (UNCRC), the right of a child to participation. Questions were answered and tasks were divided among the in-country team members, whereby the methodology served as a basis for the **in-country team to collect information and answers to the questions**

raised in the methodology. A working group of different in-country team members, including representatives from various NGOs was set up to select children for the reflection group of children.

Apart from the in-country team, a **reflection group of six children** was selected by an in-country team working group. The children were aged between 9 and 17 years old and came from various backgrounds, including children with a disadvantaged background, with a disability, from Roma origin and from alternative care institution. Though the group does not reflect all children in the Slovak Republic, they do represent as widely as possible different age groups, have a gender balance and represent a variety of backgrounds. The reflection group of children formed part of the in-country team. They met once with nine other children during a discussion day with focus groups of children (see below), they took part in the second in-country team meeting and in the hearing on the draft review report on 31 May 2011 in Bratislava.

A **discussion day with focus groups of children** was organised on 25 February 2011, where fifteen children and young people between the ages of 9 and 18, including the reflection group, took part. The format of the meeting was constructed around the *'kaleidoscope of experience'*, a tool provided by one of the members of the *ad hoc* advisory group on child participation, Daniel Stoecklin. During the meeting, the children talked about their own life experiences and the activities in which they are involved and in this way discussed whether child participation in the different aspects of the activities in which they were involved was possible and whether they felt they were listened to by the adult people involved in these activities. They were also asked to come up with suggestion for adults and for themselves on how to improve child and youth participation and how to take their voices seriously. After the general discussion, children were split up into smaller groups in which they discussed child participation in specific situations and thought of possible solutions to improve their right to be heard and listened to seriously. The children evaluated the focus group meeting as a very positive experience.

The whole process was coordinated by the national coordinator, who organised a **second in-country team meeting** on 21 March 2011 to discuss the outcomes of the in-country consultation, the child focus group meeting and survey and to agree on these. The second in-country team meeting was organised in a similar format to the first meeting, except that **children from the reflection group of children were participating** as well. Children were prepared by the children's facilitator and the national coordinator before the meeting with a one-hour coordination meeting; both they and their parents/carers had been informed of the programme by e-mail before. In advance of the meeting the in-country team received guidelines on how to best assist the children to participate. The meeting started with an introductory session, where the participants had to present themselves and the work of their organisations in a child-friendly language. Children got involved in the discussions from the very start of the meeting and were able to discuss and oppose adults bravely. *"It made the whole event a lot more lively and to the point,"* said one of the adult participants. The children presented the outcomes of the focus group discussions and one of the facilitators prepared a power point presentation of the focus group meeting. Their outcomes were discussed and the children had to defend their points of view, which some adults tried to challenge. *'The discussion was very lively and was an eye-opener for many of those participating,'* reported one of the adult participants.

**Two municipal case studies** were carried out by the national coordinator. One case study was done in a key city in central Slovakia, Banská Bystrica, and one in Gelnica, a small municipality in the Kosice region, in the east of Slovakia. Questions from the methodology were raised by having a group discussion with representatives from the municipality, schools and children themselves.

An **online survey** was carried out with more than six thousand children in the Slovak Republic during three weeks in March. The survey asked children and young people about their experience of participation in different settings and situations. Since a few Slovak regions had spring holidays during that period, responses from the children are not equally distributed across the country, though from all regions a wide range of children responded.

The **draft review report** was discussed at a hearing attended by the in-country review team, the reflection group of children and the European Review Team on 31 May in Bratislava. The hearing involved a discussion of the report in plenary in which all stakeholders, including children and young people, actively participated.



# Survey of the views of children and young people on their experience of participation

From 1 to 18 March 2011, an electronic survey of children and young people throughout the Slovak Republic was carried out with the aim of contributing to the Council of Europe's policy review on child and youth participation in the Slovak Republic. The survey questions were based on the one carried out in Finland for the Finnish policy review on this topic. However, the introduction was made more child-friendly and a few questions were phrased differently in order to correspond more closely to the Slovak situation.

The survey was tested by the children and young people taking part in the focus group discussions. The aim of the survey was to examine the extent to which children in the Slovak Republic feel that their voice is heard and that they have an influence in matters affecting them.

The online survey was made available through several channels: the in-country review team was asked by the Secretariat of the Ministerial Committee for Children to use its network of collaborating bodies and distribute the survey among them. This was done in various forms and in creative ways (including Facebook); for example, UNICEF repeatedly displayed a reminder message over the relevant time period. The most effective means of distribution proved to be those utilised by the **Union of Towns and Cities of Slovakia** (the cities oversee primary schools and so disseminated the survey to all schools falling under their responsibility), and the **Union of the 8 self-governing regions** did the same for secondary school level. They also used the network of collaborating regional school offices to disseminate the survey, and the Ministry of Labour, Social and Family Affairs used their channels to target children's homes, where the survey was distributed by directors, educators or psychologists. The **high level of return from schools** was not a result of the dissemination via the Slovak Ministry of Education, Science, Research and Sport, but rather of the **responsiveness of the local city mayors and regional school offices**.

To ensure a minimum level of representativeness, the aim was for 0.25% of Slovak children and young people (2,400 children) to respond to the survey. This percentage was largely exceeded. **More than 6,000 Slovak children aged 7–17 replied to the online questionnaire**. It has to be acknowledged that children and young people participated in the survey on a random basis and can therefore not be regarded as totally representative of the Slovak Republic. However, several general questions regarding personal information showed that children came from all parts of the Republic.

The survey ensured a **gender balance**, though slightly more girls than boys responded (56.4% as opposed to 43.6%), which was not representative for the country's gender breakdown, as there are more boys aged 6–17 years than girls. The total number of Slovak children and young people aged 0–17 years old is 1,029,600, of which 49% are girls and 51% boys.

There was a **balance as regards cultural backgrounds**. The majority of respondents had a Slovak background and had Slovak as their mother tongue (91.4%), while 4.4% of the children had a Hungarian background and 2.6% were of Roma origin. The majority of the children and young people were born in the Slovak Republic (98.2%); only 1% of respondents were born in another European country and 0.5% were born outside Europe. A slightly lower number of their fathers and mothers, 94.3% and 96% respectively, were born in the Slovak Republic. These numbers of children are representative of the Slovak population, which includes 9.7% of inhabitants of Hungarian origin (official number based on the 2001 census) and, according to unofficial statistics, a similar number for the population claiming to be of Roma origin: 9.17%.<sup>5</sup>

#### Population of children aged 6–17 by gender in the eight Slovak Regions<sup>6</sup>

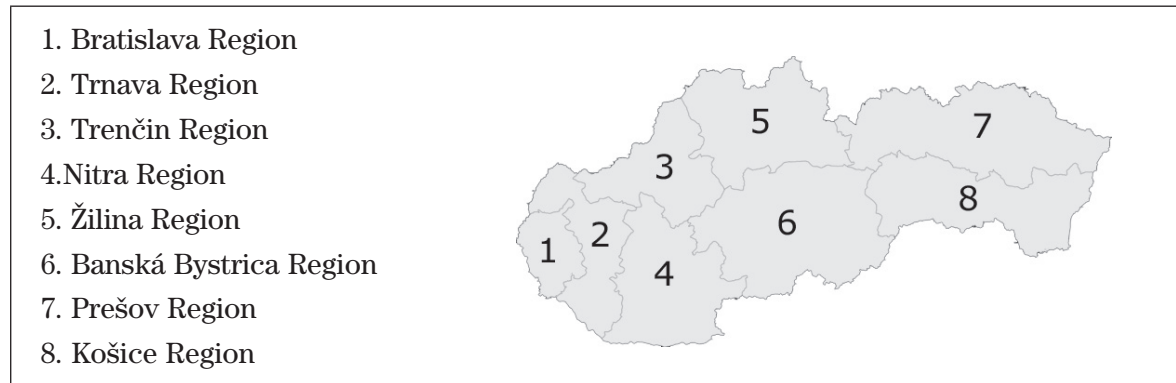
Region	Male	Female	Total number of children	Percentage of total respondents to the survey
Trnava region	33,763 (51.36%)	31,981 (48.64%)	65,744	20.7% (1217)
Žilina region	49,126 (51.21%)	46,804 (48.79%)	95,930	12.9% (793)
Nitra region	41,910 (51.34%)	39,714 (48.65%)	81,624	11.45% (704)
Trenčín region	35,276 (51.23%)	33,570 (48.76%)	68,846	11.07% (681)
Prešov region	64,315 (51.38%)	60,860 (48.62%)	125,175	9.92% (610)
Banska Bystrica region	41,307 (51.10%)	39,515 (48.90%)	80,822	5.07% (312)
Bratislava region	30,989 (50.92%)	29,875 (49.08%)	60,864	5.02% (309)
Košice region	56,562 (51.32%)	53,646 (48.68%)	110,208	4.40% (271)
<b>Total</b>	<b>353,248 (51.25%)</b>	<b>335,965 (48.75%)</b>	<b>689,213</b>	<b>100% (6151)</b>

Administratively, Slovakia is subdivided into eight regions, each of which is named after its principal city. Regions have enjoyed a certain degree of autonomy since 2002. The number of boys and girls aged 6–17 (the respondents to the survey were of a similar age group: 7–17) living in the different regions can be found in the above table. Some regions had a relatively

5. Statistics taken from the Annex to the EU Framework for NATIONAL ROMA INTEGRATION STRATEGIES up to 2020 adopted by the Commission in April 2011, COM (2011)173 final, and relating to 2010. According to official Slovak statistics, based on the 2001 census, only 1.7% of the Slovak population is of Roma origin.

6. Statistical Authority of the Slovak Republic

high response rate in comparison with their number of child inhabitants, while in other regions the response rate was relatively low. This was partly due to spring holidays in different parts of the country, in particular in the Prešov and Košice regions.



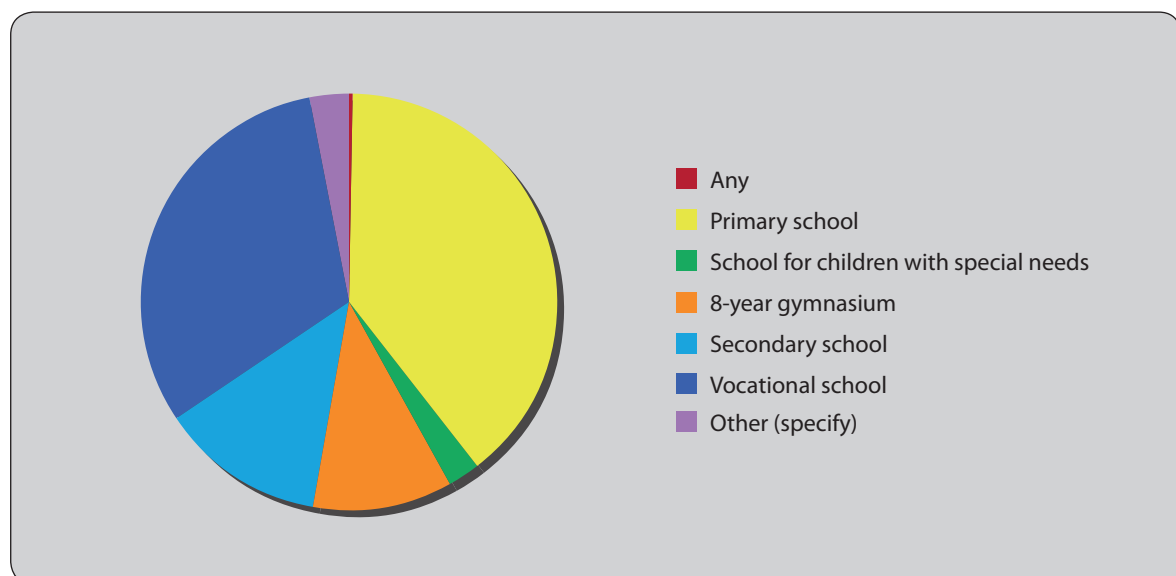
Children and young people were also asked how they had learned about the questionnaire. In the vast majority of cases, they had been made aware of the questionnaire by their teachers at school (86.9%):

“The IT teacher (told us about the survey) and I decided to fill it in”  
*(written response from one of the respondents).*

A small percentage of children had learned about the questionnaire from friends on the internet (4.6%) or from friends at school (1.1%).

The majority of children and young people were able to fill in the questionnaire without any assistance (90.5%) while 9.5% of the children were assisted in completing the questionnaire.

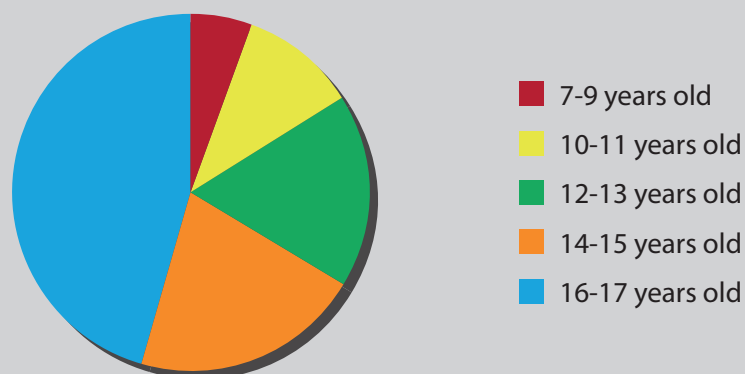
The respondents came from different types of schools (see the section Slovak Republic in brief):





With regard to the different age groups, figure 1 shows that all age groups participated. However, the 'older' age group was clearly over-represented, with 45.4% of respondents being 16–17 years old and only 5.7% of 7–9 year olds and 10.5% of 10–11 year olds.

**Figure 1 – Age groups of children participating in the survey on children's and young people's experience of participation in the Slovak Republic**



### Do children think adults listen to them?

We asked children, 'How often do you think adults listen to and take seriously children and young people's views?'

Almost 40% of the children stated that adults listened to what they had to say 'sometimes' and almost 30% responded that adults 'hardly ever' took their views on board. Only a fifth of the children thought that adults listened to their views 'most of the time' or 'always'.

### Do children feel their views are taken seriously?

We asked children 'how often do you feel your views are heard and taken seriously by parents, guardians, teachers, doctors and health workers, child-care workers in residential care institutions (i.e. foster homes, crisis centres), lawyers, judges and police officers, the media and the government?'

Figure 2.1 shows that more than half of the children felt their views were taken seriously 'most of the time' or 'always' by doctors and health workers and by parents and guardians. In contrast, children and young people felt that the government was the least likely to take their views into account, or never took their views into account. Regarding teachers, children gave a mixed response: about a third believed that they 'always' or 'most of the time' listened to them, a third 'sometimes' and a third 'hardly ever' or 'never'.

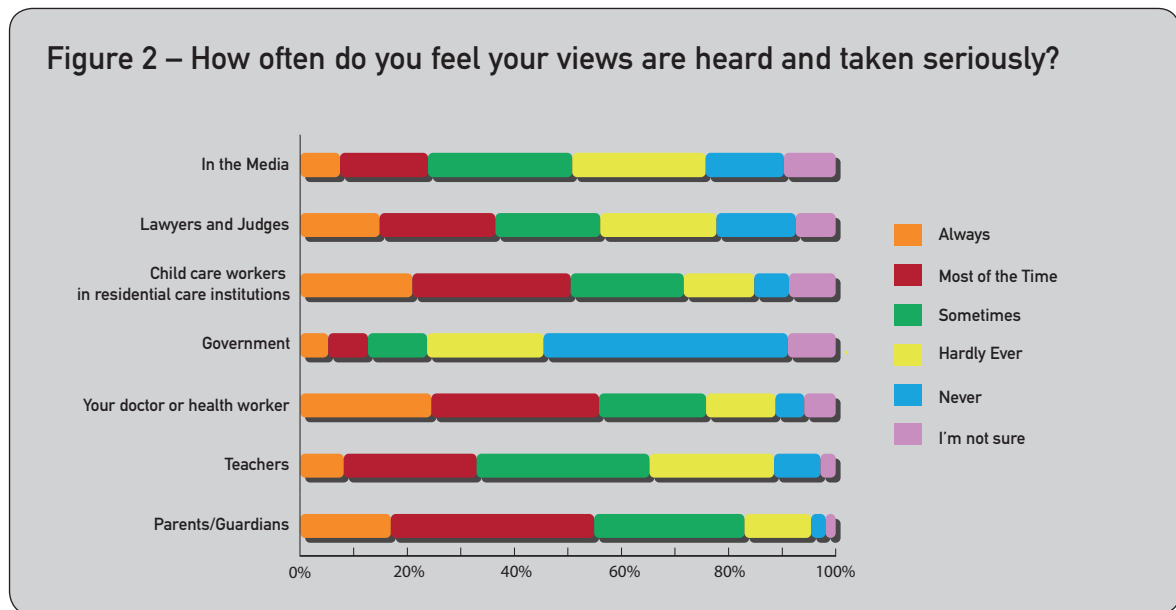
**Figure 2.1 How often do you think adults listen to your views and take them seriously?**

	Always	Most of the time	Sometimes	Hardly ever	Never	I am not sure	I do not know who this is	This does not apply to me	Response Count
Parents and guardians	16.7%	37.0%	27.7%	12.3%	2.6%	1.9%	0.3%	1.1%	6,126
Teachers	8.1%	24.0%	32.0%	23.0%	8.6%	2.8%	0.4%	0.6%	6,044
Doctors and health workers	23.8%	30.0%	19.4%	12.6%	5.2%	5.7%	0.2%	2.7%	5,980
Child care workers in residential care institutions	12.7%	17.0%	12.8%	8.0%	3.9%	5.3%	1.5%	37.9%	5,985
Lawyers, judges and police officers	11.1%	16.0%	14.6%	16.2%	11.0%	5.6%	0.9%	24.5%	6,039
The media (TV, radio, internet, press...)	5.7%	12.0%	20.6%	19.1%	11.2%	7.4%	1.0%	22.4%	5,930
Government	3.7%	5.2%	7.8%	15.3%	32.1%	6.3%	1.9%	27.6%	6,033

With regard to child-care workers in residential care institutions, lawyers, judges and police officers and the media, the table provides a slightly skewed picture since a relatively high percentage of children stated that the question did not apply to them: they had not been in contact with a lawyer, a judge or police officer, residential care workers or the media.

However, those who answered this question stated that the majority of child-care workers in residential care institutions took their views seriously ‘most of the time’ or ‘always’, while the media ‘sometimes’ or ‘hardly ever’ took their views seriously; with regard to lawyers, judges and police officers a very mixed response was given. Equal numbers of children responded that these legal officials took their views seriously ‘most of the time’ or ‘sometimes’ or ‘hardly ever’.

**Figure 2 – How often do you feel your views are heard and taken seriously?**



### Views taken seriously by parents and guardians

Figures 2.1 and 2.2 show that more than half of the children (54.2%) said that parents and guardians ‘always’ or ‘most of the time’ took their views seriously. More than a quarter of the children (27.7%) said that their parents or guardians only ‘sometimes’ took their views seriously. More than one in ten children were ‘hardly ever’ (12.6%) or ‘never’ (5.2%) heard. This means that within the family setting, which is normally the place where children feel safe and listened to, children’s views are relatively often not taken seriously.

### Views taken seriously by your teacher

Figure 2.2 shows that almost a third of the children (32%) thought that teachers ‘sometimes’ took their views seriously. About a third believed that teachers listened to their views ‘most of the time’ or ‘always’ (32.6%) and a third believed that teachers ‘hardly ever’ or ‘never’ (31.6%) took their views into account. This is a mixed picture and it would appear to depend very much on individual teachers whether they listen to children and take their views seriously.

*Recommendation:* Provide more training and education to parents, guardians and teachers about how to listen to children and take their views seriously.

### Views taken seriously by your doctor or health worker

Figures 2.1 and 2.2 show that more than half of doctors and health workers (54.2%) take the views of children seriously ‘always’ or ‘most of the time’. About one in five children believed that doctors or health workers only ‘sometimes’ listened to the views of children and took them seriously and 17.8% believed that they ‘hardly ever’ or ‘never’ listened to the views of children. Though it is a positive trend that the majority of doctors and health workers listen to the views of children and take them seriously, it has to be noted that a sizeable proportion of children still feel that they are never listened to, or only sometimes, by health practitioners. This question does not specify whether there is a difference between doctors in hospitals and healthcare workers at schools or general practitioners.

*Recommendation:* Ensure that **all doctors and healthcare workers** take the best interests of the child into account when providing medical care or health care to children by **providing training** for them.

### **Views taken seriously by the government**

Figure 2.2 shows that the majority of children who responded to this question felt that their views were ‘never’ taken seriously by the government. There was also a fairly large proportion who felt that their views were ‘hardly ever’ or only ‘sometimes’ taken into account. However, it should be noted that more than one in four children (27.6%) said that this question did not apply to them. Apparently they feel that the government is not a body that undertakes measures and adopts policies which have an effect on children.

*Recommendations:* The **government, both at national and local level, has to inform children about its work** and its impact on children and young people, and involve children in its decision-making processes.

### **Views taken seriously by child-care workers in residential care institutions**

Figure 2.2 shows that a majority of the children who were able to reply to this question (about 60%) felt that child-care workers in residential care institutions ‘always’ or ‘most of the time’ took their views seriously. There was also a fairly large proportion who felt that their views were ‘sometimes’ taken into account. A small group of children replied that their views were ‘hardly ever’ or ‘never’ taken seriously. The percentage of children unable to reply to this question (37.9%) shows that these children have no experience of such institutions.

*Recommendation:*

- **Share best practice experiences of residential care institutions** where children’s views are listened to and taken seriously with other institutions for children.
- **Consider making legal provision for the setting up of child councils in residential care institutions** in the Slovak Republic, thereby offering children and young people living in these institutions official channels for their views on their living environment and on the policies of the institutions.

### **Views taken seriously by lawyers, judges and police officers**

About a quarter of the children (24.5%) were unable to answer this question, which meant that they had not been in contact with judges, lawyers or police officers.

The responses to this question were distributed equally among the possible answers. Similar numbers of children (about of a third of those able to reply) said that lawyers, judges and police officers ‘always’ or ‘most of the time’ listened to their views and took them seriously; another third replied that these legal officials ‘hardly ever’ or ‘never’ took their views into account; and in between was another third that replied that legal officials only ‘sometimes’ listened to them. Given that it is not a daily occurrence for children and young people to come into contact with lawyers, judges and police officers, the number of ‘hardly ever’ or ‘never’ responses is surprisingly high. These legal officials should at least know and be aware of children’s rights, including the right of children to heard and taken seriously.

In this respect, Article 12.2 of the UNCRC, which states that ‘the child shall in particular be provided with the opportunity to be heard in judicial and administrative proceedings affecting the child...’, needs to be better implemented. Reference should be made to the **Council of Europe’s Guidelines on child-friendly justice**, which are intended to enhance children’s access to and treatment in justice. The guidelines cover the child’s position and views at all stages of both judicial and extrajudicial procedures and promote children’s rights to information, representation and participation.

*Recommendation:* Implement the Council of Europe’s Guidelines on child-friendly justice and ensure that judges, lawyers and police officers are given training on the rights of children, including their right to have their voice heard and their views taken seriously.

### Views taken seriously in the media

Figure 2.1 indicates that almost a quarter of the children (22.4%) believe that the question whether the media take their views seriously does not apply to them. Figure 2.2 shows that about a quarter of the respondents who were able to reply said that the media took their views seriously ‘always’ or ‘most of the time’. However, a larger group of children replied that the media only ‘sometimes’ took their views into account and even more children replied that the media ‘hardly ever’ or ‘never’ listened to their views.

*Recommendation:* More work needs to be done to ensure that the media presents a positive image of children and to educate those working in and with the media in how to interview and present children and young people and take their views seriously at the same time.

### Do children feel they have influence over decisions made in different settings?

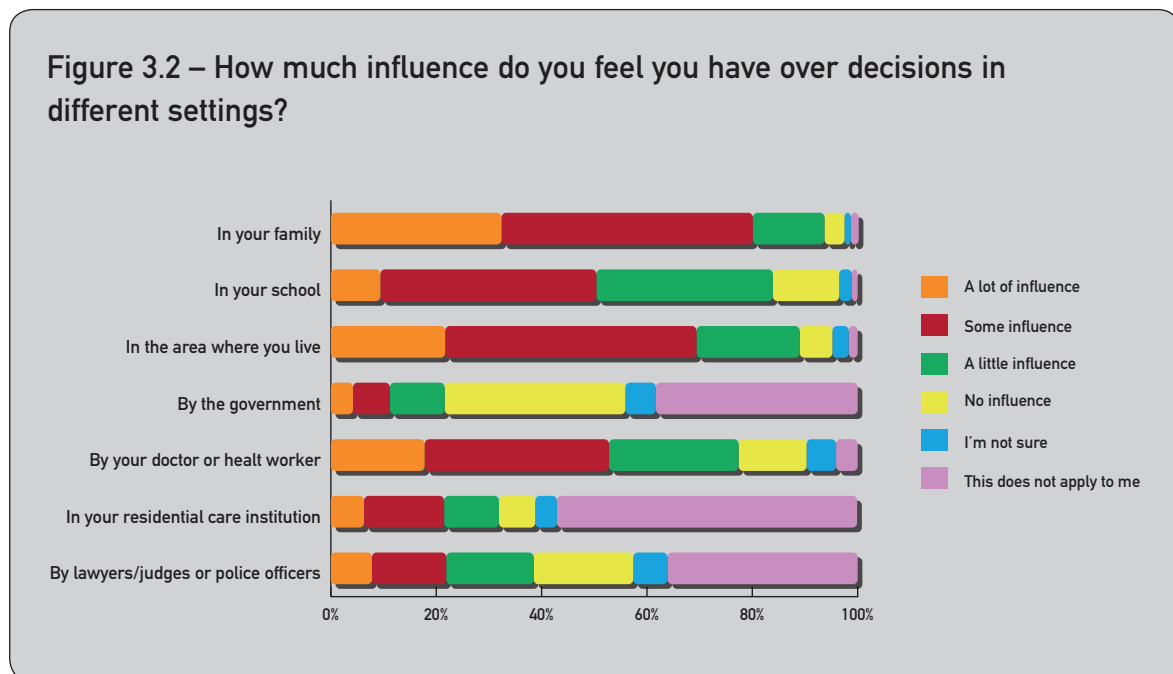
We asked children and young people how much influence they felt they had over decisions taken in their family, their school, the area where they live, by their doctor/health worker, their residential care institution, lawyers, judges and police officers, and the government.

Figure 3.1

	A lot of influence	Some influence	Little influence	No influence
In your family	32.4%	47.7%	13.6%	3.8%
In your school	9.4%	41.0%	33.5%	12.6%
In the area where you live	21.7%	47.7%	19.6%	6.2%
By your doctor or health worker	17.8%	35.0%	24.6%	12.9%
In your residential care institution (i.e. foster home, crisis centre, etc.)	6.3%	15.2%	10.4%	6.9%
By lawyers, judges and police officers	7.8%	14.1%	16.6%	18.9%
By the government	4.2%	7.0%	10.4%	34.3%

Figures 3.1 and 3.2 show that children were most likely to feel they have influence over decisions made in their family, in the area where they live and by their doctor and health worker. With respect to school, about 40% of the children felt that they had ‘some influence’ and a third of the children (33.5%) believed they had ‘little influence’ on decisions taken in their school. This shows that the large majority of children feel that their views are to some extent taken into account in their schools, although this influence is very limited. By contrast, the children felt they had ‘little’ or ‘no influence’ over decisions made by the government.

In the case of children who had been in residential care institutions, more than half felt that they had ‘some influence’ or ‘a lot of influence’ over decisions within the institution. Of those children who had been in contact with judges, lawyers and police officers, more than a third felt they had ‘no influence’ over decisions taken by those professionals. For the last two groups, it should be noted that a large group of children indicated that the question did not apply to them.



### What bodies help to protect the right of children and young people to be heard and taken seriously?

We asked the children and young people which of the specified bodies and institutions helped to protect their right to be heard and taken seriously. They were able to indicate this on a scale ranging between nothing, very little, rather little, very well and really very well whether the body protected their right to be heard. They could also indicate whether they were not sure or did not know who or what the body or institution was.<sup>7</sup>

7. One of the questions asked in the Survey was: “to what extent do you feel that the Slovak Children’s Parliament helps to protect the right of children to be heard and taken seriously?”. Since there is no such national children’s parliament, children might have filled this in thinking about a different children’s parliament, for example, at local or regional level. Therefore it was not considered relevant to include the results for this question in the review report.

**Figure 4.1 – To what extent do you believe that the Public Defender of Rights (Ombudsman) helps to project the right of children to be heard and taken seriously?**



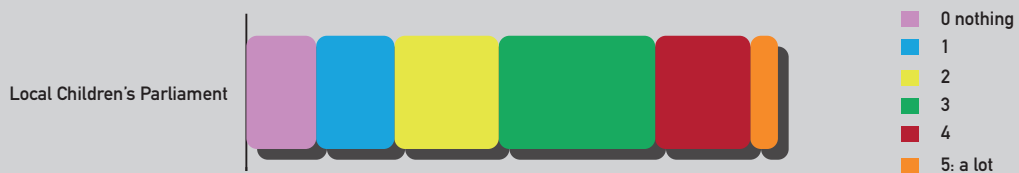
- I'm not sure: 11.3%
- Don't know who this is: 18.9%

Figure 4.1 shows that about half the children said that the Slovak Ombudsman, the Public Defender of Rights, did 'rather well', 'very well' or 'really very well' (scale 3–5) in helping to protect the right of children and young people to be heard and taken seriously. However, there was also a sizeable group of children who felt that the Ombudsman did 'rather little', 'very little' or 'nothing' to protect their right to be heard and ensure that their views were taken seriously (scale 3–1). It should be noted that almost one in five children were unfamiliar with the institution of the Ombudsman.

*Recommendations:*

- It is recommended that children should be better informed about the work of the Ombudsman in the area of children's rights.
- Consideration should be given to the possibility of appointing a specific Children's Ombudsman, who would be totally independent and whose task would be to listen to and take seriously the views of children and young people.

**Figure 4.2 – To what extent do you believe that Local Children's Parliaments help to project the right of children to be heard and taken seriously?**



- I'm not sure: 11.1%
- Do not know what these are: 19.6%

Figure 4.2 shows that about a third of the Slovak children believed that local children's parliaments did 'rather well' or 'very well' to protect the right of children and young people to be heard and taken seriously. However, there was also a sizeable group who felt that they did 'rather little' or 'nothing at all' for children. It is striking that, although the local children's

parliaments are intended for children and would be expected to be close to children's lives, almost 20% of the children did not know what this body was. A possible explanation could be that not all municipalities have such parliaments and there are no statistics on their numbers and composition. Another explanation could be that local children's parliaments are not having a real influence on the running of the municipalities (see section on public life and civil society).

*Recommendations:*

- Local children's parliaments should be set up in all Slovak municipalities, or at regional level where the municipalities are too small, and should have a clear remit to take part in decision-making processes of the municipality on issues which are relevant for children in that municipality.
- The activities, decisions and impact on local decisions of local children's parliaments have to be made known to all children living in municipalities.

**Figure 4.1 – To what extent do you believe that school Councils help to project the right of children to be heard and taken seriously?**



- I'm not sure: 8.2%
- Do not know what these are: 8.1%

Figure 4.3 shows that a large group of children and young people (40.8%) felt that school councils did 'rather well' or 'very well' to protect the right of children to be heard and taken seriously. However, there was also a sizeable group of children (almost a third – 32.8%) who believed that school councils did 'rather little' or 'very little' to ensure their right to be heard and be listened to seriously.

*Recommendations:*

- Taking into account that school councils are well known among children and young people, it is recommended that the functioning of school councils be improved. Examples of well-functioning school councils need to be shared with schools whose equivalent bodies do not function properly, to ensure that children feel represented by democratically elected school bodies.
- Training needs to be provided to children participating in school councils and school authorities.



**Figure 4.4 – To what extent do you believe that the Youth Council helps to project the right of children to be heard and taken seriously?**



- I'm not sure: 10.3%
- Do not know what this is: 16.7%

Figure 4.4 shows that a considerable group of children and young people felt that the youth council took their views seriously 'rather well' or 'very well' (36.1%). A slightly smaller proportion felt that the youth council did 'rather little' or 'very little' (24%) to ensure children's voices are heard and taken seriously. Quite a large percentage of children did not know what the youth council was (16.7%). A possible explanation is that the Youth Council of Slovakia is an umbrella association for children's and young people's civic organisations. Children and young people are possibly more familiar with the work of the member organisations of the Youth Council of Slovakia.

*Recommendation:*

- Provide children with clearer information about the work of the Youth Council of Slovakia and the role it plays to promote youth participation and to influence in a positive way the environment in which young people grow up and form their personality.<sup>8</sup>

**Figure 4.5 – To what extent do you believe that the Slovak Parliament helps to project the right of children to be heard and taken seriously?**



- I'm not sure: 12.9%
- Do not know what this is: 9.9%

8. The mission of the Youth Council of Slovakia is: "We seek to contribute to the comprehensive, free and democratic development of children and young people. By working together and improving conditions for children's and youth organisations, we strive to help them reach their goals and exert a positive influence on the environment in which young people grow and form their personality."

Figure 4.5 shows that one in five children (21%) felt that the Slovak Parliament did ‘nothing at all’ to protect their right to be heard and taken seriously. Another sizeable group (36.7%) of the children consulted said that the Slovak Parliament did ‘very little’ or ‘rather little’ to ensure that children’s views were heard and taken seriously. The Slovak Parliament does not seem to be very close to the day-to-day experiences of children and young people and much needs to be done to ensure that children are informed about its work and its impact on the lives of children.

**Figure 4.6 – To what extent do you believe that members of the Slovak Parliament help to project the right of children to be heard and taken seriously?**



- I’m not sure: 13.1%
- Do not know who they are: 10.3%

Figure 4.6 shows similar results regarding Members of the Slovak Parliament as for the Slovak Parliament, though the percentage of children and young people who felt that Slovak MPs did ‘nothing at all’ to protect their right to be heard and take them seriously was even slightly higher (24.4%).

*Recommendation:*

- Slovak MPs need to invest more in contacts with their young citizens to explain their work and its impact on the lives of children and young people and at the same time listen to their views, for example via contacts with youth councils, children’s parliament(s) and civil society.

**Figure 4.7 – To what extent do you believe that Child Helplines help to project the right of children to be heard and taken seriously?**



- I’m not sure: 8.2%
- Do not know what these are: 8.6%

Figure 4.7 shows that a large group of children (42.4%) believed that Slovak child helplines did 'really very well' or 'very well', and another group (19.5%) believed they did 'rather well' to ensure that children and young people were heard and taken seriously, which is indicated on the upper part of the scale (3–5). The results of the survey show that a large majority of Slovak children are aware of the child helplines in the Slovak Republic. From these results one could conclude that helplines do very well in listening to the children who call them and in giving those children proper advice. There is a range of child helplines in Slovakia, including the toll-free 24/7 helpline for children with a uniform European number 116111 as well as the European hotline number for missing children, 116000, both running as national projects of the Slovak National Committee for UNICEF (see section on situations of violence). Though children are not directly proactively involved in the development and design of child helplines, new projects such as an internet helpline and the bullying prevention programme at schools – CHIPS – all run by this child helpline, have been developed based on the needs and wishes expressed by children, or their problems (bullying on internet, social media) discussed during helpline calls.

### **Concluding remarks**

When comparing the different bodies and organisations which are relevant for the promotion of a child's right to be heard and taken seriously, it can be concluded that children think that **child helplines do most to promote that right**.

Bodies that score average in promoting this right include the **Ombudsman (Public Defender of Rights)**, the **Children's Parliament**, the **local Children's Parliament**, **School Councils** and **Youth Councils**. However, for all of these bodies, with the exception of School Councils, almost one in five children do not know what or who these bodies are. It is therefore recommended that more be done to ensure that children and young people are made aware of their work and its impact on their lives.

With regard to the functioning of school councils, it is recommended that examples of good practices be shared with schools in which school councils do not function properly, to ensure that children feel represented by democratically elected school bodies. Moreover, children participating in school councils and school authorities, including teachers, need to be given training on children's participation.

According to the children who replied to the survey, the **Slovak Parliament and Members of the Parliament** came out at the bottom end of the scale, and there was a large group of children who felt that these bodies did 'nothing at all' to promote their right to be heard and taken seriously. The Slovak Parliament and its members need to ensure that they come into contact with young Slovak citizens and inform them about their work and listen to their views.

### **Are children informed about their right to be heard and taken seriously?**

Article 42 of the UN Convention on the Rights of the Child states that all children should be informed about their rights. This includes informing them that they have a right to express their views freely and to have their views given due weight in all matters that affect their lives, as outlined in Article 12.

To determine the extent to which this right is being fulfilled, we asked children and young people, ‘Have any of the following people told you that you have a right to be heard and taken seriously?’ Most children (87.8%) reported that they had been informed about their right to be heard, though one in ten children said that no one had informed them about this right.

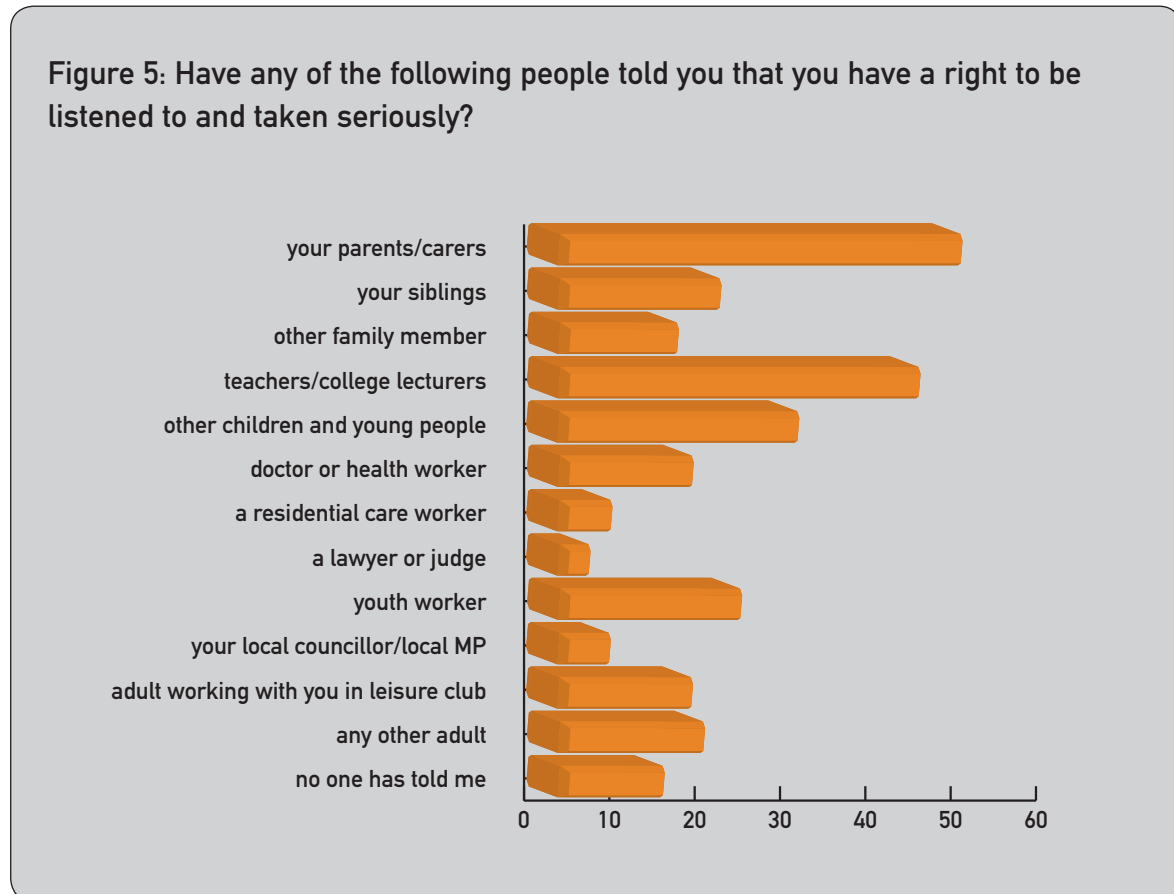


Figure 5 shows that children were most likely to be informed about their right to be listened to and taken seriously by their parents, guardians, carers or assistants,<sup>9</sup> teachers or lecturers or by other children and young people. A small group of children (12.2%) had not been told by any adult about their right to be listened to and taken seriously.

9. Assistants are professionals or trained staff assisting a child with disabilities (or another person) at home or at school (for example in special schools).



# Outcomes of the child focus groups meeting

On Saturday 25 February 2011, fifteen children, seven boys and eight girls, between the ages of 9 and 18 from Bratislava and cities and villages at a distance of 100 to 150 kilometres to the north-east and south-east of Bratislava, met at the ÚNIK Café in Bratislava, a very child-friendly location, to discuss what the participation of children and young people meant for them in their daily lives. The group included the “reflection group of children” that had taken part in the full consultation process for the Slovak review on child and youth participation.

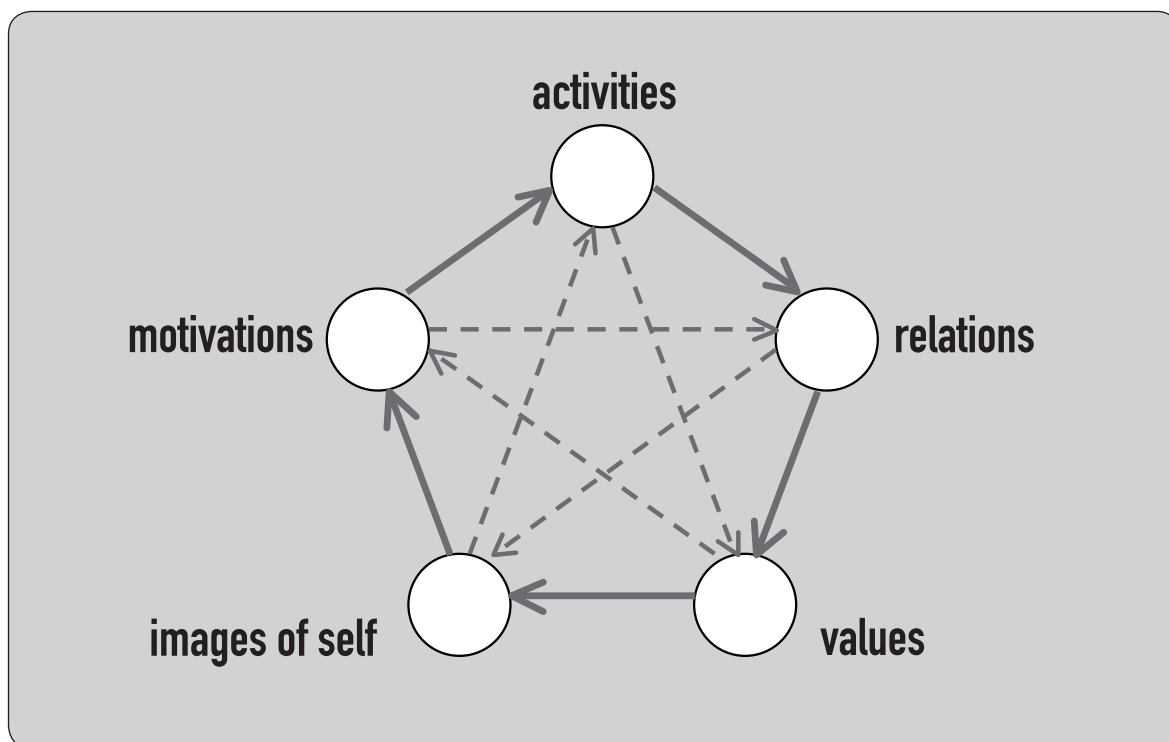
Guidelines and a programme had been prepared for the meeting (see Appendix III), along the lines of the pilot exercise carried out in Finland with a focus group of children, based on the “kaleidoscope of experience” method and world café technique. An introduction on the aim of the focus group day and of the programme was given by the facilitator. Following the introduction, the children introduced themselves to each other and took part in an ice-breaker game and a team-building activity.

The children then agreed on **ground rules** to be kept throughout the day in order to make them feel at ease and willing to participate during the day’s discussions. The “Contract” included five principles to which everybody agreed by signing the poster outlining the “Contract”:

- Everyone shall listen carefully when somebody else is speaking: we do not interrupt one another
- Everyone has the right not to speak or not to participate if they do not feel able to
- All opinions shall be treated as equal – there are no bad or stupid opinions, and the diversity of opinions is highly appreciated
- All mobile phones shall be switched off throughout the day
- We shall try our best to be present and active during the programme units

During SESSION 1, the children were asked to come up with **ideas corresponding to the 5 areas of the Kaleidoscope of Experience**: the **activities** they find themselves involved in; the relations connected with those activities; the **values** which may explain why some people do not respect their opinions; the **image of self** which expresses children’s feelings about the situation referred to; the **motivations** which represent children’s hope for changing the things which upset them when people fail to respect their opinions.

## The Kaleidoscope of experience



During SESSIONS 2 and 3 the children were split up into smaller groups and discussed specific situations, including Family; Education; Out-of-school activities; and Public life/civil society. These were followed in the second round with Health care; Alternative care; Judicial and administrative proceedings; and Children in the media. They discussed the opportunities for participation in these settings and considered possible solutions to improve their right to be heard and listened to seriously.

### Activities

#### Activities undertaken by the children and young people

Children were asked to brainstorm on the issues included in the Kaleidoscope methodology during a plenary session. They mentioned a whole range of activities in which they were engaged, including:

- School: attending school, learning, contributing to the school magazine.
- Friends and relatives: spending time with family, meeting friends.
- Voluntary activities: attending meetings of the Slovak Red Cross, blood donation, volunteering with children, volunteering by delivering prevention programmes, walking dogs for the NGO “Sloboda Zvierat” (Animal’s freedom).
- Eating, sleeping.
- Music: singing, playing in an orchestra.
- Hobbies: walking the dog, reading.

- Going out: going to discos, having fun, partying, tagging.
- Sports: playing football, playing tennis, attending football training, taking part in football matches, playing billiards and poker, skating.
- Computer: using Facebook, playing PC games.
- Participation activities: attending meetings of pupil council at school.
- Work: pupil jobs.

This exercise helped the children to reflect on a wide range of activities, without focusing too quickly on “participation activities”. This helped in the next stage (relations) in which they would discover a direct relationship between participation and proximity.

## Relations

### **Persons with whom children are in contact during their activities**

The second task was to brainstorm on persons with whom the children and young people were in contact, chatted or connected during these activities.

The persons who were the least tolerant towards the opinions of children and young people when making decisions concerning them are included in the right-hand column.

Examples listed by the children, included:

- |                                      |                                |
|--------------------------------------|--------------------------------|
| – mother                             | – bartenders                   |
| – family                             | – God                          |
| – relatives                          | – the chair of the association |
| – extended family                    | – parents                      |
| – best friends                       | – classmates                   |
| – boyfriend                          | – teachers                     |
| – friends                            | – headmaster                   |
| – girls                              | – old people on buses          |
| – team players                       | – coaches                      |
| – doctors                            | – police officers              |
| – doorkeeper at school               | – roommates                    |
| – the public                         | – enemies                      |
| – shopping assistant in the Roof Top |                                |

A preliminary analysis of the range of persons with whom children are in contact reveals that those who fail to listen to them are, in particular, teaching staff at school, including the headmaster, classmates, coaches, elderly people and police officers. Parents also feature in this list, although other children say that family, relatives and their mothers do listen to their views. Unsurprisingly, friends do listen to children, and doctors, bartenders, shopping assistants and God are also included in this list. In the second session, when world café discussions took place, several areas of activities and relationships mentioned in the first round were discussed in greater depth.



## Values

### **The participants identified various reasons to explain why the people mentioned did not listen to their views:**

One of the key reasons mentioned was the **difference in age**: children are too young to be listened to and taken seriously. This involves adults' preconceptions about children and their level of knowledge, resulting in children's opinions not being valued. Therefore adults do **not consider children as equal partners** in their debates, but believe that they themselves know better.

- “Because of my age”; “Because I am younger”; “Because they think that we're just KIDS!”
- “The teachers don't respect us because they think that young people never finish the things they start”
- “Because they think I am not responsible, mature and that just I am not LIKE them...”
- “Because they think I have bad marks, don't sleep enough, am too young and belong to a bad crowd”
- “Because they have gone through it all themselves...”
- “Because they are worried about me”
- “Because he wants me to be better”

Another reason is the suspicion that emphasising the right of children to participate will **erode the adults' authority**.

- “Feelings of dominance, ignorance, arrogance and haughtiness”
- “Maybe because I also often don't respect them”
- “Because it is not right”

A third reason is that adults do **not have the skills or time, or have other problems** which prevent them from listening to children.

- “Stress and some smaller problems”; “Stress, alcohol, drugs”
- “Because they don't know...”
- “Because they have their own agenda”

## Image of self

### **How do children and young people feel when someone fails to listen to them?**

The feelings of participants about the issues discussed above were expressed by means of drawing pictures. **All the pictures featured sour faces, often including question marks and hints of surprise.** Two faces were smiling in a rather cheeky way.

## Motivations

### **Outcomes from the child focus group discussions**

The participants made a number of suggestions in response to the questions: “What should be done about this? What can I do about it? What do you think should be done?”

Several suggestions included the children's wish to discuss things and have the courage to express their opinion "...to explain to them what they consider to be bad and talk about it – without fights!"; "...it should be improved: I should tell them what I miss so they can change it"

Other suggestions were partly self-critical and children undertook to behave better; however, they also expected better behaviour, trust and empathy from the adults: "They should listen to us with understanding and I should show my responsibility" and "Solving conflicts without having rows".

Several children did not see any solutions, which was either reflected by staying passive – "To keep sleeping till I'm 22" – or to persist in their own behaviour: "Not to change. To carry on the same old way" and "To wear my headphones with the volume turned up very loud".

## Sessions 2 and 3:

### Discussions on children's right to participate in different settings

During sessions two and three, the participants were divided into four small groups to discuss four topics in each session, starting in the first round with Family; Education; Out-of-school activities; Public life/civil society and in the second, Health care; Alternative care; Judicial and administrative proceedings and Children in the media.

#### The family

The dynamics of the group discussions on the topic of family depended considerably on the questions being asked. Many children present were from incomplete families or alternative care, which had a significant impact on the fluency of the discussions in the groups. There were a few children who did not want to give detailed answers to the questions and expressed their points of view only briefly.

Regarding the level of participation within the family, most of the participants agreed that they communicate with their families at home, but mainly about day-to-day matters without much opportunity for expressing their opinions freely. Some children had to try hard to be listened to by their parents: "*My mum always used to trust everyone else but me*". Others claimed that they had a tradition of sitting around a kitchen table and talking with their parents on a regular basis: "*In our family it is mutual. We listen to one another.*"

The opinions of children which are accepted most in family decision-making are those concerning children's affairs – for example, when deciding on hobbies, which sport clubs to join or which school to attend. Less accepted and in some cases not accepted at all are children's opinions concerning an issue relevant to the whole family. In those cases, parents have a tendency to pursue their own opinions and plans without much consultation of their children. One participant said that she could see a gradual change over time in her parents' attitude towards accepting her opinion as she got older and more understanding of her parents' values. "*When my parents see that I perceive things differently now – for example, now I see that when they used to stop me from going to a disco, it was because they were worried about me. Now I see why they didn't want to allow me then. They treat me like an adult now and my opinion is more respected by them because now I understand better...*"

## Education and school

In general, all the group discussions about this topic were very dynamic and intense as children had a lot to say or complain about. They all perceived their school as being more rigid than open in adapting the school curricula and educational approach to their wishes or needs. *“Teachers prepare their lessons and school plans without our participation – during the summer holiday.”*

A willingness to respond to children’s needs is mostly shown by individual teachers. Most teachers do not want to change their way of teaching, but there are always some teachers who can adapt their style to the needs of the pupils and teach in an interesting way. *“There are some who want to make our lessons enjoyable, but there are also many who only want to exercise their authority.”*

Some children attending other than mainstream state schools expressed their view that the situation also depended on the type of school. One girl from a Montessori alternative school claimed that her teachers were very friendly and that pupils had a lot of freedom in choosing the structure of their lessons every day. The teachers had special teaching materials and also used alternative methods of teaching in order to keep children interested in the education process. In contrast, a girl from an Evangelical secondary school said that she did not like her school because it was very rigid and conservative. The teachers there did not care about the opinions of children at all.

The children commented that respect for the opinions of children at school by teachers and school authorities often depended on the popularity of a pupil or a class. *“There are some teachers who are very biased. They are allergic to some pupils.”* Some teachers react in a more biased way to the classes as whole units: *“Action calls for reaction – their approach depends on the class, whether there are some problematic children in it or not.”*

Generally speaking, headmasters were viewed as less approachable to children than their deputies or class teachers. Children had contact with them primarily when there were difficulties with their teachers or because of other problems. Three children had already had experience of organising a petition to complain about some of their teachers whom they considered to be unsatisfactory. Their opinions were listened to by their headmasters as they were representing a large group.

Most of the schools attended by the participants had pupil councils. Two younger children did not either did not know what these were or did not have them at their elementary schools, as was also the case for two older pupils from an Evangelical high school and a Technical secondary school.

The children often found it difficult to define the general function of the pupil council. Four of the children were actively involved in their pupil councils, but claimed that their function was essentially of a formal nature only. When something needed to be resolved, the children tended to prefer to discuss the matter directly with their class teachers who were often able to help them more effectively than if they tried to find a solution themselves. Once again, it was clear that the individual characters of teachers was a very important factor in the success of children’s initiatives.

Pupil council meetings were often too long and too boring for some older pupils, especially where high schools and elementary schools were combined, as they had to listen to younger

pupils with their specific problems for long hours. *“Sometimes I gain more by going to the headmaster personally than by bringing it to our pupil council. It is hard to work in a large group with so many different age groups mixed together. The youngest pupils are very unrealistic in their thinking.”*

There are also other factors deterring pupils from active participation in a pupil council. For example, some school authorities show no support to active pupils, though in some cases they assist them by providing premises and announcing their activities to all pupils. *“Our pupil council works ok, but the response from the authorities is out of place: no appreciation, no willingness to help, they even put us off organising things. I left the council because I got fed up with it.”*

Other pupils admit that their lack of motivation is also related to their personal attitude – they do not want to be active in this way and were just elected as representatives of their classes. Two older pupils attributed their negative feelings about their parents to their lack of motivation. *“Parents have a great influence over us. It hurts when you try to do something but they don’t trust you and never appreciate anything you do.”* *“My mum used to tell me that I was a ‘corner-boy’ and would never make it.”*

Some children were quite satisfied with their pupil councils as they claimed that the latter functioned without problems and had very good results: *“We carry out a lot of activities for pupils. When I have an idea and we all agree upon it, we go to the headmaster and it’s done.”* Apart from this motivation, most active pupils said that they often gained some benefits from the school authorities for their representation efforts and they could sometimes be excused from lessons.

Children’s rights and human rights are issues with which pupils – predominantly from elementary schools – are familiar. They learn about them in the 7th grade as part of their civic education lessons. Pupils and students from high schools, with the exception of those studying medicine, have a considerable amount of human rights education, and commented that they came into contact with these issues by means of workshops and lectures given by NGOs or external lecturers. One girl remembered the former Slovak prime minister and current opposition leader giving them a lecture on human rights. Some schools were involved in a national competition – the Human Rights Olympics – in which one of the participants regularly took part. The school’s active involvement in this field was the result of an initiative taken by the participant’s teacher.

Active citizenship and democracy studies were, according to the children, not discussed at schools at all.

### **Out-of-school activities**

The group discussions on this topic were very dynamic and full of inspiring thoughts expressed by the children. They all agreed that, from their own personal experience, their opinions were sometimes heeded, but mostly disregarded. School was the area where they felt that they should have a say about the type of activities and facilities made available: *“We should have the right to express our opinion, because it is FOR us.”*

They felt that as they spent a fair amount of time at school, they should be consulted on, for example, new afternoon courses and alterations to play areas. They felt that unless headmasters – who, according to the children, made the decisions on new school facilities – listened

to their opinions, their needs would have no chance of being satisfied. Most of the children had never been consulted on out-of-school activities or play areas in their schools.

Most of the children agreed that there should be a poll among pupils for them to be consulted when something new was being organised at their schools. Mention was made of one positive example of a school which conducted such polls. In this respect, the older children, high school pupils, raised the issue of age limits for younger children to take part in the polls. They found that primary school pupils were sometimes too young to take part in such surveys, *“the older children know what is good for the younger children as well”*. The children complained that respect from adults towards children depended very much on their age – the younger they were, the less respect they received; however, at the same time, they were applying the same criteria themselves when considering the participation of young children in polls. After a discussion, they modified their opinion and suggested that a focus group with representatives of all ages between 10 and 18 years could be involved in surveys like this.

It was suggested that pupils could be directly involved in the development of out-of-school facilities, which would make them feel more involved in school life and which would perhaps contribute to team-building: *“The children could help with building and designing, for example, by painting part of the facilities.”*

The children expressed the need to have somewhere designated by the school authorities where pupils could meet together after lessons and discuss out-of-school activities. It could be an informal arrangement in a room at school, a café or a library.

When asked about children with special needs and the latter’s influence over decision-making processes regarding such issues, most of the children were unable to answer because they were not frequently in contact with children with special needs. Even though there was no representative of children with special needs present at the meeting, the focus groups agreed that children with special needs must find it very hard to have their views taken into account in certain decision-making processes, mainly for the following reasons:

- *“It’s again about money. The facilities are often accessible only for wealthier families.” “Everything depends on finances.” “The people with money are also the ones with the right to decide.”*
- *“Everyone perceives them as different – as children, even though they are adults and probably can express themselves effectively.”*
- *“Maybe they are represented by an association which has ineffectual leaders,”* who are incapable lobbying effectively for the rights of children with special needs

Some children expressed their interest in getting to know the opinion of children with special needs on this issue. Some raised the problem of positive discrimination: *“Often the claims of people with disabilities are given more consideration than those of others. They are a minority and minorities get more benefits.”* “There should be equality. Nothing should be excessive.”

The idea of giving children the opportunity to suggest and set up their own activities and after-lesson clubs at school was mostly viewed positively. There were many schools which gave such opportunities to their pupils; however, setting up clubs depended also on the willingness of teachers. Some children complained that often when they were given the support of the school authorities, the complications came from the pupils, as most were not interested



in spending more time at school than necessary, even for fun activities. The lack of interest from pupils was a demotivating factor for the organisers.

### **Public life and civil society**

The children's attitudes expressed in the discussions concerning these topics were overall very pessimistic and negative. They did not believe that they could have their say in public life or at the level of civil society. Some of them had already had personal experience, with their opinions being disregarded by the local municipal authorities. One boy even mentioned that he had helped with a complaint about a supermarket polluting the environment with chemical liquids some time previously, but it had not yet been resolved.

In general, the children felt very strongly that municipalities cared only a little about the lives of citizens in Slovak cities and even less about those living in the suburbs and villages. The children were most concerned about the ecological state of their hometowns, with traffic jams and congestion, dirt and pollution, poorly functioning recreation facilities which were constantly either closed or dirty. They therefore felt that they had no place to meet, apart from certain pubs and bars. Centres for leisure activities were often very thematic and structured, which made children feel that they could not go there and do what they want.

The children had very little expectation of change: they were sceptical about political promises which were never fulfilled after the elections; they believed that the only way to influence things was to have acquaintances in the municipality as nothing could be solved through bureaucracy. Some children commented also on the low level of citizens' interest in participation in public meetings where various affairs of public life were discussed. In the end, it was concluded that volunteering and team work were the most effective tools of active citizenship for young people. *"If you want to change something, you cannot do it as an individual. You need to get involved with other people who want the same thing, because you have more power and more chances to be heard by the authorities as a group."*

The children were able to name certain youth organisations which had been established and run by young people, but they thought that they all struggled with a lack of finances. Despite this, the children tended to have more trust in organisations of this type than in youth councils and pupil parliaments, because they felt that in these latter institutions their voices always got lost halfway and nothing was ever really solved. *"In NGOs or associations you can communicate with the people in charge directly. In parliament the way towards democracy is hard."* Finally, the children concluded that the level of respect towards their opinions varied from one organisation to another. However, they felt that joining an organisation made sense in order to improve the chances of being heard.

### **Health care**

This topic provoked a fairly lively discussion among the children. Apart from the medical students, all the children admitted that they did not understand much of what doctors were saying during their examination and they did not feel informed enough, especially when accompanied by their parents. Almost none of them knew that they had a right to see their medical records even without the consent of their parents.

The approach of children's family doctors was viewed as more sympathetic and forthcoming than that of specialists. Once again, it depended on individual doctors, but most of them

were not very willing to talk to their patients, especially children, in readily comprehensible language. The youngest children claimed that their doctors treated them kindly – as little children. They were not given any information and did not understand anything, but their parents hopefully did. *“They examine US and tell everything to our mothers.”*

However, positive examples were also given. One girl had had a very satisfactory experience with an alternative doctor (homeopath), who had explained every step of her medical treatment. One younger boy claimed that he regularly checked his medical records at the doctors (he was an active football player).

Concerning the evaluation of treatment and the personal attitude of the doctors and other medical workers, only the medical students who did their training in hospitals knew about the existence of some questionnaires. *“I have already helped with distributing such questionnaires in a hospital, so they do in fact exist. But they are not compulsory and I have never seen anybody filling them in. They are also not anonymous – the nurses see who writes what.”*

Apart from filling in questionnaires, the children did not see any other way that they could change the things they considered to be wrong in the Slovak medical system, such as long waiting times and unprofessional doctors. They supposed that it was possible to complain to some authorities – in hospital or the governing institution – but they would probably never go so far. They would prefer to change doctors. *“To go against the stream is like banging your head against a brick wall. The wall hits back.”*

### **Alternative care**

Most of the children present did not live in alternative care, and therefore did not have much information about the experience of children in alternative care institutions. One child from alternative care mentioned that his carers sometimes asked him about his needs and wishes as to what he wanted to do as work experience. Another child from alternative care shared his experience of afternoon clubs – where parents and children met separately: parents talked about the problems and the children played together, which he considered to be fine. *“They don’t ask us about how we live, because they know all about it.”*

The children who were not familiar with the alternative care system in Slovakia admitted that they were not acquainted with many children who actually lived in alternative care institutions. In general they believed that they did not have much power or many opportunities to influence the lives of children in alternative care or the alternative care system in Slovakia. The children from alternative care said that, when they had problems, they usually consulted either the main educator of their home institution, a guardian or the headmaster of the school they attended.

### **Judicial and administrative proceedings**

The topic of judicial and administrative proceedings gave rise to an unexpectedly lively discussion among the children about how they were treated by clerks, officials and administrative authorities. Many children were willing to contribute with their own experience even though these experiences were rather of a personal, and sometimes controversial, nature. They opened themselves up very much but did not manage to share all they wanted to with

the facilitator and the other children in the group because of the limited time available for the discussion.

Only a few children had had a **personal experience of being present in court** and claimed that they had been **unable to understand a word**. *“They just announced a bunch of paragraph numbers, which I didn’t understand at all and therefore I had no clue what they were talking about.”* One boy had been arrested as an accomplice, but the police had treated him with respect at the beginning. They had even offered him something to eat and had driven him back home. During the questioning, he had been amused by the way the policemen had behaved who *“were funny, because they played the roles of good cop and bad cop. It was so obvious and so amusing for me.”* Overall he thought that the interviewing had been very long and tiring with a lot of pointless repetition. One girl said that she had been sorry that she had not been given the opportunity to attend **her parents’ divorce proceedings** because they had thought she was mature and independent enough not to be part of the process – **she had felt excluded**.

Even though most of the children had never attended a court trial, some of them had been influenced by its effects: one child had had to **wait a very long time for the outcome of his parents’ divorce**, and one girl even longer for the custody claimed by her mother while she was in alternative care: *“I had to wait almost a year until I could be together with her again.”* The impact of the judicial proceedings was always tangible – sooner or later. The children shared the feeling that they were not considered important enough in those proceedings and that their parents did not want to discuss such matters with them in order to protect them.

The children were also asked about the **issue of violence**. The forms of violence of which children were most aware were bullying, child abuse at home, police violence when arresting children, and psychological abuse. **Bullying** was the most common form, in their opinion, while they considered psychological abuse very hard to prove. They felt that **nobody would believe a child reporting psychological abuse**.

One girl had had a personal experience of being bullied and one boy had been a witness to the physical abuse of his friend by the latter’s parents. It had had to be resolved by the police. The children considered physical punishment of children to be wrong, but some said that on occasion children should be given a mild punishment for educational reasons if no other ways were effective.

They did not know what they would do if they or their friends were victims of violence. They believed that children seldom revealed such things to their friends, because they were ashamed and afraid of repercussions by the abusers. They would **prefer anonymous reporting of such incidents, for example, via the free phone line “Linka dôvery” or through the police**.

### **Children in the media**

The topic of children in the media proved to be a rather controversial one for the participants. The younger children did not have much to say, while the opinions of the ‘older’ children varied considerably. **Some thought that the opinions of young people were sufficiently represented in the Slovakian media, others thought the exact opposite**. The first group maintained that there were certain types of TV programmes in which children’s opinions were reflected. The second group thought that, *“Our society neglects the representation of children in*



*the media.*” Some of the children felt that the media devoted more time to young people’s activities rather than their opinions, and felt that this should change. “*A piece about the first day at school after the holidays is a typical and easily produced item which serves predominantly to fill a gap in the TV news.*” As a result of this, most adults thought that children had no problems at all. “*What problems could WE have?*” “But everyone has their own problems...”

In contrast, some children maintained that the media tended to present children in need and those with serious problems. The reason for this, they believed, was that people did not want to see happy people in general. They preferred stories of young people with serious troubles (such as children with physical disabilities), and this was relayed by the media and certain popular TV programmes. One child felt that the media’s main aim was to have high viewing figures, not to represent children’s viewpoints. The media did not really care what they broadcast as long as it proved popular.

The children said that they would **prefer to have more programmes on topics concerning children – such as programmes about school and education.** They would also prefer more fairy-tales and child-friendly programmes. “*How long would a TV channel for children survive in Slovakia?*”

The participants felt that there were few or no opportunities to change the media’s role in providing more child-friendly programmes and programmes of interest to children.

### **Evaluation of the Consultation Day**

The feedback on the focus group consultation day from the children and young people was collected in an informal way and was very positive. They all appreciated their participation in the event and were satisfied with both the organisational aspect and the programme itself.

Individual comments regarding the organisational aspects reflected their hope that on the next occasion it would be possible to organise such a meeting so as not to coincide with the school holidays. The children felt that the organising team and the facilitators had done an excellent job. They were pleased with their approach and with the fact that the discussions had been led in a very informal manner. Some discussions had had to come to a premature end because of time constraints, which they found unsatisfactory, and would have preferred more time to have been allowed for those discussions.

During the breaks in the programme, the children had been given the opportunity to volunteer to take part in the pilot testing of an online survey on child and youth participation. The volunteers were able to express their opinions about the survey by filling in the questionnaire online and by giving valuable feedback to the designers to help make the questionnaire as user-friendly as possible.

Regarding the overall programme of the day, the children indicated that it was both **satisfactory and enjoyable.** They were especially appreciative of the balance between the activity exercises and the calmer group discussions, which had caused the day to pass very quickly.

Overall, the **children’s level of participation in the meeting was very high.** There were some issues which it had been anticipated would be quite difficult to discuss, but these proved not to pose problems for the children. Once the ice-breaking games had taken place, the **atmosphere in the group was very positive and friendly.**

One part of the programme which contributed significantly to the friendly atmosphere was a short unit called “**Contract**” in which the children were asked to suggest some principles or rules that everyone should observe during that day in order to make the whole group feel comfortable. These principles were successfully kept throughout the meeting, which was very helpful for both the facilitators and the children. Even though they had the right not to talk about things which they did not feel happy talking about, they all participated very actively and without any hesitation in almost every discussion.

### **Conclusions based on the outcomes of the child focus group meeting**

During the focus day consultation, the children and young people came up with a wide range of activities and spoke of the relations they had during these activities. They believed that the **persons who were most tolerant to the opinions of children and young people** when making decisions were **family, relatives, friends, teammates and doctors**. In contrast, the **persons who were the least tolerant of their views and least likely to take these seriously** included **teachers and headmasters**; however, in addition, this list also included **classmates and parents**.

The **key reasons identified by the children for a failure to listen** to their views included the **age difference**; this, they felt, explained why adults did not take children seriously and did not see them as equal partners in their discussions. Other reasons identified included the idea that a child’s right to participate would **erode the adults’ authority** and that adults did not have the skills or time to listen to children or had other **problems, such as stress** which prevented them from doing so. The children expressed their feelings about this by drawing pictures which contained mainly sour faces.

The **solutions presented** by the children to ensure that adults listened more effectively to their views and took them more seriously included, on the one hand, solutions for themselves: they should **have the courage** to have their opinions heard and do this without fights. Others committed themselves to **better behaviour**; however, they also expected better behaviour, trust and empathy from the adults. **Another group of children was more pessimistic**, could not see any solutions and thought that nothing would help to change adults’ attitudes.

When the involvement of children in decision-making in different settings was discussed, it emerged that in general children were listened to in **family life** about day-to-day affairs, but when more serious issues were at stake children were not listened to. It also emerged that children living in incomplete families or in alternative care found it difficult to give their views on this.

In the area of **education and school**, all the children felt that the school authorities did not listen to them when developing school curricula and the contents of the education process. Whether children were listened to and taken seriously depended very much on individual teachers. A similar conclusion could be drawn on the functioning of school councils: school councils were perceived as being more a formality than bodies with any real influence on decisions taken in the school. The children felt that they could solve their problems more effectively by talking to individual teachers. School councils were often not supported by the school authorities and children were often not motivated to join them. However, some children reported that they had obtained positive results from school council meetings.

All the children had learned something about children's rights and human rights at school, but education on active citizenship and democracy was not taught.

Regarding **out-of-school activities**, the majority of the children felt that they were never consulted on out-of-school activities or the design of school play areas. The children came up with suggestions to improve this by organising polls among pupils as a means of consulting them on out-of-school activities or providing for a place where pupils could meet after class to discuss out-of-school activities. Several 'older' children felt that it was difficult to involve younger, primary school children in school councils and surveys, since they did not understand or know what was good for them yet. It was also noted that many children did not take part in after-school activities, because of a lack of interest.

With regard to the **involvement of children with special needs** in decision-making processes, some children commented that positive discrimination regarding this group was a problem; they felt all children should be treated equally.

The children did not feel that they could have a say in public life and felt that **they did not have any influence on the decisions taken by municipalities**. They had very little expectation of change in this field, although they acknowledged the importance of civil society and said that they had greater confidence in youth-run organisations than in youth councils and pupil parliaments. They felt that joining such an organisation would make sense in order to have their voices heard: volunteering and team work were the most important tools of active citizenship for young people.

Regarding **health care**, most of the children did not understand much of what the doctors said during their examination and, with a single exception, none of them knew that they had the right to look at their medical records.

The children had much to say on **their treatment by clerks and administrative and judicial officials**. In general, if children had any experience of court proceedings, they did not understand anything of what was said. In other cases, for example, when parents got divorced, they felt excluded from the process or had to wait a very long time for the outcome. With regard to **violence**, the children felt that children would not be trusted when reporting physical or psychological abuse; they therefore preferred to report this anonymously, for example, via **free helplines** or the police.

Very mixed results came out of the discussions on the **role of the media**; some children felt that their views were very well presented, while others felt the opposite. They felt that more programmes on topics relevant for children should be presented on TV, but they also felt that they did not have much influence on changing the role of the media.

### **Recommendations based on the outcomes of the focus group consultations:**

- Children have to be made aware of how to make their voices heard. To this end, they need to be assisted and supported by schools, municipalities and national authorities. This could be done through various forms of participation, for example, at school, such as the organisation of **opinion polls or the setting up of pupil groups** for consultation on out-of-school activities. **New forms of participation** could be organised in co-operation with school councils. If children are consulted, they will feel more involved in the decision-making process, feel ownership of the activities and in this way be motivated to take part.

- **Provide training to those working with and for children and young people** on how to listen to children and take their views seriously, including parents, teachers, doctors, civil servants, local and national decision-makers.
- Existing school councils, youth councils and pupil parliaments need to have more influence and not be just a formality, ‘a box-ticking exercise’. This could be achieved through an **exchange of good practices identified in effectively functioning school councils, youth councils and pupil parliaments** and by providing training to consultation bodies.
- The age groups of children have to be taken into account when selecting children for school councils, pupil groups and participation in surveys: **school councils, pupil groups and surveys have to be designed for different age groups.**
- **Improve the functioning of youth councils and pupil parliaments** and ensure that these can become bodies which facilitate the active citizenship of children and young people.
- **Ensure that all schools have school councils and that their role is taken seriously** by the school authorities and teachers; **provide training to children** to be motivated and prepared to participate in school councils and to ensure that **children of different ages take each others’ views seriously.**
- **Ensure that education on citizenship and democracy is given at school.**
- Ensure that **civil society organisations that are run or led by children and young people** themselves are supported and can carry out their work.
- **More child-friendly information** is needed regarding medical treatment and child-friendly procedures have to be set up in courts when children are involved. This includes ensuring that their voice can be heard, providing explanations in readily understandable language and ensuring that proceedings are as short as possible.



# Municipal Case Studies in Banská Bystrica and Gelnica

Two municipal case studies were carried out by the national coordinator. One case study was done in a key city in central Slovakia, Banská Bystrica, and one in Gelnica, a small municipality in the Kosice region, in the east of Slovakia. Questions from the methodology were raised by having a group discussion of two-and-a-half hours with representatives from the municipality, schools and children themselves. Though two municipal case studies cannot be representative for all Slovak municipalities, they do give an impression of how child and youth participation is functioning in two very different municipalities and some tentative conclusions on child and youth participation in Slovak municipalities can be drawn. (Guidelines and questions raised can be found in Annex IV.)

The case studies were evaluated according to the following structure: is information on local services provided to children? What child and youth participation structures exist in the municipalities? What are their achievements? Are all children able to participate on an equal basis? Is training on child participation provided? Are associations and child/youth civil society supported in their child participation activities? Are children able to participate in education, both at schools and with regard to influencing municipal decisions? In what ways are children involved in municipal decisions concerning play, recreation, sports and cultural activities?

## Case study of the municipality of Banská Bystrica

The meeting with representatives from Banská Bystrica was held on 16 March 2011 and involved the head of the municipal department of education, the head of the department of social and crisis intervention, the head of the 2nd Paediatric Clinic, Children's Teaching Hospital, the crisis centre coordinator of the Community Centre KOMPaS and two members of the secondary school chamber of the youth parliament aged 17 and 18. Though the last two young people had not been prepared before the meeting, they took part fully in the discussion.

The city of Banská Bystrica is located in central Slovakia and has 78,722 inhabitants (31.12.2010) of which about 18% are children. The majority of its inhabitants are of Slovak origin.<sup>10</sup> The town has some street children, which is seen as a phenomenon that children are abused for beggary. These children are placed in the crisis centre or in the alternative housing facility for adults and children.

The city of Banská Bystrica has several specific facilities for children, including a specific children's teaching hospital and two children's homes. A total of 46 children permanently

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10. The number of foreigners, ethnic minorities and refugees are not registered and are considered to be negligible by the municipality.

residing at Banská Bystrica are placed in children's homes across Slovakia. Banská Bystrica has facilities for crisis intervention, including for families with children. The city also has a temporary housing facility for young adults, Tymián, which was created in 2006 in response to the problem faced by young adults leaving children's homes upon coming of age.

### **Hardly any information on local services provided to children**

The youth parliament representatives do not have any knowledge of where to find local information services. Concerning communication channels they prefer the use of facebook, school websites and posters and they pointed to the increasing popularity of printed media among young people. The city mainly provides information about its own services, which primarily focus on problem situations needing interventions, and they have only a few activities and programmes for "problem-free children". This information is not provided in a child-friendly format. The absence of information on the city's activities for the young, including leisure-time activities, is perceived as critical by the young representatives.

### **Child Participation Training**

At municipal level in Banská Bystrica **no training is provided on child participation** to any of the professions mentioned to them, including social workers, community workers, teachers, doctors and health workers and public officials working in the municipality, though it is mentioned that a package of legal information, including the UNCRC, is included in studies for social work, social pedagogy, training projects in crisis intervention or in professional codes of ethics. However, these are not on-going professional trainings. The participants in the meeting concluded that there would be an **interest in specialised training** of this kind, **particularly among professionals who come into first contact with children.**

### **Child and youth participation structures**

In the city there is a **secondary school chamber of the youth parliament** (age group 15–18 years), which has the status of a civil association. Membership of the youth parliament is voluntary, although some of the representatives are elected representatives (chairmen) of school councils of secondary schools in the city. The youth parliament has 20 members, of which eight to nine perform their membership actively. The frequency of the meetings of the youth parliament is surprisingly high, about once per week. Originally the youth parliament met at the premises of the municipal office, but nowadays it meets more "outside". It has to be noted that secondary schools are founded by the regional self-governing unit and not by the city.

The **selection of youth parliament representatives** was carried out by the youth parliament itself in the form of a peer activity: around five representatives gave presentations at secondary schools on the youth parliament's activities. Despite the quality of the event, as evaluated by the school department official, the response was only minimal. The reason for the meagre rate of young people's active involvement, as given by youth parliament representatives, was young people's reluctance to assume responsibility relating to the organisation of planned activities coupled with the fact that the activity is not sufficiently acknowledged as "extra work". They are not supported by teachers and do not receive in-kind benefits for their work, which could serve as incentives for others to participate. The youth parliament representatives suggested that there is a need to give visibility to those who are active, which in turn can then serve as an effective pull-in factor. According to the youth parliament representatives,



all children, including disabled children and disadvantaged children, have equal opportunities to participate in the youth parliament.

The activities of the youth parliament **do not focus on participation in and influencing of local policies, but rather on the organisation of large-scale out-of-school activities**. The children themselves select the topics they want to discuss. When the young representatives were asked whether they had no interest in influencing local policies, they reacted by stating *“in actual fact, I wouldn’t even know whom I should seek, I can’t figure it out at all”*. Communication channels are lacking between the municipality and the youth parliament. A bottom-up approach would not work in this respect, due to the “solitariness” of the youth parliament.

The youth representatives feel that they are able to organise the out-of-school activities they would like to organise and get financial support for this from the municipality.

### **Child-friendly services designed by and for children**

A low-threshold day centre for children and families operates in Banská Bystrica – community centre KOMPAS, in which around 90% of activity and the programme is directly created by the children for whom they are designed. The creation of an internal code of conduct between adults and children takes place through a common discussion and is adopted by consensus. The code of conduct is binding for participants and confirmed by their signature.

The community centre is an open facility that organises activities for different age groups of up to 12 years and over 12 years old. As a rule, the morning activities are organised for children with parents; the afternoon activities are more of an “interest” type for children. Among the favourite ones are: “dancing club” or “sports club”. The total number of clients to have attended community centre KOMPAS from its inception in July 2010 to December 2010 is 5,475.

The community centre KOMPAS has proved to be a successful initiative, but in general children have not been involved in the development of child-friendly social services. Drawing on the experience thus far, the coordinator of the community centre expressed *strong support for this method of functioning and organisation of the centre’s activity*.

Within the residential children’s homes in Banská Bystrica, no mechanisms have been installed for children to set up and participate in children’s councils/parliaments.

### **Health care**

The young people participating in the group discussions were positive about their experiences with doctors, who, in communicating with them, took into account their age and mental maturity at the time. Drawing on her own experience, the paediatric clinic’s representative said that it is **more the parents (often mothers) who tend to place themselves in the position of “spokespersons” for the child** and try to “drown out” the fact that the physician is communicating directly with the child, trying to get information on the child’s subjective perception of the state from that child. The paediatric clinic’s representative confirmed unequivocally the opportunity of the child, whenever the child indicates such a need to the healthcare personnel, to discuss the treatment confidentially, without the presence of the statutory representative. Such a procedure is standard in cases where there is any suspicion of child abuse and neglect.

With regard to a child’s participation in paediatric research and clinical trials, implementation conditions are set in a very strict and detailed manner, where both the child’s statutory



representative and the child are seen separately and the research explained to them. It is obligatory for the child to give his/her consent: even when the child cannot write, he/she can make a sign on the form confirming that he/she has understood the matter.

Concerning health care at schools, every primary school has a 'children's nurse'. The adults in the meeting raised the need for school psychologists to be appointed at schools, though the youth parliament representatives found this unnecessary. Slovak legislation allows schools to appoint a school psychologist, which in practice seldom happens due to financial constraints. The youth representatives felt that *a more appropriate alternative is less formal and anonymous structures, or more discreet counselling structures, to which they would have free access without prior referral* of a doctor or school. They considered the lack of information on access to psychological and advice services as negative, although it should be noted that the city of Banská Bystrica publishes in a very transparent format information on the various types of facilities and institutions available for different life situations on its web-site in the section devoted to the family. However, that information did not reach the young persons attending the meeting.

### **School boards**

The school educational programmes can be modified to some extent by the school boards, on which teachers, parents and pupils are represented. However, it was remarked that these channels are used to push through other issues than the modification of educational school programmes.

Slovak law provides for both primary and secondary schools to have school boards. **School boards have not been established in all schools in Banská Bystrina**, and where these have been established, they were viewed as **being ineffective in their activities and rather formal**. However, one of the young people expressed the wish to have a school board in her secondary school, since they did not have one.

**"If we succeed in achieving things by participating in school councils, other children will follow to participate"**

Quotation of a Slovak child in a national hearing on the draft review report, Bratislava, 31 May 2011

An example of influencing local education policy was the local Commission for Youth, Education and Sport (an advisory body), which used to invite youth parliament representatives to its meetings. However, their **participation was not realised at the level of involvement in the decision-making process, but rather at the level of providing firsthand information**. The participating young people's representatives were not given any room for active engagement, being shifted into the position of passive recipients of information.

### **Contribution to local activities for children and young people**

With regard to local policies in the area of play, recreation, sports and cultural activities, only in some **ad hoc cases** have children been consulted, for example, on the summer music festival and on the creation of a space for skaters and bikers. One of the youth parliament representatives took part in a meeting on the **draft Action Plan for Youth**. The youth representatives only received the text at the time of that meeting, but despite this they had contributed several

proposals. However, they do not know whether their proposals have been taken into account and if so to what extent. Together with the local government representatives present, they supported the view that children and young people should be involved in the process from the very first start.

### **Case study of the municipality of Gelnica**

The meeting with representatives from Gelnica was held on 27 April 2011 and involved the mayor of the town, the officer for schools, the director of the leisure centre, a teacher of a primary school, three pupils of primary school aged 10 to 15 and one student from the 8-year gymnasium, aged 17. The children involved had not been prepared for the meeting and found it difficult to grasp an understanding of the issue of children's participation.

Gelnica is situated in the eastern part of Slovakia in a rather mountainous area and has 6,241 inhabitants (31.12.2010) of which about 22.76% are children aged 0–19. Though the town is known for its large number of Roma inhabitants, this is not reflected in official statistics as a large number of Roma indicate that they are Slovak rather than Roma.

Due to the size of the town, there are not as many facilities as in larger cities, but there are a primary school, secondary schools, a kindergarten and leisure centres.

During the discussion it turned out that the term 'participation' was interpreted in different ways by the participants; it was mainly interpreted as being the physical presence of children. It was then explained that the term indicates a much broader concept and means that the person participating is able to have his/her voice heard and that his/her views are listened to and taken seriously.

#### **Information on local services provided via schools**

The children involved in the discussion were mainly interested in information on leisure-time and cultural activities and found their school as the main source of information. This was confirmed by municipal civil servants, who used schools as the distribution channel to children. Local broadcasting as a source of information is also used a lot, due to the mountainous area in which it is located.

For disabled children and adults there is a 'special club for disabled', which organises discussion days with medical specialists and which takes place in the premises of the municipality. Adults and children take part jointly in these discussion days.

**Training on child participation is not provided** by the city of Gelnica to professionals working with and for children.

Within Gelnica there are **no child or youth participation structures at municipal level**, children are not consulted on any of the municipal activities or policies intended for them. This could be explained by the relatively small size of the town. There is, however, the possibility for children to use "discreet boxes" or "boxes of trust" where they can file complaints or leave anonymous messages. These boxes are used at schools as well.

#### **School councils**

At the two secondary schools in Gelnica, school councils had been created, but at the primary school only class chairmen had been elected. The school councils at the secondary schools

are composed of the **elected class chairmen**. Criteria to vote for such a representative often depends on whether the pupil is an outspoken person, who is able to present their interests with the school management. However, the children felt that the function of class chairman could be abolished, since they had no special authority and only seemed to act as messengers between children and the school management. The children felt that all children had **equal opportunities** to take part in the school councils, since all children could elect their class representatives. School councils **mainly discuss topics selected by their teachers**.

The activities of the school councils **only focus on the organization of “traditional” annual activities**, mainly cultural activities. They do **not get involved in decision-making on the local level**. After being teased to speak about their willingness or interest to do so, children remained mostly silent. Only the eldest participant was willing to admit that, despite being president of the school council, she never considered to the possibility that she might influence the course of action on the local level. It turned out that the children had never thought about the opportunity to influence local decisions and they stuck firmly to their traditional tasks without questioning them. However, the discussion seemed to make the children realize that this could mean new opportunities for them. On the other hand, the adults present seemed to take more defensive positions.

There was a great deal of resentment and scepticism on the side of the municipality representatives present concerning involving children and young people in the planning process of educational school programmes. They considered inclusion of children in the process useless, arguing that children (especially the small ones) are not capable of understanding the complexity of the school educational programme and therefore it is not necessary to create possibilities for them to get involved. It seemed that until now the municipal representatives only considered child participation in terms of possible changes in substance, not the form (like the introduction of more child-friendly educational approaches, creative ways of teaching, etc.). It appeared during the interview that **more needs to be done in educating and raising awareness among adults** regarding their habit of viewing a child as only a passive recipient, instead of someone able to participate fully in decisions affecting him/her.

### **Alternative care**

One of the children present was a **resident in a children’s home**. She explained that in her home all children (ten in total) would meet regularly (monthly) in the so called “**community**” where they discuss matters related to their stay in the children’s home. On these occasions they are free to propose subjects for discussion and to present their views to the educator, who then passes on the messages to the director. Children have also direct recourse to the director and may speak to him/her freely. However, there is no representative body speaking on their behalf. The topics discussed relate to their everyday life, for example “complaints about the food in the canteen”.

### **Recommendations based on the municipal case studies:**

- Raise awareness on child and youth participation among children and young people themselves and adults, explaining what participation means, *‘listening to their views and taking their views seriously’*.

- Provide local information to children and young people on issues which are relevant to children in a child-friendly manner and via the communication channels used by children and young people. This needs to include information on free and anonymous counselling and advice services at local level.
- Local authorities have to facilitate training on child and youth participation to professionals working with and for children in their municipality on an ongoing basis.
- Local authorities need to support the setting up of local youth councils and/or children's parliaments. They need to liaise with local youth parliaments and involve them in the decision-making processes of the municipalities and regions. This could be done, for example, by involving child and youth representatives in the meetings they organise. However, to ensure a bottom-up approach, a first step should be to have a dialogue between the youth parliament and other children and young people and local MPs on how to organise the participation of children and young people in local decisions, programmes and policies, taking into account that children have to be involved from the very beginning of the decision-making process. The next step is to ensure the participation of younger age groups in a youth or children's parliament at local level.
- Representatives of local youth parliaments need to be supported in their voluntary work to organise out-of-school activities by teachers and youth workers, and to ensure that their work is made visible to other young people.
- Examples of good practices, such as in the community centre KOMPaS in Banská Bystrica, where activities are created directly by and for children, need to be multiplied and shared with other community and youth centres.
- The Slovak government needs to consider making legal provision for the setting up of children's and youth councils or "communities" in all residential care institutions.
- School boards (or councils) should be established in all primary and secondary schools; they need to have a real influence on school policies and must become less formal.



# Legal and policy analysis of child and youth participation

This section of the review provides an analysis of the legal and policy framework for child and youth participation in the Slovak Republic and seeks to respond to the issues raised in General Comment No. 12 of the UN Committee of the Rights of the Child concerning child participation. The section begins with a legal and policy analysis of child and youth participation in the Slovak Republic, including the child's right to information and the role of the media. The second part of the analysis focuses on the implementation of the right to be heard in different settings and situations, including the family; alternative care; health care; education and school; play, recreation, sports and cultural activities; situations of violence; judicial and administrative proceedings; public life and civil society.

## Introduction to the legal and policy framework for child and youth participation in the Slovak Republic

“Every citizen has his/her own opinion. Some children have better opinions than adults.”

Quotation from a Slovak child participating in a focus group meeting

In the Slovak Republic, the UN Convention on the Rights of the Child (UNCRC) was signed in the name of the former Czech and Slovak Federative Republic (“ČSFR”) on 30 September 1990. Its text was endorsed by the ČSFR Federal Parliament and subsequently ratified by the President of the ČSFR. It came into force on 6 February 1991. In succeeding the former Czech and Slovak Federative Republic, the Slovak Republic became State Party to the UNCRC on 28 May 1993, with retroactive effects as of 1 January 1993. The Slovak Republic has not made any restrictive declarations or reservations to Article 12 of the UNCRC.

The UNCRC is not directly embedded in the Slovak Constitution, but in Slovak law the UNCRC may be categorized, in terms of contents, as an international convention on human rights and liberties, which, according to Article 7, Section 5 of the Constitution, takes precedence over national laws.

The Constitution of the Slovak Republic guarantees in particular the protection of children and juveniles in Article 41, Section 1. Article 12 of the Convention on the Rights of the Child is responded to by the provision in Article 43, Section 1 of Act No. 36/2005 Coll. on the Family and on amending and supplementing certain Acts,<sup>11</sup> as amended by later regulations (further

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11. The quote “on amending and supplementing certain Acts” is a standard legislative quote used to describe the fact that the Act in title was amended and at the same time that amendment included references to other Acts which do not necessarily have to be in direct connection to the core Act amended (here the Family Act).

referred to as “Family Act“) and, at procedural level, by the provision of Article 100, Section 3 of the Rules of Civil Procedure.

The Slovak Constitution guarantees the right to express views, freedom of speech, etc. to all persons. Though this article does not specifically refer to children, it could be taken for granted that children are included here as well.

## Responsibility for the implementation of Article 12 of the UNCRC

To fulfil the implementation of the UNCRC, the Slovak Republic is obliged to submit regular reports to the UN Committee on the Rights of the Child, including reports of measures to implement the rights recognized in the Convention and of progress achieved in exercising these rights. On 8 June 2007 the UN Committee for the Rights of the Child approved its Final recommendations on the second periodical report of the Slovak Republic, whereby Point 12 called for the establishment of a body coordinating the rights of children – the **Ministerial Council for Children and Young People** – as one of the priorities of the UN Committee for the Rights of the Child.

In 2006, the Government of the Slovak Republic established the Ministerial Committee for Children, aimed at the coordination and finalization of an integral and effective system of efficient protection of rights and interests of children in compliance with the UNCRC and in line with the strategy of the European Union towards an efficient assurance of the rights of children in the framework of its internal and external policies.

In 2009, the Government of the Slovak Republic, by resolution No. 94, approved the establishment of the Ministerial Committee for Children. The Committee, while undertaking its activities, was obliged to consider all Articles of the Convention on the Rights of the Child, including Article 12.

The Ministerial Committee for Children, as the national authority for the coordination of policies for the protection of children’s rights, was established in order to resolve principal issues in the field of children’s rights and the exercising of these rights. In addition, it could initiate measures in the interest of harmonization of the legal system of the Slovak Republic with the UNCRC, to evaluate the state of implementation of children’s rights in the activities of competent public authorities and to identify the main flaws in the implementation of children’s rights in the field of legislation as well as in practice. The Ministerial Committee for Children was established with the aim of preparing proposals of measures aimed at the improvement of the implementation of children’s rights, based on acquired and analysed knowledge.

In March 2011, the Government of the Slovak Republic initiated a widespread reform of the government’s advisory bodies, reducing their initial number of 26 to 3. The tasks of the advisory bodies having, until then, acted in the field of human rights, were integrated into a single newly established governmental advisory body – the **Governmental Council for human rights, national minorities and gender equality**. The advisory bodies which hitherto had acted independently, were transformed into the form of Committees of the newly established Council, whereby the former **Ministerial Committee for Children** was superseded by the **Committee for children and youth**.

The Government Council is a standing professional, advisory, coordinating and consulting body to the Government of the Slovak Republic in the field of the protection of the fundamental



human rights and liberties, political and civil rights, the rights of national minorities and ethnic groups, economic, social and cultural rights, environmental protection rights and the rights of cultural heritage, **children's rights and the right to enforce the child's best interests** and to enforce the principle of equal treatment and equality, including gender equality.

Within the framework of its activities, the Council monitors compliance with the Constitution of the Slovak Republic, with the Charter of Fundamental Rights and Freedoms, international covenants on human rights and liberties binding upon the Slovak Republic, generally binding legal acts of the European Union, and other legal regulations governing the protection of, and compliance with, fundamental human rights and liberties. The Council acts in the interests of increased general awareness in the field of human rights, of the conditions of their observance and measures toward their enforcement. The Council emphasizes adherence to recommendations of independent institutions in the human-rights field, expert bodies and international organizations, such as the UN, the Council of Europe and the European Union.

**The Council Chairman is the Deputy Prime Minister of the Slovak Republic for human rights and national minorities.** Deputy Chairpersons of the Council are the Deputy Prime Minister and Minister of Labour, Social Affairs and Family of the Slovak Republic, and the Minister of Justice of the Slovak Republic.

The reform has been aimed at rationalization of the institutional mechanisms for protection and support of human rights in Slovakia, and at an increase of efficiency. The concept of human-rights protection and support requires not only an active approach and support by government and state, but also its **cross-sectional consideration** while creating generally binding legal regulations, taking into account persons requiring increased protection, including children, disabled persons and national minorities. The reform assumes that the protection of human rights has gained a higher level on the agenda of Slovak state authorities.<sup>12</sup>

## National Action Plan for Children 2009–2012

**“Once it concerns us, we should be involved”**

Quotation from a Slovak child at a national hearing on the draft review report, Bratislava, 31 May 2011

Slovak policy for children's rights protection is incorporated into the National Action Plan for children for 2009–2012. The Plan transpires not only from the UNCRC, but also from the Concluding Observations of the UN Committee on the Rights of the Child to the first and second report of Slovakia to the UN Committee.

The basic objective of the National Action Plan for Children is to ensure progress towards the protection of children's rights recognized by the UNCRC and progress in their application.

The strategic intentions of the Slovak Republic in this regard are:

- Coordination and monitoring areas of concern according to the UNCRC
- Adoption and realization of legislative and non-legislative measures for achieving progress in the protection of children's rights.
- Improving the professional training and expertise of professionals working with children.

12. Secretariat of the Ministerial Committee for Children



The National Action Plan for Children is focusing on achieving the following main goals in implementing children's rights:

- Prevent violations of children's rights and eradicate deficiencies in society regarding the compliance with the provisions of the UNCRC
- create and enhance protection systems in institutions that pursue activities in relation to children
- Encourage parental childcare

The National Action Plan for Children is divided into the following **thematic categories**:

1. Coordination of policies and independent mechanisms for the protection of the rights of the child
2. **Cross-sectional tasks and measures, and specific tasks and measures, which involve the implementation of Article 12 of the UNCRC**
3. Education, upbringing, leisure time and cultural activities
4. Children and the family, familial environment and alternative care
5. Health, health care and nutrition of children
6. Social and other measures toward increase of the living standards of children and their families
7. Special measures of protection.

The above-specified tasks include not only deadlines for its fulfilment and its corresponding responsibilities but also the method to be used. Financial resources for its execution are included, with the exception of the tasks related to the coordination of policies and independent mechanisms for protection of the rights of the child. The National Action Plan for Children is subject to annual evaluation and updating.

Implementation of Article 12 of the Convention on the Rights of the Child is included in the category relating to cross-sectional (general) tasks and measures, as well as to specific tasks and measures. This category includes the allocation of financial resources, data gathering, spread of information about the Convention, improvement of awareness of children's rights and cooperation with civil society, physical punishment, non-discrimination and the child's best interests.

Concretely **Point 2.7 of the National Action Plan concerns respect for the views of the child and provides for the introduction of specific measures, programmes and projects for supporting the real implementation of respect for the child's views in practice** (in the family, at school and in the community as well as in institutions and in administrative and judicial proceedings). In addition, it instructs the Secretariat of the Ministerial Committee for Children to create the organizational and technical conditions for providing relevant information to children, who actively express themselves regarding policies concerning them, interpreting the views of children.

One of the forms (and preconditions) of implementation of this task in practice is the current project "Policy review on child and youth participation", wherein the Secretariat of the Ministerial Committee for Children acts in the national coordinator position.<sup>13</sup>

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13. Slovakian National Action Plan for Children 2009–2012.

The National Action Plan was prepared with the participation of a wide spectrum of experts from different fields, including responsible government departments, the Public Defender of Rights, the Slovak National Centre for Human Rights, local authorities and other experts. However, **no children have been consulted in the design and development of the Action Plan.**

The **implementation of the Action Plan foresees the participation of children** in fulfilling the tasks of the Action Plan and includes tasks designed to **explore the views of children, providing relevant information to children** so that children in future can actively participate in and **comment on policies concerning them.** This is a positive development and the annual evaluation of the National Action Plan can verify whether these commitments have already been fulfilled.

Creation of a specific structure, such as membership of a single child representative or a collective body of children and young people, within a newly created Committee for Children and Youth (which took over the former Ministerial Committee for Children) was proposed and discussed in course of the elaboration of the statutory acts regulating activity of this body.<sup>14</sup> It was agreed that the Committee will commence work on such a child-participation mechanism (having a direct effect on further policy formulation) in its very early stages of functioning. The Committee should involve children and young people in the designing of the mechanism and will propose amendment to the current statutory acts as a result of the common work of the Committee and children. In this way, the children and young people themselves will be able to participate in the creation of the mechanism from its very early stage and will be able to affect its design.

## Legal and Policy framework for child and youth participation in the Slovak Republic

The following legal norms regulate child and youth participation in relation to the family, in civil procedures and in criminal procedures:

- **Family Act** (Article 43, Section 1)
- **Rules of Civil Procedure** (Article 100, Section 3; Article 176, etc.)
- **Rules of Criminal Procedure** (Article 49, Article 135).

With regard to the **Family Act**, when children's rights have been violated within the family, all actors involved in resolving the conflicting situation in the child's family, including police officers, prosecuting officers, social-legal protection bodies and doctors, coordinate their cooperation. Article 43, Section 1 states that the **minor child has the right to express his/her opinion freely in all matters concerning the child**, including proceedings on decisions affecting the minor child, taking into account his/her age and mental advancement.

Regarding the **Rules of Civil Procedure**, when a minor child is capable of independently expressing his/her opinion, the court shall take his/her opinion into account, considering his/her age and mental advancement.

The **Rules of Criminal Procedure** regulate that witnesses in criminal cases younger than 15 years can only be heard in the presence of an educator, another person experienced in the

14. With reference to point 2.7 of the National Action Plan for Children.

upbringing of young people or an expert. It also regulates specific protection measures for witnesses younger than 15 when the case involves a criminal offence committed against a close relation or committed person.

Act No. 305/2005 Coll. on social-legal protection of children and social guardianship and on amending and supplementing certain Acts of 1 September 2005 has a range of objectives for the thorough protection of the rights and interests of children. It includes provision of assistance and support to children and families; for the assurance of an equivalent substitute environment for children in cases when their upbringing is not adequate in their natural families; for efficient prevention and removal of causes leading to the development of mental disorders, physical or social development of the individual, of groups and of larger social units. At the same time this legal regulation delimits the state's competences, regulates the jurisdictions of self-governments and reinforces the activities of NGOs.

According to Article 2 of the same Act, measures of social-legal protection of children and social guardianship are executed for the child permanently or temporarily residing on the territory of the Slovak Republic, having a temporary residential permit, permanent residential permit or a tolerated sojourn permit<sup>15</sup> (further referred to as "usual residence"); "unaccompanied minors" and juveniles pursuant to separate legislation.

The rights established in this Act are equally guaranteed to all persons, in compliance with the equal treatment principle, specified in separate legislation, Act No. 365/2004 Coll. on equal treatment in certain fields and on protection against discrimination, and on amending and supplementing certain Acts (the Anti-Discrimination Act). This is an important act in relation to all Slovak children having the right to participate equally without discrimination.

According to the equal treatment principle, discrimination based on gender, religious confession or belief, marital status and familial status, colour of skin, language, political views or other views, trade union activities, national origin or social provenance, handicap, age, property, lineage or other status is prohibited.

The right of the child to express its views, its freedom of speech, conscience and religion are matched in several legal regulations. The child capable of formulating its own views has the right freely to express his/her views in all matters concerning him/her. Proper notice corresponding to the age and mental advancement of the child must be taken of children's views. Children's views are, among others, examined by the bodies of social-legal protection and guardianship.

Act No. 305/2005 Coll. on the social-legal protection of children and on social guardianship and Act No. 36/2005 Coll. on the family, and Act No. 576/2004 Coll. on health care are essential documents, regulating the fact that children are heard in matters concerning them, taking into account the child's mental development<sup>16</sup>.

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15. Act No. 48/2002 Coll. on the sojourn of aliens and on amending and supplementing certain Acts, as amended by later regulations.

16. These provisions are in line with Article 4.3 UN Convention on the Rights of Persons with Disabilities: 'In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations'.

The Central Office of Labour, Social Affairs and Family, and the regional Offices of Labour, Social Affairs and Family (hereinafter referred to as “**bodies of social-legal protection of children and social guardianship**”), the Centre for international legal protection of children and youth, municipality, higher territorial unit, legal entity or natural person who was granted accreditation (further referred to as “accredited subject”) and the subjects executing the measures of social-legal protection of children and social guardianship are obliged to ensure the prevention of a threat or a violation of the rights of the child. All these bodies provide protection and care for the child as required for its welfare and protection of its lawful interests, while respecting its rights and considering the rights and obligations of its parents, adoptive parents, curator, guardian. All such persons are under an obligation to warn the body of social-legal protection of children and social guardianship about any violation of the rights of the child.<sup>17</sup>

Children’s views are supported and respected to a certain extent in Slovak society: there are children’s parliaments, students’ school councils, ombudsman’s collaborators, and various projects about the integration of children into the community. However, in spite of a positive trend, these categories frequently function only formally, due to absence of skills of children as well as of adults; they are inexperienced in the field of cooperation with different partners, they lack mutual regard and respect of the opinions of others. Activities are also often ruined by its dependence on teacher initiatives:

*“... (even when) children have some ideas, they will not be used; that parliament was discontinued because nobody organised it...”* (quote of a girl attending primary school).<sup>18</sup>

Nevertheless, a great deal has been done in recent years in Slovakia towards creating conditions to implement children’s rights. **Many significant political, social and legal documents have been accepted.** It is the implementation of these documents, their integration with the actual lives of specific children, which bears the highest degree of importance. This task faces all adults, including parents, educators, social and community workers. They must learn actively to listen, analyse and resolve problems, to express empathy, to cooperate.

### **Annual Monitoring: evaluation of the effectiveness of laws and regulations**

The Central Office of Labour, Social Affairs and Family manages, controls and methodologically guides the state administration in the field of social protection and social guardianship, elaborates institutional care concepts and concepts in the field of social protection and social guardianship. The Central Office of Labour, Social Affairs and Family submits **annual monitoring reports** of the relevant state administration performances to the Ministry of Labour, Social Affairs and Family. In doing so, it uses the results of monitoring, outcomes from practical applications, its own investigations and processed statistics and submits its Annual report to the Ministry of Labour, Social Affairs and Family. The **Annual report monitoring the execution of measures in the field of social-legal protection of children and social guardianship** among others describes measures which have been found problematic in its practical application.

17. For more details see the “Alternative Care” section.

18. Newly emerging needs of children in Slovakia – NEN study; [http://www.nds.sk/docs/NEN-An\\_exploratory\\_study.pdf](http://www.nds.sk/docs/NEN-An_exploratory_study.pdf)

No information is provided whether the Acts regarding Civil and Criminal Procedures and their measures to allow children to participate in these proceedings are regularly evaluated.

*Recommendation:* better evaluation procedures need to be established for all laws and regulations providing child participation measures.

### **Specific Legal Judgments**

There are examples of Slovak court decisions which refer to the need to implement the right of the child to be heard.<sup>19</sup>

An example of a court case is the Slovak Republic's Supreme Court Resolution No. SR 2Cdo 193/2007 which established that: *“when the participant in proceedings is a minor child, the court may, when the child is capable of independently formulating its views, considering its age and mental advancement, determine these views not only by examination in proceedings but also through the competent body of social-legal protection of children. The court may select the method of determining the minor child's views in proceedings.”*

### **Independent Institution for the Protection of Children's Rights**

The ombudsman, as an independent body, participates in the protection of fundamental rights and freedoms of natural persons and legal entities. All persons believing that their fundamental rights and freedoms were, in contradiction to the legal order or the democratic principles and rule of law, violated in connection with a decision, action or inaction of a public administration body, may have recourse to the ombudsman. From the cited Article 11 of Act No. 564/2001 Coll. on the ombudsman, as amended by later legislation, it can be derived that the ombudsman protects the fundamental rights and freedoms of everyone, including those of children.

The UN Committee on the Rights of the Child, in its concluding observations to the second periodical report of the Slovak Republic dated 8 June 2007, welcomed, among others, the efforts of the Slovak Office of the Ombudsman in the field of protection of the rights of children, and furthermore recommended accelerating the establishment of an independent mechanism for monitoring the implementation of the Convention on the Rights of the Child, which would be authorized to accept and examine complaints submitted by children, and to coordinate its activities with other interested bodies. In addition, it noted that such mechanism or institution should have available the necessary human and material resources.

At the same time the UN Committee recommended the creation of a Ministerial Council for children and youth, which would coordinate the activities, programmes and policies applying to the protection of children's rights. The subsequent adoption of the National Action Plan for Children for the years 2009–2012 was developed in cooperation with the Office of the Ombudsman.

The ombudsman submitted his Draft Programme for implementing the Convention on the Rights of the Child to the National Council of the Slovak Republic, as a component of the

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19. The Ministry of Justice provides the general public with access to the JASPI system (Unified automated system of legal information) via its website. The system enables to retrieve not only legal regulations but judicial case-law decisions as well.

2004 Report of his activities. In 2009 the Government of the Slovak Republic commissioned the Deputy Prime Minister for knowledge-based society, European issues, human rights and minorities, and the Deputy Prime Minister and Minister of Justice, to elaborate on the legal analysis of the required legislative amendments regulating the public protection of children's rights, and on the proposed amending method with a view to establishing a children's ombudsman institute in compliance with the UNCRC. It was recommended that the ombudsman would cooperate in the fulfilment of this task.

Subsequently, the ombudsman elaborated his draft plan for increased legislative effectiveness of the ombudsman's activities, reflecting the extended jurisdiction including the field of protection of children's rights. He submitted his proposal taking into account General Comment No. 2 (2002) on the tasks of the independent national institutions for human rights in the enforcement and protection of rights of the child. His proposal was based on international experience and knowledge acquired in the course of handling motions concerning children, including those submitted by children in the Slovak Republic.

In his report of March 2010, the Ombudsman emphasized preparedness of the Ombudsman's office to fulfil its tasks as an independent mechanism towards the implementation of the UNCRC.

Within the Action Plan, the Slovak Republic's Governmental Office's Human Rights and Minorities Section, supported by a working group<sup>20</sup>, concluded that the solution to establish a new separate institution in the form of a defender of children's rights would seem to be a counterproductive step. They found that two specialised institutions to protect children's rights would be unsystematic and counterproductive. A solution within the present two institutions had to be found. The Ombudsman and the Slovak National Centre for Human Rights have expressed interest in the position of an ombudsman of children's rights. They both have prepared a proposal for incorporating the mechanism for the protection of children's rights within the existing arrangements. The Ministry of Labour, Social Affairs and the Family favoured the proposal to adjust the mandate of the Ombudsman, motivated by the following reasons:

- **Substantiation:** clearly independent position in the Slovak Republic, extensive existing powers, including children's rights, accessibility, international status of the ombudsman.
- **Required steps:** extend the terms of reference in the Act on the ombudsman, 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 staff appropriate to the tasks and a separate budget (separate funding).
- **Risks:** impact upon the state budget, amendment of the Slovak Constitution.

20. The working group was constituted by the Slovak Republic's Governmental Office's Human Rights and Minorities Section. Its members were the representatives of this office, the Secretariat of the Ministerial Committee for Children, the Office of the Ombudsman, the Slovak National Centre for Human Rights, the Office of the SR Attorney General, the SR Ministry of Justice, the SR Ministry of Labour, Social Affairs and Family, the SR Ministry of Education, UNICEF Slovakia, the Youth Council of Slovakia, and the UN High Commissioner for Refugees' Mission to Slovakia.



In connection with the above, the Legislative Council of the Slovak Government was asked to assess the necessity of amending the Slovak Constitution. The Legislative Council issued a statement in June 2010, according to which amending the Constitution was neither appropriate nor necessary, as its present wording allows the ombudsman to protect the rights of children as well.

Task C.6 of the Slovak Governmental Decree No. 94/2009, to prepare an analysis of the establishment of an ombudsoffice for children's rights by 30 June 2010 could not be objectively fulfilled. The fulfilment of this task was postponed, by request of the Deputy Prime Minister to 30 June 2011.

The Human Rights and Minorities Section, based in the Office of the Slovak Deputy Prime Minister for Human Rights, National Minorities and Gender Equality, found that meeting the principles set out in General Comment No. 2 and in the Paris principles would require essential transformation of the Slovak National Centre for Human Rights, and acknowledged that parts of the function of an independent institution executing public protection of children's rights was, in fact, fulfilled by the ombudsman institution.

In July 2010, the new Prime Minister informally informed the Human Rights and Minorities Section about her determination to resolve the issue by a governmental decision, whereby competences in the public protection of children's rights would be granted to a concrete institution. This request had to be seen in the light of the activities of the Slovak Republic in the UN Human Rights Council, where it represented the initiative to establish a Communication Procedure to the UNCRC, to be materialized in another Optional Protocol to the UNCRC. This would have consequences for the creation of national human-rights institutions mandated to support and protect the rights of the child. The Slovak Government therefore believed that the situation would be speedily resolved.

In this context, the Human Rights and Minorities Section requested negotiations with the Ministry of Justice in February 2011 in order to obtain consensus and to recommend the Government to set up an independent institution with the task of protecting children's rights.

**Conclusion:** after looking at several proposals, including the involvement of the Ombudsman, and disagreements between different Ministries, a decision has been taken by the Prime Minister to grant competencies in the public protection of children's rights to a concrete institution. Negotiations are taking place between the different Ministries to come to an agreement.

*Recommendation:*

It is recommended to implement the recommendation of the UN Committee on CRC to establish an independent children's ombudsman institution and the current ombudsman office for rights seems to be best placed to include this position in its office, considering the experience he has already with the protection and promotion of children's rights.

**The Slovak Ombudsman (Public Defender of Rights) engaged in child participation activities**

Since 2008, the Office of the Ombudsman has been engaged in the Project on Children Cooperating with the Ombudsman ('child ombudsman's project'). Collectives of children at

schools, children's homes and other children's establishments participating in the project **select a "child ombudsman" from among themselves**. Their task is to help their peers, within the scope of possibilities, in the solution of encountered problems, and/or directly to mediate in the ombudsman issues, the solutions of which require interventions by competent authorities.

The project included regular meetings of 'child ombudsmen' with the ombudsman as well as with other experienced professionals, mainly in the field of education, psychology and psychiatry. The 2010 meeting of child ombudsmen was held on 1 June, i.e. on the occasion of the International Day of Children. The meeting discussed the child ombudsman project, and general problems of children. It was attended by teachers and by members of the working group preparing the project to establish an integrated prevention system of social-pathological occurrences in children and juveniles in the Ružinov district of Bratislava.

In 2010, the Office of the Ombudsman prepared and published an anthology of contributions presented during a children's conference, titled "Children's Rights Seen with Children's Eyes", held toward the end of 2009 with children in the roles of main lecturers.<sup>21</sup> Both the Office of the Ombudsman and 'child ombudsmen' have been engaged in the activities of the European Network of Ombudspersons for children (ENOC) and in the supranational ENYA (Electronic forum for young collaborators of ombudsman institutions) project, aimed at the establishment of an increased framework for children to express and promote their views at an international level. The Office of the Ombudsman continued in 2010 to operate its **website portal, designed to familiarize, in a comprehensible format, children with their rights and with the ombudsman's mandate and to mediate contacts to organizations rendering assistance to children**. At the same time the portal offers children the opportunity to ask questions anonymously or to write about their problems; the replies and advice of lawyers and external co-operators of the Office of the Ombudsman are made available in the "Our Advice" column. Several hundred children utilized this option in 2010, using the column to signal, among others, family problems, alimony-related problems, school problems, peer persecution cases and/or disagreements with educators.

The ombudsman **cooperates with schools and establishments for children and juveniles**. Meetings and discussions with children and adolescents, as well as with educators, have been organized since 2004 within the framework of the child ombudsman project. These involved discussions of children with the ombudsman about his position in the legal system of the Slovak Republic and about specific problems in society, and information was provided to children about their fundamental rights and freedoms.

In 2010, the Ombudsman and his colleagues in the Office **educated pedagogues, primary school pupils and secondary-school and university students** within 13 discussions organized in various regions of Slovakia. Furthermore, they have participated in several other events devoted to human-rights issues linked to children and adolescents, for example, the Human Rights Olympic Games, the "Participation of Youth in the Life of the Community, City, Region" youth conference, the "Youth Without Prejudices" project and others. The Ombudsman, along with others, participated in the 6th year of a national meeting of the **Model European Parliament**, held in the National Council of the Slovak Republic by 46 secondary school students from

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21. The anthology is available on the ombudsman's website (<http://www.vop.gov.sk/zborniky>), on the webpage address [www.detskyombudsman.sk](http://www.detskyombudsman.sk), and was also distributed in a hard-copy format among 'child ombudsmen'.



8 regions of Slovakia, simulating a European Parliament meeting. The objective of this project was to teach students in political culture, to improve their skills of communication and argumentation, and to seek out solutions of problems handled by the European Parliament.

The Office of the Ombudsman organizes **annual meetings with groups of primary school pupils and secondary school students** at the occasion of the International Day of Children, devoted to special rights of children, and Open-Door days at the occasion of the International Day of Human Rights. Several school collectives visited the premises of the Office of the Ombudsman during the Open-Door days in the year 2010.

The Office of the Ombudsman, aiming to increase the legal awareness of the public, issues information materials devoted to essential legal problems and the Ombudsman's Information Bulletin, which is available in an electronic form on the internet ombudsman's website.<sup>22</sup>

**Conclusion:** the Ombudsman has organised a variety of child and youth participation activities and has involved children in decision-making processes and educated them on children's rights. It is not clear what the impact of these activities are for children themselves: do they gain self-confidence and the courage to participate? Whether their participation has an influence on policies and activities aimed at children is not fully clear.

## Training for professionals working with and for children

Training with regard to Article 12 of the UNCRC and the practical aspects of children's rights to participate is **not systematically provided for professionals working with and for children**, including lawyers, judges, police officers, social workers, youth workers, psychologists, carers, residential and prison officers, teachers at all levels of the educational system, doctors, nurses and other health professionals, civil servants and public officials, public prosecutors and asylum officers. **Training on children's rights in general is provided to several groups**, such as legal and police officials, health professionals, residential care workers, civil servants and to teachers. But specific training on how to listen to children and take their views seriously is hardly provided.

IUVENTA – Slovak Youth Institute – organized several training courses over the years 2008-2010 on the information issue of children and youth. Specifically, the courses were held to educate coordinators of Students' Councils at secondary schools, with the **main objective to promote participation and democracy at schools**. Thirty courses and seminars, attended by more than 420 participants, were held between 2008 and 2010.

Another education project, "PARTNERSTVO", has been engaging self-government officers, whose work agendas included young people, in the creation of functional partnerships between the self-government officers, organizations and young people in a given city, community or region. There were more than 20 training courses and seminars held over the 2008–2010 period, for 570 participants.

IUVENTA – Slovak Youth Institute – has a clear view of the **number of educating activities organized by NGOs** and supported through ADAM programmes of the SR Ministry of Education, Science, Research and Sports, but the orientation of **these activities cannot be**

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22. [www.vop.gov.sk](http://www.vop.gov.sk)

differentiated thematically. Before the 2009 European Parliament elections, IUVENTA – Slovak Youth Institute – provided **information to low-age groups about the elections** and representative democracy and organized 9 information meetings and seminars in all Slovak regions; these were attended by more than 400 participants.

Act No. 548/2003 Coll. on the **Judicial Academy established the Judicial Academy as an institution for the education of judges, prosecutors and court officers**. Judges and prosecutors participate in the educating activities on a voluntary basis. Independence of this educating institution is one of the essential guarantees of independence of the judicial system. **Study plans regularly include expert seminars applying to family law, including protection of the rights of children**. Human Resources Development – a departmental division of the Ministry of Justice of the Slovak Republic – organizes **annual workshops on the issue, in cooperation with representatives of the “Smile as a Gift” society of friends of children in children’s homes**, and with participation of representatives of various professional groups, as well as of judges handling agendas involving minor children.

Employees of the Offices of Labour, Social Affairs and Family, social-legal protection of children and social guardianship departments are, in their positions as **state servants, obliged to comply with valid legal regulations of the Slovak Republic**. These, for example, include Act No. 36/2005 Coll. on the family and on amending and supplementing certain Acts, as amended by later regulations. **Article 43 of this Act stipulates that each minor child capable of independently expressing its views while considering its age and mental advancement has the right freely to express those views in all matters concerning the child**. The minor child has the right to be heard in proceedings held to decide about matters concerning the minor child. Proper notice corresponding to the age and mental advancement of the child must be taken of children’s views. Linked to this, **all new employees are notified about the wording of this Article 43, which is directly related to Article 12 of the Convention on the Rights of the Child**. Employees are also regularly reminded of their duty to comply with this Article during **workshops** and at interpretations of new legislation in direct relation to this Article. Heads of social protection and social guardianship departments organize regular workshops in their departments, discussing current topics including the above-described theme. However, there is **no specific training provided on Article 12 of the Convention on the Rights of the Child**.

Similarly, **employees of children’s homes are duty bound to meet the principles expressed in Article 12 of the Convention on the Rights of the Child**. **Each new employee is given training in the field of valid Slovak legislation linked to the performance of their professions, including adherence to the provisions of Article 12 of the UNCRC**.

Taking into account the characteristics of the work of **prosecution offices** with children, the training of prosecutors is highly professionally targeted. Participation in related seminars is restricted to the prosecutors and erudite experts for work with children. Order No. 6/2008 of the Prosecutor General of the Slovak Republic introduced, at all levels of prosecuting offices (district, regional, attorney general’s office), that **specific prosecutors are specialized in the field of criminal activities of juveniles and criminal offences perpetrated against children**. While selecting prosecutors, their professional knowledge and experience in life and with the upbringing of young people have been taken in account. The specialized prosecutor is **obliged to undergo appropriate education and regularly participate in systematic professional training**, undertaken by prosecuting offices and by the Judicial Academy. Additional to

professional training provided by the Judicial Academy, the Office of the Prosecutor General puts major emphasis on internal departmental training courses, which are held annually for all specialized prosecutors in the Slovak Republic.

An example of training provided to prosecuting officers is the seminar held in November which focused on the topic “Procedural status of juvenile perpetrators in judicial proceedings, legality of process in producing evidence in cases of criminal offences perpetrated by juveniles, and of cases aimed toward protection of family and youth”. JUDr. Darina Švabyová, heading the violent crime and general criminality department of the Office of the Prosecutor General, emphasized in her contribution that **a child is always victimized, regardless of its status in penal judicial proceedings** (whether the accused or the victim). This seminar focused more on child protection measures than on their right to participate and have their views heard.

Another seminar held in September 2010 examined the topic “Evidence in penal proceedings, brought in connection with selected criminal offences against freedom and human dignity, and against the family and children” and aimed at the application of specific provisions towards protection of minor victims and witnesses and the psychological aspects of procedural acts executed with them. The theme “*On the examination of minor witnesses from viewpoints of criminal law*” was presented as well as the theme “*Psychological aspects of the examination of minor witnesses and victims of criminal offences, and the execution of procedural acts therewith*”. Psychologists presented their knowledge and experience, **emphasizing mainly on communication issues involving children** (physical context, cultural context, social-psychological context, time-related context), the prosecutor’s response to the behaviour of the child during the interview and its statement, evaluation of its perception and other important circumstances, accompanying mainly the testimony of a maltreated child.

The **seminar** held for specialized prosecutors in March 2011 was targeted at selected problems in criminal offences requiring the protection of the family and young people. The seminar was aimed mainly at the production, distribution and keeping of **child pornography on computers**. The programme included information provided to the prosecutors about the Council of Europe project – **Evaluation of the participation policy of children and juveniles and the agreed continuous method of fulfilment of tasks by prosecuting bodies** – according to the National Action Plan for children for the years 2009–2012.

There are no special training courses for prosecutors held at the time of their specialization in juvenile criminality and offences perpetrated against children; however, they obtain information about their job descriptions from their direct supervisors.

The activities of prosecutors are systematically controlled and guided by the Office of the Prosecutor General. In addition to guidance and general instructions applying to work with children and juveniles, **assessments of prosecutors’ activities** are carried out in order to remove flaws and to ensure, not only to juvenile delinquents but also to aggrieved minor children, **full utilization of their rights, including the right to be heard while considering their age and level**.

The **Ministry of Interior Affairs** of the Slovak Republic does not organise separate training courses on Article 12 of the UNCRC. However, this Article is included in criminal law and

other legal norms and these are incorporated in subjects taught at the Police Academy in Bratislava and also in **specialized police courses**. However, these trainings are given on **legal and child protection in general** and not exclusively on the Human Rights Convention.

Similarly, **Criminology and Victimology course students**, in the study course “Harm caused to victims”, obtain information about the rights of the child, linked to secondary victimization caused by investigative, prosecuting and adjudicative bodies in consequence of unsuitable processes and by selecting **unsuitable methods applied in the examination of victims (including minors and juveniles)**.

Students in the framework of the subject “Basics of Penitentiary Psychology and Pedagogy” are informed on Article 29 UNCRC with the theme “Aims and components of the upbringing and educating process” and “Education and rehabilitation in penitentiary facilities – education of juvenile convicts”.

The **Office of the Governmental Plenipotentiary for Roma Communities** is primarily engaged in social fieldwork designed for the socially excluded, comprising mainly marginalized Roma communities. **Training courses for social field workers** were held with financial assistance of the Social Development Fund. The UNCRC, and specifically its Article 12, is not expressly designated as such in the approved syllabi of accredited education, and hence **has not been incorporated in this education**.

The minimum training level in the specialized programme of study in paediatrics, which is the basic professional standard for all paediatric subspecialty departments, includes separate medical education on children’s rights.

Similarly, the acquisition of **knowledge in the field of rights of the child is incorporated in the study programme designed for the professions of nurses, midwives and health care assistants**, and also in other study programmes, e.g. community nursing care.

Thus, from a legislative aspect, education concerning the UNCRC has been included in the study programmes designed for health care professionals; however, it was commented that these documents are not sufficiently known to all participants. Education of health care professionals by the systematic education form – which is guaranteed by the respective professional associations – seems to be a suitable way in eliminating these flaws.

In 2009, the Ministry of Health participated, through the Office of Public Health of the Slovak Republic, in the organization of the international conference “Support and protection of the health of children and of children’s rights in auxiliary professions”. The conference focused on the conditions for and possibilities of supporting and protecting children’s rights in families, at schools, in the system of communities and in society, with particular emphasis upon the education of workers in auxiliary professions.<sup>23</sup>

## **Conclusion**

Training on the implementation of Article 12 of the UNCRC for professionals working with and for children **has not been consistently provided**. When training is provided it is often in general on children’s rights and training is more focused on how to deal with child protection issues, for example, when the child is a victim of crime or ends up in court or in health care.

23. The 2009 report of the National Action Plan for Children for the years 2009–2012 in the health care field.

Training is provided on Slovak law, which includes provisions to ensure the child's voice is heard, but this does not involve training on 'how' to listen to children's voices. The biggest role in training professionals on children's rights and the right to participate is played by NGOs, but also by official institutions, such as the General Prosecutors Office and Ministries, which provide training on Slovak Law, including provisions on children's right to be heard.

Training on children's rights in general to professionals working with and for children is a **first positive step**. It has to be acknowledged that after the Slovak Republic became a democracy, the whole population had to learn about democracy and civil participation. The next step is now to be informed and trained in how to listen to children and take their views seriously.

There are also groups which do not receive any training in relation to children's rights or children's participation, such as social workers working with Roma children. Teachers, school staff and civil servants at local and national level responsible for children's policies also do not seem to receive any training. Last but not least, children have indicated that parents often do not take their views seriously, except in small, child-related home affairs. Therefore training or information on children's rights and Article 12 of the UNCRC needs to be provided to parents as well.

According to Slovak children participating in the focus group meeting, there is a need for better training for those working with and for children and young people, including parents, teachers, doctors, civil servants and local and national decision-makers. These children and a majority of the children that took part in the Survey felt that professionals, such as legal officials, residential care workers and government officials, only sometimes listen to their views or do not listen to them at all or take their views seriously. But also parents, teachers and doctors could do more to take children's views seriously. Training on children's rights and the right to participate is one of the solutions that could improve this situation.

It is **recommended** that the government provides structured training on children's rights and their right to participate to all professionals working with and for children, but also to the general public, including parents. To this end, information campaigns could be organised.

## The right to information in relation to the right to participation

The right to information (Article 17) is extremely important in connection with article 12 of the UNCRC. Children need access to information in formats appropriate to their age and capacities on all issues that concern them. This includes, for example, information on their rights, national legislation, policies, local services, and appeals and complaints procedures. Consistent with the Convention, States Parties should include children's rights in the school curricula. The right to information is to a large extent a prerequisite for the effective realisation of the right to express views.

IUVENTA – Slovak Youth Institute – is the administrator of the Ministry of Education, Science, Research and Sport grant programme for financial support of activities of children and juveniles (the 'ADAM programme'), for the years 2008–2013. The ADAM programme is aimed at the provision of systematic, targeted and effective assistance to children and adolescents ('youth') outside the formal education process. It includes the following priority areas:



systematic and regular work with youth, active utilization of leisure time, **participation of youth in the life of society**, voluntary youth activities, **information and counselling activities for young people**, informal education of youth, improved knowledge of the situation of youth through research and education of workers with young people, and youth leaders.

At the same time, IUVENTA – Slovak Youth Institute – is the national partner of the EURODESK European information network, providing a wealth of thematic information about possibilities for young people. Approximately 2,500 consultations are annually provided through the organization’s webpage, along with information in various fields (e.g. mobility, study, stays, work, voluntary activities and social inclusion). Training courses and various thematic meetings are organized; for example there were 70 meetings held in the year 2009 on the **Active Citizenship and Structured Dialogue**, attended by about 2,000 primary-school and secondary-school students. The number of promotion materials, information leaflets and posters reached more than 10,000 in 2009.

In 2009 IUVENTA – Slovak Youth Institute supported the UNICEF research “**Children on Their Rights – Slovakia 2009**”<sup>24</sup>. The research was aimed at the assessment of children’s awareness of human rights and children’s rights and their implementation, and of their views on corporal punishment. The research showed that **children attending primary schools in Slovakia** in the last three school years are highly interested in the human-rights theme, have certain knowledge of human rights and are capable of expressing their views on the theme. However, **these children are not satisfied with the scope and amount of information offered to them**. Another of the established facts is that **more than half of the children are unaware of the Convention on the Rights of the Child**. On the other hand, the **majority of children are informed about, and capable of listing, several children’s rights**: the right to education was most frequently quoted by the children.

The Ombudsman uses **child-friendly language in communications with children**. When responding to questions by children, the ombudsman uses simple, comprehensible and informal language. Personal communication with children is done in an informal and open way. In addition, the ombudsman’s web portal does not use formal language, but a more accessible and less legal language comprehensible to children. Lawyers working at the Office of the Ombudsman and providing counselling to children via their website, address children with first names and sign their advices also with their first names.

## **The right to information in legal proceedings**

A **child may participate in judicial penal proceedings** as a witness or as the accused. Until 1994, the law instructed that **a person below fifteen years who is examined** as a witness must be notified adequately to his/her age. Although this obligation of the investigative, prosecuting and adjudicative bodies was not explicitly adopted in the re-codified Code of Criminal Procedure, in practice, the individual characteristics of the examined person are taken in consideration, including his/her intellectual, mental and moral capacity. When a person below fifteen is examined, this is done in the presence of an educator or of another person experienced in the upbringing of young people, or of an expert designed to contribute to the correctness of examination.

24. [http://www.vyskummladeze.sk/images/stories/iuventa/DAVM\\_026/Sprava\\_UNICEF\\_final.pdf](http://www.vyskummladeze.sk/images/stories/iuventa/DAVM_026/Sprava_UNICEF_final.pdf)

No specific measures regarding the provision of child-friendly information are included in legal proceedings for children aged 15–18 years: it seems they are treated similarly to adults.

Concerning **accused minors**, Article 347, Section 1 of the Code of Criminal Procedure is applicable, determining that examination, accelerated procedure and decision-making in proceedings against a minor must be entrusted to persons who have experience in working with young people. This includes notification in a language comprehensible to them. Linked to this, Instruction No. IV/1 GPt 22/05-39 of the Office of the Prosecutor General of the Slovak Republic of 20 April 2005, addressed to all district and regional prosecuting offices in the Slovak Republic, **ruled that a wrongful procedure was applied** by an investigator in a specific case of penal proceedings. The investigator in question **failed to notify minor witnesses adequately to their ages, and failed to provide them with the opportunity to decide whether or not they wished to testify** against a defendant who was their father. In consequence, the Office of the Prosecutor General instructed all prosecuting attorneys to ensure consistent and correct notification of witnesses in pre-trial proceedings.

**When the perpetrator of a criminal offence is a person close to the victim** (parents, i.e. statutory representatives who otherwise exercise the rights of the child, or its other relatives), then a **guardian** will be appointed for him/her to defend his/her rights and interests. If there is a danger of delay in pre-trial proceedings, the investigating judge appoints a guardian to the minor concerned in order to secure the exercise of his/her rights. **Guardianship in such cases is executed mainly by a state body**, or by the appointed representative of an organization assisting aggrieved persons.

According to Article 49 of the Code of Criminal Procedure, judicial bodies are under obligation to **provide written information to the aggrieved, already at the time of first contact, about his/her rights** in judicial penal proceedings and about organizations assisting aggrieved persons, including about the services provided by them.<sup>25</sup>

In cases of social protection measures, a **guardian *ad litem* function** is executed by the office of labour, social affairs and family, in its position as the body of social-legal protection and social guardianship of children in the sense of Act No. 305/2005 Coll. on the social-legal protection of children and on social guardianship. This Act **provides the child**, its parents or the individual executing personal care of the child, **social counselling and assistance** in order to eliminate or mitigate the consequences of the clash of interests between the child's parents or the individual executing personal care of the child on one hand, and the child or mutually between the children, on the other hand. **When the views of the child are examined, the body of social-legal protection of children and of social guardianship provides the child with the necessary assistance in an environment suitable or created for the given purpose.**

Arising from the above, a minor is not consulted about the appointment of his/her guardian, either in criminal offence cases or in civil law cases: instead such an appointment is seen as a state decision. It is important that a child or young person feels comfortable with the appointed guardian and would therefore need to be consulted over his/her appointment, since the guardian will be the key communication partner for the child. However, in relation to socio-legal protection and social guardianship issues, the child's views are examined and he/she receives assistance to do this in a child-friendly environment.

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25. Office of the Prosecutor General.

The persons executing **health treatment** provide information about the provision of health care. This information must be provided understandably, considerately, without exposure to distress, allowing sufficient advance time for free acceptance of the **informed consent decision**. It needs to be adapted to the intellectual and volitional maturity and state of health of the person who has to be informed. When that person is a minor child, **information must be provided by a method adequately suitable to the child's mental advancement**.<sup>26</sup>

One of the legislative documents ensuring the provision of sufficient information to children, hereinafter referred to as "Concept"<sup>27</sup>, defines the objectives, principles, priority jurisdiction areas of the state, self-governments and other subjects in selected life segments of children and adolescents.

Specifically, Point 1.3 of the "Concept" supports and improves the life of young people, including their education, **access to information**, housing, employment, **health** and active leisure. Accordingly, support of the participation of young people in the management of society and their education toward active citizenship and patriotism is the most important element. Furthermore, Point 4.5 handles the **issue of participation of young people in social and political life**, while Point 4.6 discusses the field of **information and communication technologies**.

Another document related to this field, entitled 'Concept of information and counselling activities for young people in the Slovak Republic'<sup>28</sup> of 2009, concerns the development of information services by way of Ministerial Recommendations to regional and local self-governments and to the Association of information and counselling centres for young people in the Slovak Republic. This concept describes the current situation in ensuring that information and counselling services are provided to young people, identifies the challenges for improvements, and aims at a **growing accessibility of information and counselling services by the widest spectrum of young people in the Slovak Republic**.

### **Information to disabled children**

To children with impaired eyesight, the format of information provided to them is of utmost importance (for example, Braille, increased fonts). These formats are mainly provided by the Slovak Library for blind people in Levoča, which, in cooperation with specialized schools, is engaged in the publication of magazines for children and adolescents.<sup>29</sup>

Information for mentally disturbed children uses an easily readable style, comprehensible by such children. It is used by special schools and/or specialized classes at primary and secondary schools, and should be included in the integrated education as well. Similar easily readable information is used also by the Association for Helping People with Intellectual Disabilities.<sup>30</sup> Accessibility to the information for intellectually disabled children is insufficient.

The scope of access to legal documents for blind children or children with impaired eyesight is not known, although, according to the law, state institutions' websites should be accessible to everyone. However, increased access to electronic documents has resulted in growing

26. More details are included in the section on HEALTH CARE.

27. [http://www.iuventa.sk/files/documents/Legislativa/173-schvalena\\_koncepcia.doc](http://www.iuventa.sk/files/documents/Legislativa/173-schvalena_koncepcia.doc)

28. [http://www.iuventa.sk/files/documents/Legislativa/1157-KOncepcia\\_IPCM\\_Info.doc](http://www.iuventa.sk/files/documents/Legislativa/1157-KOncepcia_IPCM_Info.doc)

29. Slovak Blind and Partially Sighted Union

30. Association for Helping People with Intellectual Disabilities.



access on the part of these children to information in the discussed field, thereby deepening their awareness. The issue of children with impaired eyesight is not specifically addressed in legislation; there is either general legislation in place, applying to all children, or legislation on disabled children in general. The possibilities for deaf Slovak children to present their views are substantially restricted by the system of communication in sign language. There is an absence of legislation recognizing sign language as the mother's tongue. Deaf children are not sufficiently informed of their rights and legislation related to them, as there is no special body with a designated amount of time to provide them with such information. Moreover, such information should be provided in sign language and with understanding, that is, to explain the topic in detail, descriptively and figuratively, using sign language.<sup>31</sup>

*...To be deaf and blind, as a unique handicap (if I may describe it this way), is very often linked to a mental handicap as well. Such children can only with great difficulty express themselves in relation to problems that would accompany them in life. The responsibility for the decision, whether or not to deprive such afflicted children of their legal capacity, lies with their parents. I will now speak for myself: we have decided not to deprive our daughter (now almost 25), and according to information from members of our association (of families), they have acted the same way. To us, it was a source of immense success to find that even such afflicted children are educable, as proven in the only specialist school in Slovakia – in Červenica pod Dubníkom. It was great to follow the things they were able to achieve with our children.*

The father of a deaf and blind child.

## Concluding

Though NGOs play an important role in providing information for children and young people in an accessible and child-friendly way, children responded in a survey carried out by IUVENTA and UNICEF that they are **not satisfied with the scope and information offered to them on human rights and children's rights**. The majority of the children were not aware of the UNCRC, though most of them could list several children's rights.

In **legal and court proceedings** the right of children below the age of 15 to be informed in child-friendly language and to give their views and be taken seriously, according to their age and maturity, is legally guaranteed. **For children aged 15–18, no provisions have been made. In practice, the provision for younger children is not always complied with**, as was also indicated by the children consulted in the Survey carried out for this review report and those taking part in the focus group consultation. They indicated that they do not understand anything of what is said in legal procedures and are often not given the opportunity to give their views. The fact that the **State monitors this and can rule that wrongful procedures are used is a positive development**.

Regarding social protection measures for children a guardian *ad litem* is installed by the state. This person is responsible for assisting the child when his/her views are examined.

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31. Slovak Blind and Partially Sighted Union

The ombuds-office makes a **positive exception** and communicates both orally and in writing in a **child-friendly manner** with children and young people.

Specifically **accessible information for disabled children** is provided by specialised libraries or institutions, including schools.

Focus group discussions showed that **health practitioners** most of the time do **not provide understandable information to children**, even though Slovak law provides for this.

*Recommendations:*

- It is recommended that the Slovak government ensures that all children are informed and educated on children’s rights.
- Legal and health professionals have to be better educated to use child-friendly language in their proceedings and explanations to children.
- A change in law is recommended regarding the rights of children in legal and court proceedings, in making the law applicable to all children as defined by the UNCRC: all those under the age of 18.
- Ensure that children are legally entitled to have a say in the decision to appoint a guardian or guardian ad litem for them.

## Attitude towards a child’s right to be heard

Except for specific documents and for certain administrative steps, the idea of children and adolescents participating in the decisions concerning them is as yet **not anchored in the general attitude of society**. However, although – due to **traditional attitudes of society towards children** – only limited weight is attributed to the views of a child, mainly in family practice, the degree of awareness of this right has increased. Society is already learning that the child has its rights, that its wishes need to be respected and heard, but the process of learning how correctly to handle this right has advanced very slowly. **Results from the focus group meeting and the Survey carried out for this review confirm** that traditional attitudes of society prevail and parents listen to children mainly on daily life affairs, but not when more serious issues are discussed.

Children must be guided towards their creation of the necessary framework for being heard. The phenomenon that, if the child’s views are not identical to those of an authority, we tend to sermonize his/her opinion, appears very frequently in society. Children’s views differing from adults are negatively looked at by us adults. Children in the focus group consultation came up with similar experiences and felt that adults did not listen to them because of the **age difference and did not see them as equal partners**.

However, implementation of the rights of the child is primarily conditional upon knowledge of these rights by the children themselves. The child must learn that he/she may and should express its views, whether in the framework of the family, school or society. According to the empirical UNICEF research (in 2009 “*Children About Their Rights – Slovakia 2009*”), there is a 90% overall awareness level of children’s rights (in the last three primary-school grades), where up to one third of all children expressed the opinion that they have heard enough about their rights; a further 55.5% have heard about their rights but not enough. More than

8% of the pupils stated that they had never heard about their rights. Children reported that, for the most part, schools (34.4%) are their most important source of knowledge about their rights, followed by their home environment (18.2%) and radio/television (less than 14%). Results from the Survey carried out for this review support the view that the majority of children have learned about their right to participate via school and their parents or carers, but also via other children and young people.

The general awareness of children of their rights is linked to the education level of their parents (secondary school graduates plus final exam: 34%, vs. university graduates: 47%); to nationality (parents of Slovak children: 34%, of other nationalities: 15%); to community size, to gender (there were fewer boys than girls who had heard much about their rights); or to primary-school classes attended by the child (awareness grew with increasing age).

Regarding the observance of the rights of the child, more than two thirds of all children tended to believe that these rights are being observed. However, substantial flaws in this observance are perceived by the absolute majority of children. One fifth of children thought that children's rights are mostly not observed in our country. Dissatisfaction concerning the observance of rights grows in parallel with the education level of parents (20% of children whose parents have primary-school education thought that children's rights are fully observed, compared to 7% of children coming from families where the parents are university graduates). The rate of dissatisfaction with the observance of children's rights is up to three times higher in children of Hungarian nationality in comparison with children who are Slovak nationals.

**Self-awareness of children concerning their right to participate in decisions is a very positive indicator.** Children have been increasingly expressing their right to be heard. The UNICEF 2009 survey showed this right as the fourth most spontaneously expressed. Apparently, flaws in Slovak legislation are also sensitively reflected in children, when applying to guarantees of their right to be heard in decisions about matters concerning them. These mainly apply to courts, social-legal child protection departments of the offices of labour, social affairs and family, self-governments and many other state and public bodies that should be responsible for the exercise of this right. In this field, **Slovak laws insufficiently implemented the right of the child to participate.** According to the study, 20.9% of children thought that **their right to be heard in important decisions concerning them was guaranteed in Slovak law**; but 66.1% of the children thought that **this right is not guaranteed by Slovak laws.**<sup>32</sup>

*Recommendations:*

- Ensure better implementation of Slovak laws regulating children's participation and their right to have their voice heard.
- Provide training to both children and adults on how to use their right to participate.
- Raise awareness in Slovak society on children's rights to participate, in particular focus on parents, and make adults aware that children of all ages have the right to be listened to and their views taken seriously.

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32. UNICEF Slovakia

## Attitude towards a child's right to be heard in the Slovak media

With a few exceptions, only public institutions devote parts of their media capacities to the right of the child to be heard. The absolute majority of children's programmes (mainly in commercial media) representing fairytales or serial entertainment of foreign origin lack any dimension offering space to children for the expression of their views. Two Slovak state TV channels broadcast, twice weekly, a total of four programmes designed for children (of various age) and their views. These programmes are explicitly built on the principle of hearing out children with active peer participation but obviously the complete media capacity devoted to children's views can under no circumstances be deemed sufficient or cross-sectional enough to allow children to express their views.

The right of the child to be heard is frequently interpreted erroneously, mainly in newscasts. Children are often handled insensitively, thereby converting them into objects of medialized compassion. Journalists do not respect the child's right to privacy, and asking for permission to display a child is still nonstandard procedure. Children are misused mainly by the commercial media, where the rules of protecting the child's mental sanity are less strictly observed. Children's responses are strictly predefined in the screenplay, and they are not given enough time for preparation, so that they could build up capacity for grasping the implications of their performance.

Television, printed media and the Internet unequivocally serve as a form of education of adults about children's rights. However, the absence or insufficient control (television) contributes to the interpretation and depiction of children's rights unsuitably. New media, such as the Internet, provide children with a perfect framework for expressing their views, but at the same time they create new tripwires and expose children to them.

According to the Slovak survey of UNICEF in 2009, children specified the **media as their third largest** (printed media 9%, TV and radio 14%, internet 12%) **source of information about their rights**. At the same time more than a half (printed media 53%, TV and radio 37%, internet 51%) of the interviewed **children obtained no information whatsoever from the media**. This means that the majority of children are dissatisfied with the range of information about their rights provided to them through the media. The importance of media and their contents-related evaluation concerning the rights of the child is much higher in small communities. Children participating in the UNICEF Survey expressed, on the one hand, interest in an improvement of information about their rights, but also, on the other hand, the wish that the media should pay more attention to them.

Children in the focus group consultations had differing views on the role of the media and its presentation of their views, and in particular 'older' children had strong views on this. Some felt that the media did not present their views very well, while others found the opposite. More programmes on topics relevant for children had to be presented on TV. They felt they did not have much influence to change the role of the media.

**"The programme is designed in the way so that it has a high viewing rate without thinking about children."**

Quotation from a Slovak child participating in a focus group meeting

In addition, the survey confirmed the well-known **experience of Slovak children with the presentation of violence in TV and in the Internet**. One third of all children reported frequent

encounters with violence in television, and more than 40% encountered it occasionally. Continuing pressure is necessary to bring about a reduction in the amount of violence broadcast, seeking out more efficient methods of both a sanctioning and non-sanctioning nature of how to protect children from the negative influence of violence presented in TV.

Images of children in the media can generally be said to be inconsiderate and even to show negative trends in displaying the child, whether in television or in the printed media. Children are in advertisements as objects towards the achievement of commercial goals. In 2009 the Broadcasting and Retransmission Council concluded several monitoring activities and resolved complaints concerning 2008 broadcasts.<sup>33</sup>

Several legislative Acts in the field of broadcasting and audio-visual media services regulate the protection of minors, for example it is prohibited to depict, in an inappropriate form, minors exposed to physical or mental suffering, and to display child pornography or pornography containing pathological sexual practices<sup>34</sup>. Similarly, broadcasters have to ensure that programmes potentially damaging the physical, mental or moral development of minors, mainly those containing pornography or gross unsubstantiated violence, are not broadcasted.

Programmes potentially damaging the physical, mental or moral development of minors or damaging their mental health and emotional state must not be broadcast between 6.00 h and 22.00 h.

A **Media Education Centre** (1 January 2011) has been set up. One of the main objectives of media education is to teach all age groups to adopt a responsible approach to the media and the media contents, teach them to use new communication technologies and protect minors against illegal and inappropriate contents.

**Conclusion:** children are mainly negatively depicted in the media, even though Slovak law provides for several preventive and protection measures and a monitoring and complaints mechanism, the Broadcasting and Retransmission Council, has been provided for. The points of view of children are overall not very well presented by the media.

*Recommendations:*

- It is recommended that the Slovak government launches **positive campaigns on children and young people** and encourages the media to adopt **ethical guidelines** on reporting on children and youth.
- The possibility for children and young people to influence the media needs to be explored, for example by setting up a **youth media council**.
- The **use of social media**, frequently used by children and young people nowadays, needs to be further explored and encouraged in developing the participation of children and young people and informing them about their rights.

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33. PhD. Katarína Trlicová, expert guarantor of the Child Security Line, Slovak Committee for UNICEF; Glassnerová Magdaléna, Children's Broadcasting Script Editor, Slovak Television; Guráš P, Filadelfiová J., Final report: Children about their rights – Slovakia2009, Slovak Committee research for UNICEF; Zuzana Alerová, Slovak Committee for UNICEF; Report on the situation of broadcasting in the SR and on the 2009 activities of the Council for Broadcasting and Retransmission.

34. Article 19 of Act No. 308/2000 Coll. on broadcasting and retransmission, and on amending Act No. 195/2000 Coll. on telecommunications.

## Gaps in relation to the analysis of national legislation and policy

“I believe participation is important for children and for them to know that they have rights. Adults have to know this, because this concerns their future”

Quotation from a Slovak child at a national hearing on the draft review report, 31 May 2011

Slovak legislation pays a fair amount of attention to the right of children to be heard and taken seriously, in particular in legal proceedings and healthcare. However, from the children’s focus group consultations and the children’s survey it may be concluded that this is not properly the case in practice. The Slovak government needs to **invest more in monitoring compliance with these legal provisions** and involve children in monitoring as well.

The **National Action Plan for children 2009–2012** also provides excellent opportunities for children and young people to participate in the implementation of the Action Plan which includes tasks designed to explore the views of children and to provide relevant information to children so that children in future can actively participate in and comment on policies concerning them.

However, not a great deal of legal information is provided on whether it is possible to set up **formal consultation bodies for children**, such as school councils, local and/or national youth councils and children’s parliaments. School councils are regulated by law, but no legal provisions are made for setting up local or regional youth councils.

An important issue in the Slovak Republic appears to be the establishment of an **independent ombudsman for children**. Several years of drafting proposals and debates between different Ministries and the Ombudsman have taken place, until finally the Prime Minister declared that a solution must now be found very soon. Though the current Ombudsman (Public Defender of Rights) takes his responsibility to promote and protect children’s rights very seriously, including the active involvement of children in his work, an **independent mechanism for monitoring the implementation of the United Nations Convention on the Rights of the Child**, which would be authorised to accept and examine complaints submitted by children, and co-ordinate its activities with other interested bodies has been recommended by the UN Committee on the Rights of the Child.

A key issue in Slovak society is the need to increase adults’ awareness of the rights of children and their right to participate, both with adults and with children and young people themselves. Even though it is important for all children below the age of 18 to be aware of their right to participate, they feel that this right has to be respected ‘right now’ and might feel disappointed when adults do not comply. **Attitudes have to be changed** and it has to be made clear that children and young people need to interact with adults on an equal basis. It is recommended that awareness of child and youth participation in Slovakia be increased in line with a step-by-step process.

### Step-by-Step Process to improve child and youth participation in Slovakia

1. The **first step** involves research among adults on how they perceive participation, similar to the research survey carried out with Slovak children for the review report on child and youth participation.



2. The second step involves the development of an awareness-raising campaign, which could include the following aspects:

- Involve the children’s ombudsman and relevant institutions for the implementation of children’s rights in Slovakia.
- Appoint an ambassador for child participation, for example, a celebrity who is well-known to the children.
- Link the campaign to other national children’s rights events.
- Involve the media.
- Involve peer networks of children and young people.
- Show the results, achievements and value of participation by, for example, sharing good practices.
- Focus the campaign on both individual and group participation.

When an awareness-raising campaign is devised, it needs to include the **definition of child participation** and what this means in practice. Participation needs to be clearly explained in an awareness-raising campaign: “Children have their voice heard and are listened to seriously and are able to influence decisions affecting them” and by doing this help to overcome prejudices against child and youth participation. Acknowledge that participation might have different connotations for different people.

Another aspect to bear in mind in devising an awareness-raising campaign is to **focus the campaign in particular at local level**, which is the closest to the day-to-day experiences of children and young people.

3. The third step involves **providing professionals working with and for children, and children and young people themselves, with training in child participation**, since participation requires training and skills.

A methodology needs to be developed to train trainers in child and youth participation. Training can be developed for mixed groups. It is recommended that the provision of training start with a mixed group of professionals (a pilot group) and then an evaluation made of which group would be the easiest to reach and target first; these could be teachers or medical professionals, or within these groups there could be child nurses/school nurses who might be easier to reach. Ideally, training should be firstly directed at schools and the family, since these are the places where children are likely to spend most of their time. For example, a platform could be set up for school staff and parents/family of the children where they learn about how to listen to children and take their views seriously. This already happens in ‘alternative schools’ in Slovakia. Other groups on which the training could focus are ‘new parents’ (adults who have just become parents) and students at teacher training schools.

4. The fourth step needs to **ensure equal participation of ALL children**. Equal participation for all children means that children with disabilities, Roma children, minority children (i.e. the Hungarian minority), and other vulnerable children are also included and are made visible in the awareness-raising campaign, by finding examples of good practices, which can be shown in the campaign.

5. The **fifth step** is to **ensure that legislation is in place to set up consultation bodies and that it is monitored**. Council of Europe standards on child participation could be used for this. The legal framework is necessary as a basis for setting up child participation mechanisms.

Linked to the above steps is the need to **ensure that children and young people are consulted by the government at all levels** on legislation, policies and action programmes relevant to or with an impact on children. These include local, regional and national government offices.





# Implementation of the right to be heard in different settings and situations

The right to be heard has to be implemented in diverse settings and situations in which children grow up, develop and learn. Various ways of influencing the implementation of the child's right to be heard are available for use by States Parties to foster children's participation.

## The family

The family is the primary place where children grow up, "where they can express their views freely and be taken seriously from the earliest ages" (paragraph 90 of General Comment No. 12). State parties should encourage, **through legislation and policy**, parents, guardians and child minders to listen to children and give due weight to their views in matters that concern them. The State Party is also encouraged to promote **parent education programmes** that build on a relationship of mutual respect between parents and children, foster the involvement of children in decision-making, consider the implication of giving due weight to the views of every family member, address the question of understanding, promoting and respecting children's evolving capacities and provide for ways of dealing with conflicts within the family. A crucial aspect of family relations is the focus on the child's right to be heard.

## Legislation and policies encouraging parents to listen to children and take their views seriously

"It's useless to say something at home where nobody is listening. I just stop my sentence in the middle and rather go away."

Quotation from a Slovakian child in a focus group meeting

According to Article 7, Section 5 of the Constitution of the Slovak Republic, Article 12 of the UNCRC is not explicitly projected into the Constitution of the Slovak Republic. However, in the sense of the quoted Article of the Constitution of the Slovak Republic, the Convention on the Rights of the Child has precedence over the laws. The Constitution of the Slovak Republic guarantees, in Article 41, Section 1, special protection of children and adolescents.

The Family Act, Article 43, Section 1 states: "*The minor child capable of independently expressing its opinion under consideration of its age and mental advancement has the right to express it freely in all matters concerning the child. The minor child has the right to be heard in proceedings on decisions about matters applying to that minor child. Adequate attention must be paid to the opinion of the minor child, corresponding to its age and mental advancement.*"

In compliance with the declared essential aim of the new Family Act, the legal status of the child has been strengthened. The **first sentence in Section 1 is primarily addressed to the child's parents**. Since it is unavoidable to dedicate maximum care to the upbringing of a child, taking into account its age and mental advancement when making decisions concerning it, one must also consider its opinion, which the child is entitled to express freely. Unreasonable suppression of, and/or ridiculing of the child's opinions, along with an authoritative parental attitude, will be taken on in life as an example that will manifest itself in the child's internal emotions.

**Minors are, in Slovak legislation, given widespread options for expressing their views: they may freely express their views in all matters concerning them.**

A minor child has the right to be heard in proceedings handling matters concerning the child, corresponding to his/her age and intellectual advancement. This means that parents, as well as courts and other bodies may take the child's views in account upon evaluation of his/her intellectual advancement and age. There is a special provision linked to Article 43, Section 1, according to which **consent of the child to its adoption is necessary**, insofar as it is able to assess the scope thereof.

Similarly, the **change of name and surname of a minor child older than 15 years requires its consent**. The decision about religious education of the child older than 15 years is in the hands of the concerned child.<sup>35</sup>

### **Absence and low engagement of parents in the upbringing**

Since the mid 19th century, family life has changed in Slovakia: the extended family, including parents, children and grandparents no longer lived together. Divorce rates are increasing, and most single-parent families are headed by the mother. Parents are absorbed by work and career, agonized by having to suffer mutual dependence, alienation or intolerance.

Since **time is a limited available commodity**, parents must divide it across career, employment, children, etc. In contemporary Slovakia, concerns on the field of employment and professional careers predominate in the distribution of time available to parents.

Parents try to provide for everything considered to be the current standard of life for themselves and their children, including housing, food, clothing, mobile phone, PC, holidays, financing children's interests/hobbies. As a consequence, they have less time for their children. Parental absence, or rather invisibility, in the family is turning into a dual problem:

- Physical absence of parents in the upbringing (due to workload, off-residence work, jobs
- Emotional, mental absence of parents (no time, low quality of the time shared with children, ...).

### **Migrating Parents**

It is normal today that both parents work long hours and children are often at home alone, with the TV or with a computer as companion. Fathers, but also increasingly mothers, mainly from poor areas in eastern Slovakia, where unemployment can reach 40%, frequently commute for work to distant cities or other countries (the Czech Republic, Austria, Ireland,

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35. JUDr. Edmund Horváth, JUDr. Erik Varga: The Family Act, Commentary; Iura Edition, 2006

England, Germany) and their personal contact with their children becomes even more infrequent. Commuting is not limited to mothers of adult children but also to mothers of adolescents, and even commuting mothers of pre-school aged children have been encountered. These children are cared for by relatives, most often by grandparents, during parental absences, or are occasionally supervised by friends or older siblings. Mothers and fathers often leave the family for periods from two weeks to one month. The consequences of such a new phenomenon is not clear yet, but some experts warn that the impact on emotional development of children can be enormous.<sup>36</sup>

*“There are at least three fellow students in our class with parents working abroad, cared for by their grandparents; they therefore can behave as they like. Grandma cannot forbid them anything.”*

(Focus group - children at P. Horov primary school in Michalovce).

Children feel the need to talk to a reliable and close person about their daily lives. Physical presence of parents is a precondition for this. However, parents (in particular, solitary mothers), pressed by working duties required for the family to function, arrive home in a state of exhaustion, incapable of expressing interest in the life and problems of their children. *“When my parents come home from work, they are tired; they just lie down and go to sleep. They tell me, ‘Have some fun, switch the telly on’.”* (Lukáš, 11).

The majority of parents in the survey<sup>37</sup> expressed personal communication needs with children. Many of them pointed out efforts to compensate for lack of personal contact by increased communication through information/communication technologies (ICT).

These are the words of a grandmother, looking after her grandchildren<sup>38</sup>:

*“My daughter tries to remotely educate her sons, to motivate them to study. Very often she communicates with them through the internet and the web is a teaching aid to the thirteen-year-old child. She is in contact with the children each weekend, and in between, two or three times by phone during the week.”*

In such situations the children themselves seek out methods for enforcing parental attention. Some of children’s replies to the question – how to get attention from their parents – are shown below:

- *“To be a problem child,... when I bring only good marks, there is no need to ask anything. Only when I pose problems, then they ask, ‘How it was at school? Have you been fooling around?’”*
- *“To be smaller, because they always care more for the smaller ones.”*
- *“Schools should organise parent-teacher sessions with both the children and parents present.”*

<sup>36</sup> Newly emerging needs of children in Slovakia – NEN study; Link EN: [http://www.nds.sk/docs/NEN-An\\_exploratory\\_study.pdf](http://www.nds.sk/docs/NEN-An_exploratory_study.pdf)

<sup>37</sup> Newly emerging needs of children in Slovakia – NEN study; Link EN: [http://www.nds.sk/docs/NEN-An\\_exploratory\\_study.pdf](http://www.nds.sk/docs/NEN-An_exploratory_study.pdf)

<sup>38</sup> Andruchová J., Bútorová Z.: The Situation of Women in Humenné District in Context with Migration for Work Abroad, 2006

- “I could perhaps organise some kind of a campaign, a petition on behalf of neglected children, or some other event.”<sup>39</sup>

Increasing divorce rates in Slovakia (53.96%) expose more children to the brunt of having one of the parents missing. The impact of a divorce upon children is well known to specialists.

**Stress, nervousness and dissatisfaction appear to a growing extent among adults in families,** and transfer to children, who are very responsive in sensing the parents’ emotional state. New situations present new demands upon children. Teachers observe the growth in the number of relocating children, often following the divorce of their parents. Children have difficulties in finding a new environment, a new background, new friends. Indicators show that such children, confronted with new situations, get into conflicts with their environment or become victims of harassment. The need to integrate such children presents new challenges to their parents, teachers, NGOs, prevention and consultancy centres.

Loneliness – the absence of a close reliable person – applies increasingly to more and more children. Some parents increasingly resolve their problems by excessive consumption of alcohol; they often stay in pubs together with small (frequently pre-school or school aged) children. The scope of this phenomenon can only be guessed. In Slovakia, **alcohol abuse of parents** is by no means new. However, in connection with a **growing unemployment**, it could become a serious problem – in some regions “valleys of hunger“, as pointed out by village-school teachers. Once in such situations, children lose support provided by their mostly inebriated parents, and teachers – trying to resolve the problems and needs of children – lose a cooperating partner: sometimes they try substituting the parents.

According to respondents, a growing number of parents give precedence to their own interests over those of their children. The willingness of parents to make sacrifices is said to be on the decline.

The **missing parent problem** in the upbringing of children has been emphasized also in the UNICEF project by means of an education campaign, a 2007 biking relay race through 16 Slovak cities, designated “Dedicate More Time To Our Children“<sup>40</sup>.

Strengthening parental engagement in their children’s upbringing is highly topical, considering their difficult substitutability mainly in fulfilling the emotional needs of children. A certain limited degree of possibilities is offered by information – communication technologies (ICT). However, several respondents recommended the determination of priorities: *“Dishes can wait, the child won’t wait – he/she will grow up too fast.”* (Focus group – parents in Detva).

Employers have their roles here as well, mainly by aiming at the harmonisation of work and family life. There are positive examples of employers providing adequate leisure time to employees and **some companies have organised employees’ discussions about the upbringing of children.**

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39. Andruchová J., Bútorová Z.: The Situation of Women in Humenné District in Context with Migration for Work Abroad, 2006

40. www.detimycas.sk

### **Imbalanced nature of parental upbringing**

The style adopted by parents in the raising of children, including their communication methods, influences the affection of the relationship between children and adults, the development of the child's adequate self-esteem as the functioning basis of partnership and of a happy personal and working life. Children frequently miss parental understanding of their problems. They get the impression that their parents dislike them, and children may retaliate by denying reverence and revolting. Thus, in particular during adolescence, the lack of parental interest self-explained by the child may result in the ignorance of parents and the refusal of values towards which he/she had been educated:

*“Children are less attentive at school; they concentrate on Mummy’s lack of interest. When she takes no heed of me, I can be outside and I need not learn. My peers can ridicule, or even persecute me because my parents don’t give a damn. Then some of the objectives that the parents implanted in the children – education, work – lose importance...”* (Matúš, 14 years).

Presently we are witnessing a decrease in the amount of direct communications between children and parents. Rather, we send an SMS, stick a message to the refrigerator, mediate them by phone. *“The children lack eloquence, I believe some 80% of all families are very non-functional, they have no time to talk with parents; parents have no time to talk to their children.”* (Fokus group - educators at Narnia Primary School in Bratislava – specialised educator).

Parents have little information available about age-dependending and temperament-dependending variables of their children. Society has certain predominant stereotypes about how children learn, what they should master at what age. Such standardised requirements for the functioning of children are at the same time sources of lack of understanding by their needs, their feelings of not being understood, and of seeking sources others than their parents. Another reason for children bypassing (their close) adults in their problems is often found in the personal immaturity of parents unable to admit errors and considering any independent manifestation of their children's thinking as disrespect of parental authority. The only solution of conflicts, in specific families, is frequently found in aggression, cursing, beating up: *“Our dad resolves any problem by beating us up .... He does not talk to us.”* (Focus group – Roma children in Detva).

Upbringing is reduced to questions, orders, bans, recommendations of what needs to be done. Children respond with fear of parental reaction, evasion of communications and/or sharing problems with them. Awareness of the causes and effects of problems is usually absent, as well as the provision of open and constructive feedback by parents and adults; non-constructive and hurting criticism is predominant.

### **Penetration of the family intimacy by the external environment, media and technology**

Currently almost all Slovak children have access to a computer. Modern technologies grant children nearly unrestricted access – frequently unknown to parents and without their

accompaniment – to information in various fields. “Nearly a third of Slovak children state that parents don’t care about what they are doing on the net.”<sup>41</sup>

Children are increasingly informed by the media, and less and less shaped by their parents. They resolve their problems in chats, self-help groups and similar networks.

It is the computer that, in many aspects, is a parent surrogate. “*Today, children are not glad to return home, to the intimacy of their homes but they are looking forward to the vacant computer,*” a psychologist observed. It seems that ever-younger children are threatened by the combination of the parents’ lack of time and access to new technologies. Experts agree that new technologies would bring more knowledge and benefits, if only their parents would devote more time to them.

Slovak children consulted in the focus group discussion and the Survey carried out for the review confirmed the above evidence that **children are often not able to express their opinions freely at home**. Children in the focus group meeting felt that their views about daily life issues were taken into account, but not about other issues. A little more than fifty percent of the children consulted in the Survey indicated that they are listened to by their parents ‘most of the time’ or ‘always’, while more than a quarter responded that they are only listened to ‘sometimes’ and more than 17% are ‘hardly ever’ or ‘never’ listened to. However, the majority of children consulted felt they have ‘some’ to ‘a lot’ of influence on decisions in their families.

### **Do parents inform their children on children’s rights?**

The research project, entitled “*Education and Exercise of Human Rights in the School and Family Environment from Parental Viewpoints*” was carried out in 2009 by the standardized interview method (using a questionnaire) for the **parents of pupils in selected primary and secondary schools in the whole territory of the Slovak Republic**. The resulting data were processed by a statistical programme. The file represented those parents of primary and secondary school students to whom questionnaires were delivered by the students and who returned them completed to the research organizer (Institute of Information and Prognosis in Education). Upon evaluation of the level of fieldwork and control of the individual questionnaires, 202 of them were processed. The established selection criteria were gender, age, level of completed education, child’s gender, type of school attended, year, city/village size, and region.

The research results confirmed the following:

- Of the file comprising 202 parents of primary and secondary school students, **61.9% showed that they have talked to their child about existence of the rights of the child**. **22.8% have not** provided that information to their children, and **15.3% of all parents did not know** or failed to recall talking about children’s rights. **The children’s rights issue was most frequently discussed by parents with children aged 10 years**; with increasing age of the child these talks were declining.
- **By comparing the responses of parents of primary and secondary school students** it was found that parents of primary-school pupils referred somewhat more to the existence of children’s rights than those of secondary-school students (63.8% vs. 60.2%).

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41. Gregussova, M., Kováčiková, D.: Slovak Children and the Risk of Virtual Space, VUDPP, [www.zodpovedne.sk](http://www.zodpovedne.sk)



- Comparison of results obtained for the years 2006 and 2009 showed that parents have been informing their children about human rights to the **same** percentage.
- Parents most frequently stated **information/entitlement to know one's rights** as the reason for informing their child (17.9%). Further frequent reasons for providing information were: **problems at school** (12.9%), **questions posed by the child** (8.0%), **duration, environment and as part of the upbringing and circumstances** (uniformly 6.0%), appearance of the information or a link thereto in **television, media** (5.5%); 4.0% of the parents stated **problems appearing in the child's behaviour**, 3.0% **provision of information by the school**, and 1.0% of all parents informed the child because of **its self-defending capability**. **Problems in the family** were referred to by one parent (0.5%). Approximately each third parent asked (34.3%) could not recall the reason.
- Clearly, a comparison of responses of primary and secondary school students' parents shows that their most frequently stated reason for supplying information about the existence of the rights of the child is the entitlement to know about rights.
- In the field of human rights, parents most frequently provided information about the **right to education** (21.0%), **general information** (18.0%) and the **right of own opinion, freedom of speech and religious liberty** (13.0%). 11.5% of all parents supplied information to the child about the **right of safety and protection**, 10.5% about the **right to life and love**, 9.5% about the **right to a dignified life and an identity**, and 8.0% about the **right to development, family life and care**. The frequency of parental information in the human-rights field remained below 5% about the **right to health and health care** (4.0%) and **right to leisure time and friends** (0.5%).
- The type of information provided by parents was influenced by their level of completed education, for example, higher-educated parents provided more frequently information about the right of education, freedom of speech, religious liberty, the right of access to information and the right of general information in the field of human rights, whereas information presented by low-education parents to children prevailed in the field of the right of protection, the right of identity and dignity, and the right of upbringing and family life.<sup>42</sup>

Comparing the results of the consultation of Slovak parents with the Survey carried out with Slovak children, more than 60% of the children stated that their parents or carers had informed them about their right to be listened to and taken seriously. The parental survey confirms that more than 60% of parents told their children about their rights in general. When looking at the list of rights most frequently discussed with their children, the right to form your own opinion and freedom of speech (related to the right to participate) is the third children's right that parents informed their children about (after the right to education and the right to information).

### **The school counselling system**

Educational, behavioural and mental problems of children and young people arising at schools are resolved with assistance provided by the system of educational counselling and prevention. These are mainly carried out by special pedagogical and psychological counselling centres,

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42. Institute of Information and Prognosis in Education



which are establishments providing advisory and prevention services in the field of upbringing, psychology and special pedagogy to the children, their statutory representatives (including parents) and school employees.

These special counselling centres have in the 2009/2010 school year, executed a total of 20,035 consultations within their professional methodological activities with parents and with statutory representatives of children.<sup>43</sup> There is no information available indicating to what extent these school counselling systems provide assistance to parents in listening to the views of their children and taking these seriously.

### **Parent education programmes**

The Slovak Republic has several examples of parental education programmes, which take the UNCRC into account.

The first one is “CESTA” – the Centre of Education to Parental Skills, which provides services to families, parents and children in a temporary or prolonged adverse life situation – material and social destitution – which they are unable to resolve by their own efforts. The target groups of the Centre are families with children under 18 years, living in the territory of the Bratislava self-government region. The CESTA project is run by UNICEF Slovakia and supports parents, among others, in their management of parenthood-related tasks and the creation of a suitable child upbringing and care environment. The UNCRC is taken into account in its work.<sup>44</sup>

Another example are the Maternity centres in Slovakia which are established in the form of civic associations (about 70 centres across all Slovak regions) in which activities are undertaken, on a voluntary basis, mainly by mothers on parental leave. Their work includes the creation of a safe and child-friendly environment for meetings of up to 3-year children’s parents, preparation of various forms of education and activities of interest for children, parents, future parents and the general public, and the organisation of cultural and/or sporting events.

In 2006, 26 maternity centres (MC) in Slovakia participated in an international campaign, wherein 480 parents discussed issues of upbringing and its all-society aspects. The discussions continued in 2009 and 2010 with almost 1,500 parents participating, aimed at the identification of parental upbringing needs and the promotion of parental experience. The results of these discussions were used to prepare a publication and methodology for the “*How to understand my children and myself*” course, accredited by the Slovak Ministry of Education, Science, Research and Sport. Since 2010, this course has been offered by 15 Maternity Centres – academies of practical parenthood. It is expected that by the end of 2011, about 150 to 200 parents will graduate in these courses across Slovakia.

The objective of the course is to assist parents in finding a positive way of upbringing, by understanding the child’s behaviour and self-reflection; to offer solutions for standard situations in the upbringing of children, and thereby emphasizing the need to accept them as partners. One of the pathways is the development of values declared in the “Ten Commandments of the Academy of Practical Parenthood” that emphasize open-minded parenthood, partnership

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43. Slovak Children’s Fund and Institute of Information and Prognoses in Education

44. [www.unicef.sk](http://www.unicef.sk)

**with the child**, community-relevant values of upbringing, environmental protection and civic participation.

The uniqueness of parental education at mother-and-parent centres is that the courses are given in casual, non-commercial premises, suitable to small children who remain in the parent's presence during the courses, lectures and discussions; **the courses are led by mothers**, trained to work with parent groups and the courses are based on initiatives "from below", that is, from the experience and needs of contemporary Slovak parents.

A third example of good parent education courses are the meetings of **family councils or family group conferences**, which involve a new approach to endangered families; this is currently carried out by 'Smile as a Gift', an NGO. The aim is to share responsibility for finding solutions for the concerned family, in the form of meetings with the broader family and its friends, to generate plans for the future of the child. Within the family group conferences, **the views and wishes of the child and adolescent exert influence upon the process of finding methods that would guarantee that the child's voice is heard and taken in account.**

**Smile as a Gift** issued an information leaflet which, in a language comprehensible to children, describes the family group conference course, including information on whom to ask to convene such a meeting, the contact data of the coordinator, whom of my family, relatives and friends would I like to invite to my family council; professionals who helped me in the past and who, as I believe, could help me again. In 2010, 24 of those meetings were held, involving on average 11 family members and 4 professionals for each meeting. Meetings were set up when the development of the child was at risk (e.g. alcohol abuse, financial problems, etc); for educational measures and when a child lived in a children's home and for example the child would return home.<sup>45</sup>

**MIXáčik** is another example of parental education service – it is a **low-threshold familial centre supporting parental skills**, designed for parents and children up to 6 years, mainly those circulating in **high-risk and asocial environments**. It is primarily designed for those mothers and fathers, and/or other relatives, who have communication problems in their social environments, are negatively influenced by various socio-pathological phenomena, as for example alcoholism, drug dependence, pathological gambling, prostitution, criminal activities, cruelty and frequently neglect proper care for a child, or need other types of assistance.

The centre provides comprehensive services to the target group in matters of upbringing and care. Its activities are aimed at the identification and contacting of the parents of children below the age of 6 who are deemed less capable of managing the tasks of upbringing of, and care for, their children, whose parental skills are underdeveloped, who have become parents at a very young age, or who have many children. This is a group of parents with children who normally do not call at other maternal centres, whose children fail to attend pre-school establishments due either to lack of parental interest or to adverse financial situations. **Education on human rights, and support of children in their efforts to learn to exercise their right to be heard in concrete social situations, are integral components of the activities described above.**<sup>46</sup>

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45. [www.usmev.sk](http://www.usmev.sk)

46. [www.usmev.sk](http://www.usmev.sk)

A very active and respected organisation in the field of finding families for children from institutional care as well as for facilitating family reconstruction is the NGO “Navrat” (Return). Their activities consist of finding new adoptive and professional families, provide trainings as well as support future adoptive and professional parents, self-supporting parents and children’s groups. “Navrat” provides trainings for whole families and individual consultations for parents as well as supporting families at risk, by a range of methods and tools (including financial) in order to restore and improve conditions in a malfunctioning family. The assistance is directed at the child by supporting the family. The rights of a child are a fixed component of these programmes and projects.

### **Conclusions and Recommendations:**

There is a need to **balance family and working life**, including sufficient employment for parents near their homes. For working parents it is difficult to have sufficient time left to listen to their children and take their views seriously. With ‘**migrating parents**’ who have to work in remote areas or even abroad, and are therefore absent from home for longer times, children have very limited possibilities to communicate with them. Another factor contributing to this phenomenon is the rising divorce rate, resulting in an increase in the number of single-parent families.

- Set up **awareness-raising campaigns** targeting parents on the rights of children to be listened to and their views to be taken seriously, for example in parental courses on children’s upbringing and in school counselling services.
- Several **positive examples of parental upbringing courses** are already being undertaken in the Slovak Republic, mainly by NGOs or by bottom-up initiatives, including for parents with ‘vulnerable children’, in which the rights of children to be listened to and taken seriously are included. These good practices and initiatives need to be duplicated.
- **Involve employers** in teaching parents about children’s rights, including their right to be heard.
- **Address migrating parents** by supporting and educating them to involve children in decisions to migrate for work.

### **Alternative care**

In all Council of Europe member states, a group of children live in institutional care, for various reasons. This may be alternative care to replace (temporarily) the family, juvenile justice institutions or other institutions.

“As far as the alternative families are concerned – the main thing is to pursue the happiness of the child.”

Quotation from a Slovak child in a focus group meeting

Legislation on alternative care is **based on the “Family Act”**, which describes it as a set of several specially arranged, interlinked and mutually preconditioned temporary measures, substituting for personal care provided by the parents of a minor child in cases when the parents do not or are unable to provide it. While deciding the selected alternative care method, the court shall always take the interest of the minor child into consideration.

The term “alternative care” includes:

- the entrustment of a child to the personal care of a natural person other than the parent
- foster care,
- institutional care.

**Adoption** is regulated separately in Title Two, fourth part of the Family Act. Article 12 of the Convention on the Rights of the Child is responded to by the provision of Article 43, Section 1 of the Family Act; procedurally, by the provision of Article 100, Section 3 of the Rules of Civil Procedure.<sup>47</sup>

**Personal alternative care** or **foster care** has precedence over institutional care. Personal alternative care of children is usually awarded to relatives or other close persons with whom the child has a naturally evolved relationship, rather than entering into a fully alien environment. Grandparents prevail among the relatives. Contrary to foster care, such persons need not be entered into the list of persons interested in entrustment of the child and thereby are not obliged to prepare for alternative care. Foster care usually involves strangers interested in the execution of alternative care that are among the list of applicants for foster family care.

The court appoints a **guardian**, providing for the upbringing the minor child, representing it and managing its property when both of its parents died or were deprived of parental rights and duties, or when the execution of their parental rights and duties was suspended, or when they lack full legal capacity. The guardian is not required personally to care for the minor child. If the parents of the minor child are alive and if it does not contradict the minor child’s interests, the court shall award guardianship primarily to the person proposed by the parents whose execution of parental rights and duties was suspended.

### **Legislative measures to ensure children’s participation in alternative care**

According to Article 43 of the Family Act, the minor child capable of independently expressing its views under consideration of its age and mental advancement is entitled to express them on all matters concerning the child. Act No. 305/2005 Coll. on the social-legal protection and social guardianship of children establishes the obligation to ascertain the child’s views in the mediation of alternative care (preparation of the child for alternative care, taking the child’s views into account, consent of the child to adoption), to fully take the views and decisions of the child into account in connection with pocket-money allocations in a children’s home, etc. Children are prepared by the social-legal protection body to participate in decisions regarding alternative care. Preparations are not required when the child is considered of low age. According to the Ministry of Labour, Social Affairs and the Family, **no age limits are set for children to express their views** and also very small children are capable of expressing their views. This has to be done by an expert.

Article 21 of Act No. 305/2005 Coll. on the social-legal protection of children and on the social guardianship determines that the social-legal protection body and social guardianship **provides the necessary professional assistance to the child** in order to ensure he/she is able to express his/her views. When the child remained unprepared for mediation of alternative care after completion of the child preparation process, then the report on preparation of the

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47. See section: Legal and policy analysis.

child for alternative care must specifically show the reasons for this. The person who is designated to prepare the child to participate, except for the child's present establishment, must be specifically accredited for preparation of the child.

### **Provision of information to children on alternative care**

The child assigned to a children's home must be informed about its situation by appropriate methods considering its age and mental advancement. The child placed in the children's home is encouraged by employees of the children's home to freely express, in the framework of group and individual meetings, its views and to participate in the decision-making process. Children also have the right to ask questions and give suggestions, which will then be subject to an adequate solution. Their views, comments and suggestions are evaluated, and incorporated into plans.

The child placed in a children's home receives information about his/her situation and participates in the decision-making process regarding the maintenance of contacts with its biological family, his/her access to suitable education, but also at the time of leaving the home, whether to re-enter its natural familial environment or to relocate in an alternative-care environment and about achieving independence by the young adult.

Individual employees are notified about the need to encourage the child and to create the framework necessary for the expression of his/her views. Children's homes are responsible for adherence to the principles of respect for the child's opinion in the execution of all measures in the children's home. The children's survey carried out for this review confirms that the majority of the children living in residential care (60%) believe that the child-care workers take their views seriously 'always' or 'most of the time'. However, still a considerable group of children replied that they were only 'sometimes' listened to and a small group was 'hardly ever' or 'never' listened to. This shows that a positive trend has been set in residential care institutions, but all employees have to be trained to ensure children are able to have their voices heard.

### **Counselling services provided to children in care**

When a child is prepared for alternative care, a psychologist working for the advisory psychological services department provides him/her with a range of services, including social counselling, general and objective information about the effects of alternative care, and psychological care, using methods in correspondence to its age and mental advancement. This can include the use of child-friendly material, such as photographs and children's curiosity can also be stimulated in order for him/her to ask questions which are of his/her interest. A safe environment is created for the child freely and spontaneously to express his/her views, wishes, expectations or disagreement with alternative care. According to the law, it is obligatory to seek the views of the child.

The right of the minor child is guaranteed to freely express his/her views about alternative care, providing he/she is able to formulate his/her views. Every child at any age who is capable of expressing his/her views can do so. When the child is not capable of expressing his/her views a professional interviewer can express the opinions of the child.

Children are involved in decisions relating to the selection of school, attendance of religious ceremonies, purchases of clothing, footwear and food articles, joint creation of group menus,

care of appearance, participation in interest groups by own selection, etc. Child-care workers of the children's homes provide for the participation of children in the form of individual interviews, community meetings, directly at playtime and during routine activities.

In 2010 government departments providing counselling and psychological services embraced child participation in 131 cases of children's preparation for alternative care. In relation to divorce and post-divorce policies, children's views were canvassed in 1,392 cases.

Before placing the **child in the judicial decision-enforcing establishment**, the body of social-legal protection of children and guardianship provides assistance to the child in order to facilitate the departure from his/her family. The child, in accordance with its age and mental advancement, receives information about the judicial decision enforcing establishment, where he/she will be placed, about the possibility of taking personal belongings, about his/her rights and duties in the judicial decision-enforcing establishment, and about the options in maintaining regular personal contacts and correspondence with his/her parents, statutory representative.

*Competent monitoring institution: the ombudsman*

Children placed in children's homes regularly communicate, both personally and in a written form, with the ombudsperson, expressing their views on various phases in their life.<sup>48</sup>

**“Children's parliaments” in children's homes**

One of the forms of incorporation of a child in a children's home into the home's activities in compliance with the principle of respecting its opinion is the establishment of the so-called **“children's parliaments”**. They are composed of **representatives of children in the children's homes**. The children elect one or two representatives to the “children's parliaments”. There are currently four regional children's parliaments in place, located in four Slovak regions: Banská Bystrica, Nitra and Trnava, which have children's representatives from each children's home in the region, and Trenčín. In Trenčín there is a regional “children's parliament” and “communities” are established in the different children's homes. In Prešov regular “community” meetings are held within the children's homes. **The functioning of the children's parliament may significantly contribute to the development and capacity to ascertain their views in their future lives.**

One of the children participating in the municipal case study discussion of Gelnica told about her experience of living in a children's home and participating in a “community” meeting of all children living in the home (ten in total). Their views are presented to the director and topics are related to every day live. The function of this “community” seems similar to the “children's parliaments”.

It has to be noted that different types of children's homes exist in Slovakia, for example, children live in small units with their carers across a municipality, or they live in small units close to each other but in separate apartments or they live in one building. The different living situations do not all allow for the setting up of “children's communities” or “children's parliaments”, but children need to be encouraged to participate in the decisions taken in the different forms of institutional care provided to them.

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48. For further information on the role of the Ombudsman, see the section on the legal and policy analysis.



### **Confidential mail boxes**

Children may insert notes expressing their views, lack of satisfaction and/or various suggestions into the so-called prosecutors' mailboxes, installed in the children's homes. The same is possible in **juvenile justice institutions**. Checks at (juvenile) judicial institutions are carried out once in three months by the public prosecutor, and their contents are held in records. The prosecutor of local competence examines whether any complaints, notices and suggestions of persons held in the establishment are being directly submitted to him. The prosecutor, while carrying out the examination, also talks to the persons held in absence of others. Some of the establishments are equipped with mailboxes designed for the inmates for mailing to the public prosecutor, also anonymously, complaints about violation of their rights. Examples are available in the "Nádej" ("Hope") crisis centre in Snina, the crisis centre in Humenné, in the "Slon" ("Elephant") children's home in Šarišské Michal'any, the children's centre in Prešov, in the children's home in Spišská Belá, Štós and Nižná Kamenica municipalities, and in the treatment and education sanatorium in Košice-Barca. The mailboxes are regularly checked in the course of examinations. Other juvenile justice institutions have **boxes of confidence**, the contents of which are recorded and handled by employees of the concerned institutions. Their work is checked by prosecutors during their regular quarterly checks.<sup>49</sup>

### **Concluding remarks**

Slovak legislation guarantees that children of all ages are able to participate in decisions affecting their placement in alternative care and enables children to participate in decisions taken within residential care institutions. Children are given assistance with participation and provided with child-friendly information by psychologists and childcare workers. Childcare workers are notified about the need to take children's views into account in their daily work in institutions.

A positive development is the setting up of children's communities in children's homes and of regional children's parliaments of representatives of children's homes in half of the regions in the Slovak Republic. The majority of children living in residential care believe their views are listened to seriously by the institutions.

#### *Recommendations:*

- It is recommended that children's communities be set up in residential care institutions for children.
- Ensure that regional children's parliaments of representatives are set up, where applicable, in all regions of the Slovak Republic, following the examples of good practice in other regions.
- Ensure that more in-depth training is provided to child-care workers in all residential care institutions on how to listen to children's views and take these seriously.

### **Health care**

A child should have a right to participate in individual health-care decisions and to be involved in the development of health policy and services.

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49. This part is also relevant in relation to mechanisms used to report cases of inadequate behaviour towards children in "Situations of Violence".

“I wanted to ask him (the doctor) to repeat it to me as if to a 5-year-old child. But I didn't.”

Quotation from a Slovak child in a focus group meeting

### **Legislation on access to confidential medical counselling and advice**

According to General Comment No. 12 on children's participation, a State Party must have legislation or regulations in place to ensure that children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age, where this is needed for the child's safety or well-being.

In Slovak law, annex No. 2 of Act No. 577/2004, regarding the scope of health care, children above the age of 15 are provided with regular counselling, while for children up to the age of 13, parents are provided with counselling regarding preventive medical examination of children. Preventive examinations are carried out from birth onwards every two years. According to the Ministry of Health, all children have the right to request additional examinations and counselling at any time they need this. In practice, this is not known to children, their parents or even paediatric doctors and a proper mechanism to disseminate this information is needed to ensure all stakeholders are informed.

Children may make use of counselling provided to them at the Consulting centres for health protection and support in the absence of parents. Their activities are primarily oriented towards decreasing risk factors of lifestyle, such as unsuitable nutrition, smoking, excessive consumption of alcohol, lack or ineffectuality of physical activity, inadequate management methods of accumulated stress, abuse of medicaments and narcotic drugs.

Slovak law does not regulate for children regardless of their age to have access to confidential medical counselling, though the Ministry of Health indicates this is possible.

### **Age of consent for children to medical treatment**

According to Article 6 of Act No. 576/2004 Coll. on health care, persons executing health treatment are obliged to provide information on the purpose, nature, consequences and risks of health care provided to anyone receiving health care, including the child, or the person legally representing the child.

**Informed consent of a child below the age of 18 is provided by its statutory representative, and the child itself participates in the decision to the maximum extent possible allowed by its capability.** In practice this means that the child cannot really have any medical treatment or counselling without the knowledge of his/her parents or the child's legal representative. In cases when the child would like to use his/her right to privacy (Article 16 UNCRC) and, for example, would not like to share any information about sexual activity, this will not be respected, since it would be difficult to balance this with regard to the parental responsibility and it would harm the doctor's practice.

The person executing health treatment is obliged, in connection with the provision of health care, to inform the child by methods suitable to his/her mental development. This ensures information is provided understandably, in absence of distress and allowing sufficient time for the child to be adequately informed. Whether in practice information is provided in a child-friendly



manner to children depends more on the personal attitude of paediatric staff. **Better monitoring of the legal obligation to provide information in a child-friendly manner would therefore be recommended.**

In case the child's interest would require informed consent in order to provide health care and this informed consent would not be given by the statutory representative (for example, due to religious preconceptions), the health care provider may file a motion to court. In these cases, judicial consent is usually provided within 24 hours, overruling the consent of the statutory representative.

According to the Act on Health Care (No. 576/2004 Coll.), data in the child's health documentation are made accessible to the child or to its statutory. **The parent or guardian has the right to see the health documentation of his/her child under 18 and therefore the child's privacy is not absolutely protected.** Even if the doctor does not directly inform the parent, he/she is allowed to see the medical documentation. In the case of suspicion of child abuse perpetrated by the parent, it is possible to protect the child by means of so called "social hospitalisation" – if the child is in need of it or by means of preliminary measures according to the related law.

### **Information on the right to participate in paediatric research**

Biomedical research involving a child may be executed in compliance with Articles 26–34 of Act No. 576/2004 Coll. on health care, which needs the informed consent of the statutory representative of the child, who must express the anticipated wish of the minor to participate in the research. **The minor child must express the wish to participate in clinical tests,** must be capable of forming his/her own opinion about the subject matter of the relevant clinical tests and capable of evaluating the information provided to him/her about such tests, and must be aware of his/her right to refuse participation in clinical tests, or to withdraw from participation in clinical tests at any time without any sanctions and consequences. Biomedical research may be abandoned at any time without any consequences to the participating minor.

The interests of a minor always have precedence over the interests of science and society.

### **Receipt of appropriate information on health care treatment**

"Doctors don't let me choose the treatment, only the medicaments – some are more expensive and some less."

Quotation of Slovak child in a focus group meeting

Although Slovak law regulates that the child is advised about the provision of health care in a suitable and comprehensible form, in practice this is not always implemented. In some cases medical advice is not sufficiently comprehensible either to children or adults.

Children in the focus group meeting admitted that they did not understand much of what doctors were telling them during their examination and none of the focus group children knew that they had a right to see their medical records. The children felt that doctors usually inform their parents present during medical examinations and ignore in this way the children. The survey carried out with Slovak children for this review shows that though the majority of children (54%) believe that doctors and health workers listen to their views and take them seriously, still a considerable group feels that they are not listened to.

### **Involvement of children in the planning of health and development services**

In Slovakia the child is enabled to maximize its participation in the decision-making process regarding the provision of health care; however, it appears that the practical framework to support children to participate is insufficient.

In Slovakia **several national and international surveys** with children and young people have been carried out relating to their physical development, health awareness and health related behaviour. According to the Ministry of Health all children are equally able to participate in these surveys, including sick children or children staying in hospital. But no evidence has been provided on this. The results of these surveys are the basis for the planning of services related to the health or development of children.

Children engage in various contests and other health-promoting activities organised by the State and nongovernmental organisations, in which they express their opinions on health and health-related issues. These activities are continuously evaluated and taken into consideration. Examples of such activities are the “**Health Behaviour in School-Aged Children (HBSC)**” – an international survey, the National mental health programme, the National programme to fight against obesity, the National action plan for alcohol problems, and the Action plan for the realisation of the anti-drug strategy. Another example are **National Literary competitions**, in which secondary school students have to write essays on health as they see it, including issues such as healthy food, physical exercise as a precondition of a healthy lifestyle and tobacco, alcohol and drugs as enemies of health.

Children are allowed to file health complaints with the Healthcare Surveillance Authority, but no separate records are kept of this and apparently paediatric doctors are not aware of this regulation. Adults can also file complaints on their behalf.<sup>50</sup>

It is **recommended** to keep records on filed health complaints and to monitor the regulation to file health complaints.

### **Provision of child-friendly health care services to children**

Children are provided with health care in specialised outpatient departments for children and young people, and institutionally at specialised workplaces for children and young people, meeting the children’s health care provision conditions.

Children are provided health care by **physicians specialised in paediatrics** and providing general outpatient health care to children and young people, and by **nurses specialised in paediatric nursing** care.

When a child has to receive health care, including hospitalisation, he/she has the right to be accompanied by his/her parent or statutory representative of the child during the entire duration of hospitalisation. The hospital has to provide suitable conditions for the parent/guardian to stay with the child in hospital, for example, “Rooming in/child with mother“ rooms at obstetrics departments; “mother – child” rooms at paediatric departments may be established with maximally two beds for the mothers, and two beds for the neonates.

<sup>50</sup>. Healthcare Surveillance Authority

*...More specialised establishment types should be created because of the specificity of health handicaps. The fact that something suited to the intellectually disabled in an establishment is unsuitable to the deaf-and-blind and vice versa should be clear to everybody. As far as health care is concerned, our children have exactly the same conditions as "healthy" citizens. We only have to seek out the specialists willing and able to provide health care to our children. I can see no big problem in this....* (statement of the father of a deaf-and-blind child)<sup>51</sup>

### **Health support to children living in marginalised Roma communities**

In 2007 there were 27 Roma paediatric assistants trained by professionals to provide community health education in segregated and separated Roma settlements and locations, covering a region with 130,000 Roma citizens, including in Banská Bystrica, in which a municipal case study was carried out. However, during the consultation in Banská Bystrica no mention was made about Roma children, which might be a problem preferably not promoted externally. The programme was very successful, but due to lack of finances, which included mainly European Community Funds, the programme stopped in 2009 and only 3 trained assistants were left to cover the whole region.

Community health education workers act as mediators between the inhabitants of segregated and separated Roma settlements on the one hand, and physicians, nurses, midwives and public health care professionals on the other hand. The activities of community health education workers are primarily targeted at working with the families directly in the settlements, but they also organise specific activities involving specific target groups such as for children and young people and activities implemented at schools. Health education is aimed at the care of the individual's own health, prevention of infectious diseases, responsible marriage and parenthood, handling of food, environmental protection, prevention of accidents and injuries, health care and general care of children.

Activities executed through community health education workers relating to children in marginalised Roma communities include prevention programmes in relation to personal hygiene and care and hygiene in kindergartens and primary schools; monitoring the spread of hepatitis A and executing preventive measures; preparing women for maternity and stimulating an increase in the vaccination of children.<sup>52</sup>

### **Concluding Remarks**

Slovak law does not provide for children – regardless of their age – to have access to confidential medical counselling, though the Ministry of Health indicates that this is possible.

Informed consent to medical treatment has to be given by parents or guardians of Slovak children below the age of 18, though the child himself/herself also participates to the maximum extent possible. In the absence of the informed consent of a parent, a decision may be taken by the courts, further to a request from the health care provider on behalf of the child concerned. Slovak law does not guarantee the child's privacy in access to his/her medical records, since his/her parents have the right to see the medical records of a child below the

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51. The National Disability Council

52. Source: the Slovak Public Health Authority

age of 18. However, this is not the case when a crime against a child by a person close to the child is suspected. Doctors are obliged to include the child's opinion in the medical records if this differs.

Though Slovak legislation provides that children should be given medical and health information in an accessible and child-friendly way, in practice this is not the case, as shown by evidence provided by children themselves.

By means of national and international surveys, the Slovak Republic involves children in the planning of health and medical services, which is a positive development. It remains open whether all children, including sick and hospitalised children and children with disabilities, are able to participate fully in these surveys. Moreover, children should be involved not only via surveys, but also through direct dialogue and involvement in the development and planning of medical services.

Specific health provisions are provided to segregated and marginalised Roma communities in the Slovak Republic, including specific programmes targeting children, in the form of intensified health care (e.g. vaccination against hepatitis A in areas of socially disadvantaged population groups). However, positive discrimination is against Slovak law and specific projects targeted at the Roma communities funded by NGOs or the European Union are only temporary solutions.

*Recommendations:*

- Provide training to health care workers and doctors on how to provide child-friendly information on medical treatment to children and how to listen to their views and take these into account.
- Investigate the possibility of lowering the age of consent to medical treatment for children
- Ensure that there is a balance between children's right to privacy and their parents' right to see their medical records.
- Legalise the obligation for a paediatrician to provide counselling to children as early as 7 years old when performing preventive examinations of a child.
- Ensure that vulnerable children, including sick children and those with disabilities, are equally able to participate in national and international health activities and surveys.
- Find a systematic solution for establishing and financing trained community health education workers (Roma paediatric assistants)

## Education and school

Respect for the child's right to be heard in the education context is fundamental for the implementation of the right to education.

“The older you are, the more respect from authorities you get. But it's interesting that the teacher always tell us that we are old enough to prepare for each lesson individually.”

Quotation from a Slovak child in focus group meeting

### **Children's and parent's views taken into account in the planning of school curricula**

The Slovak Republic has defined the obligatory educational content for schools in **state educational programmes (SEP)**, which are issued and published by the Ministry of Education, Science, Research and Sport (“Ministry of Education”). It is a *starting point for the development of the individual school educational programme of a school*, which takes account of the specific regional conditions and needs<sup>53</sup>.

**The school educational programme (SCEP)** is the principal school document guiding education and training in school. It must be developed in accordance with the principles and goals of education and training and be consistent with the relevant state educational programme.

**The Curriculum** is a component of the school educational programme and defines the education and training goals, the content and the extent of teaching of particular subjects at a particular school.<sup>54</sup>

The SEP defines the general goals for schools and the key competences for a balanced development of pupils' personality and the framework education content.

Both state educational programmes and school educational programmes draw on identical principles of education and training, set out in the **School Act (Act 245/2008 on education and training)**. Education and training as described in this Act take into account children's rights, the rights of statutory representatives, and the rights of individuals participating in the educational process. **School educational programmes are designed with the cooperation of school managements and pedagogic employees, the school board made up of parents' representatives, pedagogic workers and delegated representatives of the founder.** Parents have the right guaranteed by law to be elected to the self-government bodies of the school board, and to be informed through democratically elected representatives of all activities of the school and its economic management.<sup>55</sup>

**In secondary schools, pupils are delegated to the school board.** Secondary schools also cooperate with interest and professional organisations when developing school educational programmes. Schools are obliged to inform parents of pupils of the conditions and methods used in education and training of their children.

The State School Inspection monitors compliance of the school educational programme with the goals and principles of education and training provided for by the School Act. Based on the findings of the Inspection in 2008/2009, it was noted that **school directors** discussed further outlooks of **primary schools**, quality changes in education and training of pupils and the school profiles **with invited representatives of the school board (65.74%), with statutory representatives of pupils (56.40%), the school founder (47.75%).** Interviews with **secondary school directors** indicated that they were adjusting their schools profiles to their own personnel conditions, rather than to the interests of pupils and the public.

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53. [www.minedu.sk](http://www.minedu.sk)

54. Institute for Information and Prognosis in Education

55. Institute for Information and Prognosis in Education, Humajová, Z. 2008. Distribution of competencies in the system of school governance In Education for Life: Scholl Reform in Social Context [online]. Conservative Institute of M. R. Štefánik, 2008. Available at: [http://www.institute.sk/upload/pdf/Studia\\_Reforma\\_skolstva\\_v\\_spolocenskom\\_kontexte.pdf](http://www.institute.sk/upload/pdf/Studia_Reforma_skolstva_v_spolocenskom_kontexte.pdf)

The overall majority of gymnasiums (91.66%) and secondary vocational schools (83.07%) posted their school educational programme on their websites and publicly accessible bulletin boards on the school premises, accessible to school pupils.<sup>56</sup>

It can be concluded that in general, children are not consulted on school educational programmes, except for programmes of secondary schools, via their representation in school boards. Parents, though, are consulted on these programmes. It has to be noted that children's opinions are not required in the planning of the curriculum and the school educational programmes in Slovakia. The only exception is the choice given for pre-defined subjects, such as ethics versus religious education. According to a survey carried out by UNICEF in 2009, more than two-thirds of the child population of the last three grades of primary school has co-decided the selection of these subjects in school (20.4% by own decision of the child, 52% by joint decision).

### Participating mechanisms at school

"I don't know if we have a school council. Yet we have it, probably. Sometimes teachers ask us about our class representatives and nobody responds."

Quotation of Slovak child participating in child focus group meeting

### School Councils

The Slovak Act No. 596/2003 Coll. on state administration in education and in self-governments of schools regulated the setting up of school councils. In particular Article 26 of the Act introduced the students' school council instrument, describing it as the body representing secondary school students and their interests in relation to the headmaster and management of the school. The Act allows school self-government to be performed by the school councils (the school councils, municipal school council, territorial school council) and the pupils' school council. Pupils'/student school councils can give their positions on substantial issues, proposals and measure of the school in the area of education and training, participate in the development and observance of the School Code, represent pupils in relation to the school director and management and to elect their representatives for the School Board<sup>57</sup>.

Already in primary schools pupils may set up their pupils' school councils (very often named children's parliaments), in which they can address their problems at school level and make proposals for improvement to the school management, which concern the education issues in schools, etc. Pupils' school councils are more common in secondary schools than in primary schools.<sup>58</sup>

The pupils' school council provides statements on substantial issues, suggests proposals and measures applying to the school in the field of upbringing and education, participates in the creation of and adherence to school rules, represents students in relation to the headmaster and management of the school, submits to them its viewpoints and proposals, represents

56. State School Inspection

57. Next to the pupils'/student school councils, which are solely intended for school pupils, there exist the so-called "school councils", which are composed of employees of the school, parents, local government representatives and at high schools representatives of pupils.

58. Institute for Information and Prognosis in Education



students also externally, and elects and recalls students' representatives for the school council.<sup>59</sup> The "Third Wave – Professional support of students' school councils" booklet specifies: "Surveys have shown that **school councils are established in two thirds of all secondary schools. However, not all students' self-administrations do actually function or work in an efficient manner.**"

In the school practice the pupils' school council is often used as a **formal instrument of children's expression of opinion**, often becoming the only accepted mechanism for the school management and no room for co-action of pupils in other forms is offered. But there are **examples of schools in which the pupils' councils function very well**, enjoying the full support of the school management, with high initiative on the part of students and a direct influence on the creation of the school environment.

Although there are a **few other mechanisms next to school councils allowing and encouraging active participation of children** in creating the educational environment in Slovak schools, they tend to be closely linked to the open-minded thinking of particular schools. These examples are only found in alternative schools and in cases where the school management is in favour of untraditional and **informal forms** of functioning of the school environment.

New initiatives come from the ranks of young generations of teachers, children themselves or their parents, as well as from non-governmental organisations and foundations. According to the **UNICEF Survey of 2009 – How children see their rights**<sup>60</sup>, only 14.7% of children approached (seventh and ninth primary school graders) responded that they had seen a positive change over the last three years relating to the exercise of children's rights in their own school. The strengthening of the right of the child to the free expression of views came in the second place. The survey showed that the proportion of pupils who were able to give a positive change in their school differed significantly, depending on the type of school (markedly more in state schools), the size of municipality (most improvements found in the smallest municipalities), the region (best results for the Prešov and Košice regions) and the grade (upper grades reporting more changes). The survey points out **still a small proportion of positive changes noted with regard to the exercise of the rights of children in Slovak schools, as viewed by children themselves during the past three years**. However, the survey shows a trend towards the **strengthening of children's rights** and the elimination of previously persisting flaws in their exercise.<sup>61</sup>

**Children taking part in the focus group discussion** confirm the evidence provided above that pupils'/students school councils are mainly formal bodies, which do not make much or any difference to issues relevant to them at school and their education. **They do not feel they can contribute to decisions taken in schools**. The older children in the focus group felt that 'younger' children should not be together with 'older' children in pupils'/student school councils, because this would lead to longer discussions. A solution could be to **have separate pupils'/student school councils for different age groups**, at least for primary schools and for secondary schools.

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59. IUVENTA – Slovak Youth Institute - and Department of Children and Youth, Slovak Ministry of Education, Science, Research and Sports.

60. Survey results are only available in Slovak at <http://www.unicef.sk/sk/prava-deti/dohovor-o-pravach-dietata/vyskum-na-slovensku/>

61. UNICEF Slovakia



“The age limits in youth parliaments are important, because the pupils of elementary schools cannot express their opinions unless they’re in the last grades. The age limit for members should be up from 12 years.”

Quotation of Slovak child participating in child focus group meeting

There have been several organisations active in the field of students’ parliaments’ support e.g. SUŠKA (Secondary School Students’ Union, [www.suska.sk](http://www.suska.sk)) or the **Secondary School Parliament of Slovakia**. The **Secondary School Parliament of Slovakia** is composed of representatives of secondary and upper-secondary school students. Students are the target group and their problems and interests have been at the heart of the Secondary School Parliament of Slovakia since 1991. The Secondary School Parliament of Slovakia is dealing with state administration and self-government authorities with a view to helping students and creating conditions for them for their participation in the life of school, city or community, or a region. For this purpose, pupils’/student school councils have been set up since 1990, and municipal youth parliaments, since 1996.

The core project of the Secondary School Parliament of Slovakia in 2007 was the **creation of three regional secondary school parliaments at the level of regional self-governments**. In the past year the project continued, receiving support and striving to get established. In 2009, two key projects were realized: the creation and implementation of the Youth Information Centre in Bratislava and the Internet portal for all pupils’ councils in Slovakia. The Slovak Ministry of Education provided financial support for the creation of the Internet portal [www.ziackeskolskerady.sk](http://www.ziackeskolskerady.sk), (= pupils school councils) also cooperating by giving methodological guidance.<sup>62</sup>

### **Human rights and children’s rights education at schools**

Education on Human rights and children’s rights is part of the State Educational Programme for primary education, lower secondary education and upper secondary education, gymnasiums and secondary vocational schools. Within their educational programmes, schools can introduce additional optional subjects of human rights or multicultural education.<sup>63</sup> The children in the focus group meeting confirmed that they had learned about children’s rights and human rights at school. Some schools are even involved in the Human Rights Olympics competition and several dozen participate in the child-friendly schools programme of UNICEF Slovakia, which is based on implementing children’s rights in all school processes with focus on CRC article 12, the right to be heard and participate.

It has to be noted that according to the UNICEF survey of 2009, **only about one-third of children (7–9-graders) acknowledged that they had been adequately informed about their rights**, the other 55.5% of children said they heard little about their rights, while the remaining 8% never heard about their rights. According to the responses of children, school, with its 34.4% share, remains their main source of information on their rights. The Survey carried out for this review confirms that teachers are the main source of informing children about their right to be heard and taken seriously.

62. Ministry of Education, Science, Research and Sport, Regional Schools Section

63. Institute for Information and Prognosis in Education

The survey shows that the children fully satisfied with education on children's rights account for around one-quarter of the children in last grades of primary schools. Yet, the children's evaluation differed depending on several demographic factors: the type of schools (state schools better off than private and church schools), nationality (a gap between children of the Slovak nationality – with a higher percentage as opposed to children of other nationality), the grade (only 23% of children in the seventh grade are satisfied with the quality and the form of learning about children's rights versus 31% of the ninth graders) and the region (Košice and Trnava regions were most positive, Banská Bystrica and Bratislava least positive). Results indicate that many children encounter education about their rights only in the last years of primary school when it is obligatory according to the state curricula. The education is late and the teaching methods found inconvenient by a large group of children. In addition, a high proportion of children have not experienced children's rights education in the seventh grade of primary school (as much as one third of seventh graders). This fact has also emerged from the survey of IUVENTA – Slovak Youth Institute – and Children of Slovakia Foundation's "Newly emerging needs of children in Slovakia" of 2009, where certain views suggested that children were more aware of their rights than they would be about their responsibilities, which points to a need for correct children's rights education, which is not yet a standard in Slovak schools.<sup>64</sup>

### **Education on democracy and active citizenship**

Education on democracy and active citizenship is part of the State Educational Programme in lower and upper secondary education<sup>65</sup>. However, children of different ages participating in the focus group meeting indicated that these issues had never been discussed at their schools. Practice is apparently different from the educational programme.

Since 1998, Slovakia has been organising an educational and activating contest of secondary school students unique by European standards – the Human Rights Olympics (HRO). The HRO project originated as a bottom-up initiative by teachers and methodologists of the study of human society and human rights activists. Currently the main organiser is the Ministry of Education, IUVENTA – Slovak Youth Institute and NGO OLYMP. The contest is organised for young people aged 16–19 with an aim that they express their views respecting human rights and the problems in society. They have to defend their views before a jury. Annually, hundreds of schools and thousands of students across Slovakia get involved in the contest. More than 300 of them take part in regional rounds and 64 best make it to the national finale.<sup>66</sup>

### **Civic participation of school pupils**

The International Civic and Citizenship Education Study (ICCS 2009)<sup>67</sup> was the second study of the type in which the Slovak Republic has participated. Its main objective was to get a picture of the level of civic knowledge, skills, comprehension of concepts, attitudes and

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64. Guráň P., Filadelfiová J.: *Deti o svojich právach – Slovensko 2009/Children on Their Rights – Slovakia 2009*, final report of the research, SV for UNICEF Bratislava 2009

65. Institute for Information and Prognosis in Education

66. Viliam Figusch

67. Štava E.: *Basic information on results of IEA (International Association for the Evaluation of Educational Achievement) (ICCS) 2009*, *Mládež a spoločnosť* 4, 2010.

expected young people's participation in the life of the society, and whether they trust the democratic institutions and processes.

ICCS 2009 study examined the knowledge and views in Slovakia of primary schools pupils of the 8th grade and of 4th graders of eight-year gymnasiums and the views of teachers and school directors. A total of 139 schools, including 3,163 pupils and 2,084 teachers participated in the survey. Pupils, teachers and school directors filled in different sets of questionnaires<sup>68</sup>.

**Results showed that pupils spend relatively little time discussing social events and political developments with parents (48% never), and hardly ever discussed diverse political topics and world events with their friends (63.2% never).**

Pupils can demonstrate their interest in politics through participation in politics by, for example, "participating in civil organisations, clubs and groups". The statistics below related to particular organisations of pupils indicated "I have never participated in its activity":

- Youth organisation associated to a political party (93.9%)
- Organisation dealing with human rights (87.4%)
- Ecological organisation (80.4%)
- Volunteers group engaging in the place of residence (72.2%)
- Organisation raising money for charity purposes (73.2%)
- Cultural organisation for ethnic minorities (89.6%)
- Religious group or organisation (67.2%)
- Young people's group for a cause (75.6%)

The results show that **pupils do not involve themselves excessively in the activities of ecological, civil and particularly political organisations or human rights organisations.** At the age of 14, their major experience relates to activities in church societies, clubs or communities, which is not surprising in Slovakia.

The last area on which pupils were consulted and in which they can realise participatory citizenship involves activities relating to **the participation in decision-making within their school.** The results of the research show that over the period of one year:

- 61.1% have participated in a discussion with classmates at school on common interests
- 47.3% have cast their votes for the class chairperson or in election for the school parliament
- 24.9% have taken active part in a discussion
- 25.3% have voluntarily participated in school music and theatre activities
- 22.9% have stood as candidates for class chairperson or class representative for the school parliament
- 10.2% have participated in the decision-making on how the school functions

The results demonstrate that **there is a civic potential of pupils to involve in decision-making activities within school.**

Participation in these procedures associated with "democracy" at school does not necessarily imply that they have actually taken part in decision-making processes on how the school is

68. NUCEM preliminary report prepared by Prof. L. Macháček, external expert.

run. Even these results confirm that formal school self-government with the participation of pupils does not give them automatically a feeling that they have actually been deciding something in their own school.

The “school climate” is also part of the context or a factor of the civic shaping of the pupil. Following are the questions establishing the indicators of discussion openness during lessons and the percentage values pupils assigned to them:

- Teachers encourage pupils to express their views (83.1%).
- Pupils are able openly to disagree with their teachers (74.3%),
- Teachers present several views on a topic that they explain in the classroom (71.1%).
- Pupils express their view in the classroom even if it differs from the majority view of the other pupils (69.8%).
- Teachers encourage pupils to discuss topics with people holding different opinions (50.7%).
- Pupils start discussing in the classroom timely political events (29.3%)

The outline of particular items shows the smallest respect for pupils’ views in the case of class timetable and the greatest respect for pupils’ view is in the case of class rules.

The last scale of this area deals with pupils’ participation in the running of a school in a specific way through joint actions of classmates, for which a school parliament or pupils’ school council may act as an umbrella institution.

- Many positive changes may be achieved in schools when pupils work together (93.4%)
- Pupils may have greater influence on what is happening in schools if they act jointly, rather than individually (88.5%).
- Organising pupils’ groups in order to express their view might facilitate them to address problems in schools (83.2%).
- Pupils’ participation in how schools function can ameliorate their running (-78.3%).
- All schools should have a school parliament (-74.3%).

**Pupils appreciate that joint efforts are of a great significance for positive change in school and of a greater effect, too, than a pupil’s individual act. Therefore they do assign importance to pupils’ organisation of groups in order to articulate a common view on problems in school. It does not mean though that all pupils associate these common problems and their common solutions with the school parliament or pupils’ school council. It is primarily the students of gymnasiums who definitely approve of these initiatives. It is interesting to note that students of medium-sized municipality schools hold this view more frequently. School parliament have fewer proponents, both in large towns and the smallest towns.** <sup>69</sup>

### **Consultation of children on education policy**

Within the school system’s reform in Slovakia a broad discussion took place in which professional and lay associations and civil associations were involved, including youth information centres and the Secondary School Parliament of Slovakia.<sup>70</sup>

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69. Štava E.: Basic information on results of IEA ICCS 2009, *Mládež a spoločnosť* (Youth and Society) No.4, 2010.

70. Ministry of Education, Science, Research and Sport of the Slovak Republic, Regional Schools Section

### **Children's participation in their transition to the next school level**

Conditions for transferring a pupil from one school to another, as well as the transition from one school level to another, i.e. from primary to secondary school, are set out in the School Act. The transfers cannot take place unless requested by a parent, with his or her consent, or that of a pupil coming of age, and subsequently are subject to the decision of the school director.<sup>71</sup>

Pupils below 18 years of age can express their view through their statutory representative. A pupil is enrolled in a special school with the informed consent of the statutory representative.<sup>72</sup>

**Inclusion of Roma children just as of non-Roma children in special schools** takes place when the children are 6 years old. According to the Office of the Plenipotentiary of the Government for Roma Communities, at that age it is very unlikely that they will express their views on it. Of course, theoretically it is possible; nobody deprives children of this right. But the decision on the inclusion is fully in the competence of the statutory representative, which in most cases is the parent, who will decide where he or she places his or her child. Poorly educated Roma parents (who have most likely completed a special primary school themselves) often let themselves be convinced to place the child in special schools, as this entails several advantages, such as material benefits, lesser demands of the education process, resulting in better marks, geographic proximity of special schools. Special schools are intended for children with special needs due to a medical diagnosis (disabled children) and for children who need special attention and for some reason are not integrated into mainstream schools. In practice in some regions mainly Roma children attend these special schools, since these schools are closer to where they live, but these are not considered as 'schools only for Roma children'. Children in upper grades of special schools who attain above-average results in the long term are likely candidates for transfer to mainstream schools. Again, it is decided by the relevant authorities (teacher, director, psychologist and ultimately the parent), provided that the child raises such a request. Then the competent authorities will take this into account and decide on it.<sup>73</sup>

### **Teacher Training on children's participation in education**

The Slovak Ministry of Education, through an organisation directly managed by it, the Methodology and Pedagogy Centre and its regional offices, contributes to further pedagogic staff training. The theme of awareness raising on children's rights, children's involvement in education, cooperation with civil society and the issues of human rights have been integrated in all types of education and training

Findings of the State School Inspection during inspections at primary schools in 2009/2010 show that school managements encouraged training of teachers through which they enhanced their professional competence for teaching of additional subjects.

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71. State School Inspection

72. Ministry of Education, Science, Research and Sport of the Slovak Republic, Regional Schools Section

73. Office of the Plenipotentiary of the Government for Roma Communities

Information on the rights of children provided to current and prospective teachers remains largely of a purely informative nature<sup>74</sup>, with inadequate emphasis placed on the development of practical skills of teachers for the genuine implementation of children's right to participation. Hence teacher training on children's participation in education has not been fulfilled yet in Slovakia.<sup>75</sup>

### **Participation of children in out-of-school education and activities**

Findings from the State School Inspection show that schools have been creating favourable conditions for pupils' involvement in out-of-school activities by offering diverse out-of-school activities and projects. For example, children in preschools (kindergartens) attended hobby activities. Almost all primary and secondary schools involved their pupils in national and international projects, or their own projects, which promoted for example environmental education or which would strengthen positive attitudes of pupils to school and the immediate neighbourhood. There was an interest in out-of-school activities from pupils from disadvantaged environments regularly attending primary and secondary schools.

Leisure centres make provisions for informal training for the young unemployed.<sup>76</sup> The School Act states that the leisure centre shall ensure education and training, leisure and recreation activities for children, parents and other persons below 30 years during their leisure time.

### **Concluding Remarks**

The majority of secondary schools in Slovakia have **student councils**. However, this is not the case at all school levels to the same extent and some schools have yet to set up student councils. Where student councils exist these are often rather formal bodies without real decision-making power, at least this is the perception of pupils and students. Student councils for different age groups are needed, and the children themselves feel that 'older' and 'younger' children should not be mixed.

Pupils have no or hardly any influence on educational syllabuses and the curriculum at school, this is left to school boards, school directors, teachers and parents.

Though school pupils recognise that the joint participation of children in schools improves the running of the school, they do not all associate this with involvement in school councils or school parliaments. Other creative solutions could be found to this, primarily at the initiative of pupils themselves.

Though human rights and children's rights education seems to be important to the Slovak educational authorities, in practice children feel that they often receive this education too late or in an inadequate way. Teaching about democracy and active citizenship seems to be more or less absent from the Slovak education system, even though it is part of the State Educational Programme. In addition, teachers themselves are not properly trained on how to incorporate children's rights, including the right to participate, in their teaching and in implementing the right of children to participate in practice in the class room and in the school. The organisation of the unique Human Rights Olympics, which was a bottom-up initiative of teachers, is a positive exception to this.

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74. There are a few exemptions where training on children's rights has been provided to teachers by NGOs or UNICEF.

75. UNICEF

76. State School Inspection



*Recommendations:*

- **Students' councils need to be introduced in all school types**, and should operate as both formal advisory bodies and bodies which are involved in less formal ways in school and education issues. School councils should have a tangible influence on school educational issues and the quality of their functioning needs to be improved.
- Offer support to pupils at schools in joint initiatives, such as surveys, which aim to improve the functioning of the school – a bottom-up approach. At the same time inform pupils about the purpose of school councils and train them on how these more formal forms of participation can benefit pupils' and the school's needs.
- **Teachers need to be trained** in how to run and participate in school councils and how children can participate, i.e. have their voice heard and be listened to seriously, in day-to-day education and school activities.
- Further to the discussions in the focus group consultations, there is need for **school councils of different age groups**.
- **Secondary school parliaments** need to be established in all Slovak regions.
- Ensure that **human rights and children's rights education** is taught in all grades of the educational system in a way that **takes the UNCRC as a basis**.<sup>77</sup>
- Ensure that during their in-service education, as well as in teacher-training schools, **teachers are trained in and become familiar with the UNCRC**, including the right of children to be heard and listened to seriously.
- It is recommended that **very young children and vulnerable children, including children with disabilities and Roma children** should also have the opportunity to express their views on which school they would like to attend and where possible should be able to take part in mainstream education, taking their special needs into account.
- **Encourage individual participation of pupils** and in this way strengthen the entire participatory atmosphere in the school environment.
- **Allow children at secondary schools to choose the subjects they would like to focus on.**

## **Play, recreation, sports and cultural activities**

Children are entitled to play, recreation and physical and cultural activities for their development and socialisation.

**“The municipality should be interested in young people. We can choose among sports and arts, but that's not enough.”**

Quotation from a Slovak child participating in a focus group meeting

### **Cultural activities involving children**

The National Edification Centre (NEC) within its care for children and youth, with a view to fill in their leisure time with cultural activities, have been giving guidance to cultural organisations

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<sup>77</sup>. There is a considerable amount of UNICEF and NGO material available to facilitate this teaching.



on promoting participatory methods in the area of cultural public education. In 2009 NEC held a workshop on the subject of Community Development and Citizens Participation. The workshop was designed for regional workers working with among others children and youth.

The objectives of the workshop included among others to use participatory approaches in cultural public education and community work and to train workers of regional public education centres in using participatory approaches.

The NEC organised that feedback was provided after the activity by the participants, who indicated their needs, interests and other forms of implementing activities. This principle is also applied in relation to children and children's activities. The information thus received, including actual interest in any particular type or form of activities is fed into the NEC's further work and in this format cultural activities are developed including the participation of children.

Leisure activities for children included a broad portfolio of plays that develop the child's memory, including physical exercise skills, communication and cooperation among children.

To fill children's leisure time, **systematic activities**, which are programmes that offer children a wide range of leisure activities in different types of facilities, have been created. Besides this, so-called **occasional activities (casual)** programmes are implemented.

Systematic activities include leisure art activities (in the areas of culture and art), education and training of children and youth in this field. National festivals and competitions at local, district-level and regional level are organised designed for children and youth.

Casual activities are organised for specific occasions and as a rule are organised by the city or community culture centres, leisure centres, voluntary citizens associations of the so-called Third Sector (NGOs). Examples of these are International Children's Day; beginning and end of the school year and Local Celebration Days.

Another form of children's participation in cultural activities is their direct involvement in their preparation and the implementation and evaluation of cultural events for children. Hence they are not only participants but also co-organisers and co-authors, including jury members.

For example, in the event called 'The Golden Spinner', children participate in the festival signature tune: on opening and closing of the event, children play the Orff instruments, and also act as presenters. Each day in the afternoon, the children's jury meets to evaluate the event. This evaluation is solely taken part in by children, without adult leaders, or directors.<sup>78</sup>

In the **municipal case study** of Banská Bystrica, child-friendly services have been designed by and for children at the local community centre. Further no culture of involving children in municipal decisions regarding playgrounds or its accessibility has been developed in the Slovak Republic.

"We should decide about how we'd like our playground to look!"

Quotation of Slovak child participating in child focus group meeting

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78. National Edification Centre

### **Consultation of children from minority groups on ‘cultural’ activities**

When NEC cooperates with any minority, general rules apply, which means that the feedback from participants of creative workshops is requested. NEC works in particular with children from national minorities, including the Roma minority, as well as with different disabled children’s minorities. They all have a possibility to express their views, like other children, on cultural activities organised by NEC in cooperation with municipal authorities, voluntary third sector organisations, and also state professional organisations.

### **Consultation of very young children and children with disabilities**

As far as the Slovak Blind and Partially Sighted Union and the Slovak Disability Council are concerned they have not been informed that children with disabilities were consulted on leisure-time activities or the design and accessibility of playgrounds.

A similar cooperation as with the minority community exists with mentally disabled children. NEC has a long-standing cooperation with the folklore group Javorček, Bratislava. Group members include dancers and musicians with mental disabilities. Javorček has its children’s branch that has been rehearsing for 2 years, involving four girls and two boys aged up to 7 years. In cooperation with the folklore group Lipa, it gave a performance at the National Folklore Festival at Východná.<sup>79</sup>

*“Leisure activities for disabled children are very well organised and prepared by special schools. Outside special schools, these activities are ensured, albeit only in part or occasionally, by civil associations. In building a multi-functional playground in school, we have informed children of the project and activities planned early on; children contributed their ideas. Children express their views on school educational programmes and leisure activities in discussions and informal communication with pedagogic staff. Information on activities planned by out-of-school organisations is posted on bulletin boards. We do not have a school club in school. We do not have children of migrants in school”*

Director of primary residential school for hearing-impaired pupils.<sup>80</sup>

### **Consultation on local youth work activities**

In the case of casual and systematic cultural activities organised by NEC, these include so-called standard plays to entertain children and youth. Based on these plays, children and youth create “future programmes“ according to their interest and in response to prior feedback given by the children when they evaluated their activity.

**Information is spread in standard ways:** interpersonal, information for parents of very small and older children through local public address systems, programme posters, leaflets, announcements on school address systems, via teachers and all available national, regional and local media (depending on the character and size of the event) and internet.

Consultations for feedback take place **spontaneously**, when direct questions are posed to children or youth taking part in activities (programmes) seeking their views on the level of

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79. National Edification Centre

80. Slovak Disability Council

success of activities, the quality of the programmes, for example, what could be done better and what would children be interested in to add to an activity. Sometimes the questionnaire method is used to collect views of children and youth, for example, by the National Edification Centre when they organised the world-famous Folklore Festival Východná. A questionnaire was used to gather more quality indicators regarding children's and youth's programmes because the festival is attended by more than 35% of children and youth. Other feedback methods used are face-to-face dialogues with children or by organising creative workshops in which children can express themselves with artwork, which they present according to their capacities and abilities.

In 2009 the study "On-Line Generation" was conducted: information, communication and youth's digital participation in the information society"<sup>81</sup>. The main findings of the study show that the new media play a key role in the day-to-day life of young people and that they use them primarily for entertainment, mutual communication and, to a lesser extent, for different unorganised forms of digital participation. They give preference to visual and sound information wishing to be in constant contact with their peers: they are interested in participation in interest-specific communities (such as hip-hop, techno, Emo, graffiti).

More than a half of the participating young people are also interested in practical information immediately concerning their everyday life.

**Recommendations of the study** include: to eliminate the so-called digital divide between individuals and groups with access to the most recent technologies and those coming from socially less stimulating environments, promote participation using digital forms, support young people in producing their own media and thus using their natural creativity and present the information intended for young people on-line.

### **Youth Report 2010**

Youth Report 2010<sup>82</sup> is mapping current conditions of life of young people, providing information on their life situations and identifying current challenges in specific areas of policies relating to youth. The themes covered also include youth leisure and culture.

Young people have, on average, 4 hours of leisure per day. The greatest part of it (as much as 7 hours daily) is taken by unemployed young people. Young people spend most of their leisure at home, or with friends. They receive information on possibilities of how to spend leisure mainly from friends and the internet. **In younger age categories, parents' views have great weight in the decision-making on the way to spend free time, which is not sufficiently targeted by the organisations.** Older youth prefer individual and unorganised forms of spending free time. **Organised leisure activity offer does not reflect adequately the needs of young people** and is thus of little attraction for them. In the case of younger children, it is often too expensive. **The lack of closer cooperation still persists between schools and school facilities and youth organisations,** which would complement each other in actively influencing young people and, in addition, ensure a dimension of openness and apply such working methods with youth that would also attract those young people who are interested in activities but do not wish to "be organised".

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81. <http://www.vyskummladeze.sk/index.php?option=content&task=view&id=113>

82. [http://www.iuventa.sk/files/documents/legislativa/sprava\\_omladezi2010\\_final.pdf](http://www.iuventa.sk/files/documents/legislativa/sprava_omladezi2010_final.pdf)

The Ministry of Culture has put in place a programme of cultural vouchers for pupils of primary and secondary schools and for pedagogic staff to ensure affordability of cultural events and to motivate greater attendance at different cultural institutions.<sup>83</sup>

### **Concluding Remarks**

The Slovak Republic has no culture of involving children or young people in municipal decisions regarding playgrounds or their accessibility. The National Edification Centre (NEC) organises leisure and cultural activities for children and young people and, in doing so, also consults them and asks for their feedback after they have taken part in activities. Children from minority groups and children with disabilities are also involved in consultations on leisure and cultural activities specifically designed for them.

The Youth Report 2010 concluded that organised leisure-time activities do not adequately meet the needs of young people and there is a need for closer co-operation between schools and youth associations to organise activities. Children and young people participating in the reflection group indicated that there were sufficient opportunities for leisure-time activities and that they were able to pass on to the organisers directly both their positive and negative views regarding the activities on offer.

*Recommendations put forward during the second meeting of the in-country review team:*

- There is a need to **develop consultation mechanisms** not only with regard to activities but also with regard to building the infrastructure for their implementation
- There is a need to **support not only access to information** (sufficient information on activities) but **also in terms of physical accessibility** (elimination of barriers – hearing and visual impairments, mental and other disabilities)
- **NGOs need to be supported** in organising leisure-time activities, in particular at local level.

### **In situations of violence**

*The UNCRC establishes the right of the child to be protected from all forms of violence and the responsibility for States Parties to ensure this right for every child. The UN study on violence against children by Paulo Sérgio Pinheiro, states in its conclusions that ‘children have the right to express their views, and to have these views taken into account in the implementation of policies and programmes’ and ‘children’s organisations and child-led initiatives to address violence guided by the best interests of the child should be supported and encouraged’.*

### **Prohibiting all forms of violence against children**

The Slovak National Centre for Human Rights stated in its 2009 Report on respecting the rights of the child in the Slovak Republic that the majority of Slovak legal norms reflects the international obligations on the protection of children from all forms of violence, including the area of combating domestic violence, particularly protection against child abuse in the family.

In response to Articles 16 and 19 of the Convention of the Rights of the Child, the Family Act in Section 30 paragraph 3 provides that “*parents shall have the right to use appropriate*

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83. IUVENTA – Slovak Youth Institute.

*educational means in such a way as not to harm the health, dignity, mental, physical and emotional development of the child.*” Appropriateness in applying educational means is of paramount consideration and exceeding it entails consequences at both criminal-law and family-law level, including deprivation of parental rights and duties.

Slovak legislation gives a relatively detailed attention to the protection of the child from abuse. The Act (No. 305/2005) on social and legal protection and social guardianship states: *“in executing measures under this act shall be prohibited all forms of corporal punishment of the child and other cruel or humiliating forms of treatment and the forms of punishment of the child that cause or may cause him or her physical or psychological harm”*. Every individual is obliged to notify the authority of social and legal protection and social guardianship of children of the violation of the rights of the child. The child shall have the right to request assistance in the protection of his or her rights from the authority of social and legal protection of children<sup>84</sup>. The authorities are obliged to provide the child with immediate assistance in the protection of the child’s life and health. This also applies where the child, in view of his or her age and maturity, cannot apply for assistance himself or herself but through a third party. The child may request assistance also without parental knowledge or the knowledge of the person that personally cares for the child.<sup>85</sup> The provider of medical care is obliged to notify suspicion of neglect, torture or abuse to the police. The Healthcare Surveillance Authority keeps statistical records from the hospital on the diagnosis of the child abuse and neglect.<sup>86</sup>

Civil law can restrict the right of use of a matrimonial common property co-owner, or an apartment (house) tenant, or fully exclude him or her from using the apartment (house) when physical or mental violence, or threat of violence in relation to the child occurs.

The incidence of domestic violence, abuse and maltreatment, including corporal punishment, is monitored by workers assigned to the departments of general crime of the court and criminal police offices of the Police Corps Regional and District Directorates.<sup>87</sup>

At the level of Criminal Law the issue of violence against children within the family is addressed (Article 208 Torture of a close or entrusted person). Where the offence of inflicting harm on a child’s health has been committed, the duration of a criminal sentence is increased. This also includes issues of neglect such as the unwarranted withholding of food, rest or sleep and the issue of forced begging.<sup>88</sup>

### **Prohibition of corporal punishment in school settings**

Under the School Act, the upbringing and education is (inter alia) based on the principle of prohibiting the use of all forms of corporal punishment and sanctions in education.<sup>89</sup> However, a Slovak study on human rights violations in school settings carried out in 2009

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84. National Action Plan for Children 2009-2012.

85. UNICEF Slovakia.

86. Ministry of Health of the Slovak Republic

87. Piovarčiová T., Halašová D., Miháliková J., Bagalová L., Gogolová D.: Newly emerging needs of children in Slovakia - A research study, IUVENTA – Slovak Youth Institute - and Children of Slovakia Foundation, Bratislava 2010.

88. Ministry of Justice of the Slovak Republic

89. § 3 sub-paragraph r) of the Act No. 245/2008 Coll. on education and training (the School Act), as amended.

found that still 7.5% of children questioned denoted corporal punishment to be commonly used by teachers.

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

The Slovak Republic has included in its **National Action Plan for Children 2009–2012 objectives** to implement the protection of children's rights, including protection from violence. As was noted already in the legal and policy analysis section, the tasks of the National Action Plan for Children for the forthcoming period have been formulated without the participation of children. However, "the action plan not only assumes the children's participation in fulfilling the tasks of the action plan, but contains in particular the tasks directed towards **creating room to examine children's views, provide children with relevant information** so as to enable children in the future actively to contribute and express views on the policies that concern them."

Issues concerning violence included in the National Action Plan include measures to prohibit corporal punishment of children and the monitoring of the quality of the newly introduced help line 116111.

**Training** is provided to **pedagogic and non-pedagogic staff** working in education, leisure and cultural activities, to be able to identify the CAN syndrome (Child Abuse and Neglect) and when children are victims of the offences of torture, abuse, etc. Trainings include, for example, the project 'Why am I happy to be in this world' (aimed at the prevention of drug addictions in children and youth), but also specialist seminars and workshops within civic education on the topics of discrimination, racism, xenophobia, protection of the rights of the child, children belonging to minorities and children with disabilities. Special training is also provided for social workers who execute measures for the abused and neglected child. In connection with the National Programme for Children and Youth in the Slovak Republic for 2008–2015, a **practical guide for first-contact physicians, social workers, teachers**, and other relevant professions has been produced covering information necessary for early identification of torture, abuse and neglect of the child, as well as practical step-by-step instructions on how to proceed in these situations.

The National Action Plan foresees developing binding legal and sectoral regulations for the conditions and procedures of using protective rooms in special educational facilities, such as in residential care institutions. This includes no longer using these rooms for punishment. The National Action Plan foresees monitoring the programme of 'baby boxes', which are used by mothers anonymously to give away their child after birth without being prosecuted and where immediate special medical care is provided for the child. The monitoring results will be used to review the programme of 'baby boxes'.

The National Action Plan for Children includes a **list of special measures to ensure the protection and prevention of children against violence**. For example, the National Programme of Combating Human Trafficking for 2008–2010 with specific support for minor victims, and the need to sign and ratify international instruments (i.e. the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse). **These measures are not focused on consulting with children but on the protection of children's rights**. The National Action Plan does, however, foresee consulting children during the implementation of the Action Plan.



Next to the National Action Plan for Children, several other programmes and strategies cover the issue of violence against children and which tasks and activities are related to the NAP for Children. For example, the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Manifestations of Intolerance and the National Action Plan for the Prevention and Elimination of Violence Against Women and in Families 2005–2008.

**Independent mechanisms to protect the rights of children** in the Slovak Republic, including the right to be protected from violence, are set up and include the **Public Defender of Rights (Ombudsman)**, the **Slovak National Centre for Human Rights** and the **Ministerial Committee for Children (now transformed into the Committee for Children and Youth)**. The setting up of an independent ombudsman or similar independent mechanism for children is pending.<sup>90</sup>

### **Child-friendly reporting mechanisms**

In the Slovak Republic children have a range of possibilities to report abusive behaviour against them, which include their teacher, the school psychologist, the police, the district paediatrician, medical ambulance service 112, the office of labour, social affairs and family and the local self-government authority. **Whether children are informed about these different persons and bodies is not clear.**

A child-friendly form of reporting abusive behaviour is represented by child helplines. The Slovak Republic has a list of child helplines: some of them are regional helplines, others are non-stop helplines which are operated by trained professionals, such as the child helpline run by Slovak UNICEF (unified European number 116111, non-stop) and the helpline for tortured, abused and missing children (116000, non-stop) harmonised in line with the EU in the national language. In addition there is the child confidence line, the child rescue line, the child helpline and confidence helplines for Košice and Prešov. Next to helplines, there are websites to which children can turn, including the website of the ombudsman.

**Crisis centres** are set up across the country, 28 in total, of which 13 are administered by local governments and 15 by non-profit organisations. Specific helplines are linked to these crisis centres and specific helplines for violence victims and for at-risk children.

The Survey carried out for the review found that children felt that **child helplines do most to protect their right to be heard and taken seriously**. More than 40% believe that they do 'really very well' to 'very well' and another 20% believe they do 'rather well'. The outcomes of the survey show that a large majority of the children are aware of the child helplines in the Slovak Republic. Nonstop child helplines respond to approximately 15,000 phone calls per year. In addition, about 500 written help notes are posted on the internet childline pomoc.sk. The main reasons for contacting the child helplines are problems within their family (17.9%), problems with relationships (20%) and school problems with classmates, teachers or parents (10.6%). Nearly 6% of all calls are connected to violence and about 13% of the callers just need to talk to someone and be listened to.

### **Children's views on violence**

From the UNICEF research on the rights of the child, undertaken in March 2009, it emerged that more than 90% of children aged 13–15 years do not consider the use of corporal punishments

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90. See section: Legal and Policy analysis.



in upbringing to be correct. The absolute majority of children think that corporal punishment impairs self-esteem and the self-confidence of the child.<sup>91</sup> Almost 30% of responding children in the survey stated they experience violent behaviour against children also in their own family (3% often, 8% occasionally and 17% exceptionally). Children equally stated that the most common violence against children they experience is on television (31.9% often, 41.8% occasionally). As much as **almost 75% of respondents have had personal experiences in school of violent behaviour** (8.1% often, 29.7% occasionally, 37.3% exceptionally) and 66.1% of children learn about violence from the Internet (often 16%, occasionally 30%, exceptionally 20.1%). UNICEF noted differences relating to school violence between state and non-state schools (in state schools the experience was higher by 8%) and also by family type (two-parent families showed lower experience with violence, by half, than children from other types of families).

### **Violations of human rights in school settings**

In 2009 a UNICEF Survey among primary and secondary school pupils was carried out regarding their experience of violence at schools. 41.9% of pupils **have not experienced** violations of human rights in school and 9.5% of pupils could not answer the question. Somewhat more girls than boys have not encountered violation of rights in school (44.5%, 39.4%); slightly more pupils of secondary than primary schools (SS-43.0%, PS-40.6%) encountered human rights violations. Pupils from larger agglomeration units tend to encounter violation of human rights in school more frequently, particularly those from large towns.

In all, 677 pupils (37.6%) have experienced human rights violations in school, which is a decrease compared to the results from 2007 (859). The most frequent types of the violation of rights in primary and secondary school involve the inability to express one's own view and bullying. Under the category of bullying were included cases of violation of rights of a pupil by pupils. Reasons for bullying of pupils by pupils vary, and involve particularly the following factors: looks, sex, age, family background, expression of different views and different behaviour.

#### *Bullying*

More girls than boys have experienced **bullying** in school (19.8% and 13.9%) and more primary than secondary school pupils (PS-21.1%, SS-13.6%), most frequently pupils of 8th and 9th grades of primary school, in which group one out of four pupils approached would point to the said violation (24.2% and 24.9%). Pupils from larger towns of populations up to 100,000 and over 100,000 (18.2% and 19.6%) also experienced bullying. Bullying increases with the population size of the place of residence. Bullying as violation of a human right was reported most markedly by pupils living with a single parent (22.5%).

According to the data of the **State School Inspection**, in 2008 they received 22 complaints of bullying, of which 5 were for bullying of pupils by teachers. In 2009 they received 18 complaints and in 2010 29 complaints, of which 5 were for bullying of pupils by teachers. It seems there is an increase in complaints by pupils about bullying during the last year. Regarding the cases of alleged bullying of pupils by teachers, it is more the feeling of discrimination, biased evaluation, too strict sanctioning for contraventions, than bullying. In cases where the

91. Guráň P. Filadelfiová J.: Children of their rights – Slovakia 2009. Final report from research for the Slovak Committee of UNICEF, Bratislava, 2009.

complaint proves to be grounded, school inspectors impose measures for the elimination of shortcomings. The Slovak Ministry of Education has set up a bullying prevention website at: <http://www.prevensiasikanovania.sk/>

#### *Inability to express one's views*

Inability to express one's view is the **most common violation of the right in school (37.3%)**. In this category were included violations of the pupil's right by teachers, by the school management. Manifestations of the inability to present views are varied, involving particularly the following situations: inability to accept other views, dealing with pupils without them being present, inability to defend oneself in accusation, punishment for the expression of views, inability to defend oneself in marking, undermining pupil's views as nonsense or impudence, discrimination in giving opportunities to express one's views. The lack of opportunity to express views or non-acceptance of views was reported more by girls than boys (19.7%, 16.4%). **Dissatisfaction with opportunities to express views was found more frequently in older pupils, secondary schools pupils of third year (27.0%)**, but also of 1st year of secondary school (24.2%). The frequency of pointing out violations of the right to free expression and to express their own views is more significant for pupils of secondary than primary schools (SS-22.5%, PS-12.5%).

#### *Data comparison*

Based on **comparisons of the types of rights violations in school**, in the analysed study (year 2009) and in the study implemented in 2007, it was noted that the inability to express one's view, discrimination and bullying had been the most frequently reported types of violation of rights in school settings in both years under review. Results have confirmed, however, that **the violation of the right to free expression is taking on prominence, particularly in secondary schools**. Hence young people are nowadays increasingly aware of their right to have their own view. At the same time it is interesting to see that increasing numbers of pupils of primary and secondary schools are convinced that violations of human rights do not take place in schools (2007-30%, 2009-41.9%) despite the increase in violence and bullying reported in school settings.

#### *Types of punishments used at schools*

Primary and secondary school pupils were requested to report in the study the most widely used punishments their teachers would use in schools. Respondents were presented with a list of most frequently used punishments and asked to identify those used by their teachers. Of 1,800 pupils of primary and secondary schools approached, 11.2% said their teachers **do not use punishments in education**, 15.0% gave **no response to the question** and 5.6% **could not answer the question**. From responses obtained, **a note or other type of communication with parents (35.2%)** emerged as the most frequent type of punishment, according to responding pupils, followed by **written test, oral test or an extra home assignment as form of punishment for pupils (24.6%)** and **sending pupils out of the classroom or detention after school (13.6%)**. The fourth place by order of frequency of penalties used by teachers is taken by **reprimand, getting told off or other oral punishment (12.9%)**. Around 8% of pupils have reported **lowered behavioural mark** as the most frequently used punishment of pupils

by teachers. What is disquieting still, is the fact that 131 pupils (7.5%) noted that **corporal punishment** was commonly used by teachers: this value is identical with that of the year 2007.

**Several factors influence the way teachers punish pupils.** One is the **sex** of pupils. Types of punishment applied to a greater extent with respect to **girls** than to boys include: note or other type of communication with parents; written test, oral examination, extra task; sending outside the classroom, detention after school. Types of punishment reported more by **boys** include corporal punishment. Boys were more likely than girls not to respond to the questions regarding punishment or would give an 'I don't know' answer.

Another factor having an influence on the type of punishment is the **age** of pupils. The types of punishment significantly more common with respect to **younger pupils – primary school pupils** – include a note or other type of communication with parents (the younger the age, the higher the rate of punishment and this decreases with age), corporal punishment, sending outside the classroom and detention after school. Types of punishment used by teachers to a greater extent with respect to **older pupils – secondary school pupils** (1st to 3rd year) – include a written test or oral examination; a reprimand, getting told off and verbal punishments; lowered behavioural mark.

In general, it may be noted that the dominance of certain types of punishment used by teachers in school tends to change with the age of respondents. This finding may suggest a changed function of the types of punishment in relevant phases of the pupil's age.

**Locality and size of municipality** also influence the incidence of particular punishment types. The rate of pupils having reported that teachers do not use punishment in school decreases with the size of settlement unit. On the other hand, the larger the locality of the respondents' domicile, the more marked is the rate of verbal punishment but also of notes and calling for parents. Penalizing pupils by a form of corporal punishment dominates mainly in smaller towns and in larger towns of up to 100,000 population, where corporal punishments in school have been confirmed by one in ten primary and secondary pupils approached.

Comparing the study results for primary and secondary school pupil cohorts has shown the use of punishments by teachers to be more significant in primary than in secondary schools.<sup>92</sup>

### **Concluding Remarks**

All forms of violence are prohibited by Slovak law in society and in education and schools. Children have a large range of helplines at their disposal to report on violence and abuse and other violations of children's rights, which is appreciated by the majority of children. They believe that child helplines do most to protect their right to be heard and listened to seriously.

The National Action Plan for Children 2009–2012 contains a list of special measures to ensure the protection of children from violence and the prevention of such violence. However, these measures are focused on the protection of children's rights and not on consultations with them. The National Action Plan does, however, make provision for consulting children during the implementation of the Action Plan.

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92. Bielíková M.: Education and the exercise of human rights in school and family settings, IIFE SR 2009.

Children experience violence most frequently at schools, in the form of bullying. They can file complaints about bullying to the State School Inspectorate.

*Recommendations:*

- There is a need for **better enforcement of the principle of non-violent education** and upbringing, for example, by training teachers to use sanctions other than corporal punishment and by ensuring monitoring of this principle by the State School Inspectorate.
- The promised consultation of children in the implementation of the National Action Plan for Children regarding child protective measures needs to be monitored and reported on.
- Analysis of the reasons why children call child helplines could help with the development of new policies and programmes for children.

## Judicial and administrative proceedings

States Parties have specific obligations with regard to judicial and administrative proceedings:

- the child’s right to be heard in **civil judicial proceedings**, including in those involving divorce and separation, separation from parents, alternative care and adoption;
- the child’s right to be heard in **criminal judicial proceedings**, including the child offender; the child victim and child witnesses;
- the child’s right to be heard in **administrative proceedings**, for example, children are able to express their views on discipline issues at schools and juvenile detention centres and on asylum requests from unaccompanied children.

According to Article 100, Section 3 of the Code of Civil Procedure (“OSP”), “the court ascertains the views of a minor child through its representative (...) or by examination of the minor child, also when unaccompanied by parents or by other persons responsible for the upbringing of the minor child.”

This means that the court has to consider the circumstances of the given case and select the appropriate instrument for ascertaining the child’s views, taking into consideration the child’s mental capability of understanding proceedings. In a similar way the court has to decide whether an unaccompanied child can have a legal representative of its parents’ present. The Code of Civil Procedure does not exclude repeated examinations of children, which appear unsuitable to minors and which courts therefore try to avoid. Protection of the rights of minors comes first in civil law cases.<sup>93</sup>

### Procedural competence of a minor in civil judicial proceedings

The natural person achieves **full procedural competence by the age of 18**. Minors are of limited procedural capacity corresponding to their maturity and consistently with their age. Since the **Act determines no concrete age limit**, each specific case must be based on objective consideration of any person at his/her current age. A minor child is represented by both his/her parents. None of the parents may, however, represent his/her child in legal acts potentially establishing a clash of interests between the parents and the child, or mutually between the children. In such cases the court will appoint an *ad litem* guardian to the child

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93. Števček/Ficová et al.: Code of Civil Procedure, comments, C.H. Beck, 2009.

to represent it in proceedings. When neither of the child's parents are alive, or when both parents were deprived of parental rights, the court appoints a guardian to the child who will become its statutory representative.

Children taking part in the focus group discussions had bad experiences with court proceedings, they 'felt excluded from divorce proceedings' or had to wait for very long times for its outcomes and they did not understand what was going on in court.

*„...My daughter (aged 11) had, during judicial divorce proceedings, in the part applying to care of the minor, been enabled to give her views to this. I, as the person whom she had been living with, had to ensure her presence in proceedings, and she was scheduled to be interviewed first. I believe that although the judge allowed my daughter to give her views, she underestimated the suitability of environment where the interview should take place. Since the judicial proceedings, concerning care and contacts with the father, lasted as much as two years, I proposed to the judge to interview my daughter in her known environment, that is, at school in the presence of her class teacher, or in a pedagogic-psychological advisory bureau in the presence of a psychologist. The judge, however, was unable to comprehend that judicial chambers represent an unknown environment to my daughter that might destroy her sound self-confidence which, in her case, is very fragile due also to sanctions.”*

Mother of a 11-year old child with impaired eyesight.<sup>95</sup>

### Judicial care of minors

In matters involving judicial care of minors, the court decides on parental contacts with minor children, on the deprivation or suspension of parental rights and on prolongation of institutional care and foster care after the child has become 18. If possible the court decides in matters involving judicial care of minors without undue delay, which is a maximum of six months from the day starting the proceedings. The court will usually ascertain the opinion of the body of social-legal protection of children and of social guardianship or other authorities and persons familiar with the case about the suitability of proposed measures. **When appropriate, the court will examine the views of the minor on such measures.**

The question is when a court finds it 'appropriate' to consult a child on care decisions. It needs to be a rule to consult children on decisions which are important to their personal living circumstances unless this is contrary to their best interests.

District courts keep, among others, the judicial register of cases applying to guardianship and care of minors. This agenda is usually exclusively handled by two judges at the courts. Thus, there is already a specialized "children's agenda" in place at the courts. The court prioritises when cases involve juveniles.

According to Slovak law complaints about judicial procedures can be filed, for example, about the length of the procedure. It is not clear whether children below the age of 18 are able to file complaints on legal procedures and, if so, whether they are supported by professionals.

94. Slovak Disability Council



### **Adoption proceedings**

In adoption proceedings, **the court will always hear the person taking care of the child.** The court will also **examine the child's circumstances** excluding fulfilment of the adoption purpose.

The court will decide about adoption without undue delay, within three months. The court will **examine the child subject to adoption only when he/she is capable of understanding the significance of adoption,** and when examination does not conflict with his/her best interests in line with the UNCRC.<sup>95</sup>

The bodies of social-legal protection of children and of social guardianship, the Centre for the international legal protection of children and youth, the municipality, regional authorities or other natural persons accredited by law are **obliged carefully to prevent threat to, or violation of, the rights of the child and to pursue the best interests of the child.** All the authorities, physical and natural persons carrying out the above measures ensure the protection and care of children, which is essential for the welfare and protection of its legitimate interests while respecting the rights conferred by the Convention on the Rights of the Child. In such cases **the views of the minor child are always** of decisive importance, taking his/her age and mental capacity into account. The social-legal protection bodies will present the views of the minor child in judicial proceedings.

Act No. 305/2005 Coll. on the social-legal protection and social guardianship of the child introduced the **obligation to ascertain the child's views in the mediation of alternative care,** including preparation of the child for alternative care, consideration of the child's views, consent of the child to adoption and full consideration of the child's views on decision concerning pocket money allocations in the children's home. The number of cases in which children's views and decisions have been taken into account have, since 2008, been specifically monitored in the annual report on the implementation of measures of social protection of children and social guardianship. Statistics from 2008 and 2009 show that there has been an increase in the number of children who were consulted by judicial order or from another initiative. This increase might explain the fact that there was a slight decrease in the number of children who gave their views at their own initiative.

It should be noted that where **professional ascertainment of views** is involved, this is executed by professional employees of social-legal protection bodies and in complex cases by psychologists. In court proceedings, the social protection of children and social guardianship authority acts as a guardian ad litem and as an independent body protecting the interests of the child by seeking the views of the child usually through a psychologist, respectively expert on counselling in this area, directly in the interview with the child. It is obliged to provide the child with assistance needed to facilitate the investigation of his/her views on the matter and ensure that, with regard to age and mental maturity of the minor child, his/her opinion was taken into account.

Before granting consent to adoption, the court will examine whether the conditions of the child's adoption are fulfilled, including the ascertaining of the child's views and the child's

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<sup>95</sup> Slovak Ministry of Justice and Števček/Ficová et al.; Code of Civil Procedure, comments, C.H. Beck, 2009

provable disagreement with adoption, if the child, considering its age and mental advancement, is capable of assessing the consequences of adoption.

By recommendation of the Office of the Prosecutor General of the Slovak Republic, the Central Office of Labour, Social Affairs and Family instructed all its offices on the guardian's function in penal proceedings against a juvenile and in the proceedings concerning a child victim, which in practice is ensured by the relevant employee of its office. Personal involvement of the same employee during proceedings has a significant impact on safeguarding the rights and legitimate interests of the child. During the course of the proceedings, the living conditions of the child are detected, the child's views are questioned, the report on the family conditions is compiled and plans of social work or educational project are elaborated, taking into account the mental advancement of the child.

### **Counselling**

Slovak law (Act No. 305/2005 Coll.) provides that professional advisory and psychological assistance to children must be provided. This includes crisis helplines, confidential helplines and free counselling service to children afraid of being victims of domestic violence. Professional psychologists, social workers and lawyers provide them with help, advice and correct guidance in resolving any problems or various life situations.

**Courtroom arrangements in proceedings**<sup>96</sup> regulate that all persons in a courtroom, except for those below 14 years, are addressed by using the polite form as a matter of principle. Only persons younger than 14 years may, when it seems expedient for overcoming their shyness, be addressed by first name only. In substantiated cases, minors above 14 years may be addressed by first names.

### **Children heard in penal judicial proceedings**

In penal proceedings children can either be offender, victim or witness. When the child is a first-degree relative, sibling, adopter, adoptee, spouse and common-law partner of the accused person he/she has the right to refuse to testify as witness.

When the interrogated person declares that he/she lacks command of the language of proceedings, he/she is entitled to an interpreter or translator.

**Witness competence conditions and age limits are not defined in the law.** Thus, a minor child may act as a witness (but its examination as a witness is not recommended at pre-school age). Persons suffering from physical or mental disability may also act as witnesses.

In cases when a child below 15 years testifies in penal judicial proceedings as witness or victim about matters whose mental recollection could, considering his/her age, have an adverse influence on his/her mental and moral development, protective measures are foreseen by the Rules of Criminal Procedure. Such cases mainly involve sexual crimes, particularly when a person below 15 years is a criminal-offence victim or involved in violent crime cases (murder, serious bodily harm). Such persons must be informed at a level corresponding to their age and mental development. The person under examination should be enabled independently

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96. Courtroom arrangements in proceedings are anchored in the provision of Article 42 of MJ SR Decree No. 543/2005 Coll. on the Office and Administration Rules applying to district courts, regional courts, the Special Court and courts martial.



to describe the event, and questions should only be posed when the examinee is unable to continue or when detailed explanation is needed of specific circumstances. Questions should be posed understandably, considering his/her age. Examination shall be carried out in the presence of a teacher, another person with experience in educating youth or an expert who, with regard to the subject of the hearing and the degree of intellectual development of the person interviewed, can contribute to the proper conduct of the hearing. The statutory representative shall be invited to the examination if his/her presence is deemed contributory to the examination's correctness. Re-examination of children below the age of 15 should be avoided where possible. If the witness heard is a person below the age of 15 and if the offense is committed against a close person or a person in charge or it is evident that the hearing could affect the mental and moral development of such person, the hearing shall be carried out using technical means to transmit audio and video.

*The child as the accused person in judicial penal proceedings*

The fundamental rights and obligations of the accused are regulated in Article 34 of the Rules of Criminal Procedure, which states that the accused person has the right to express his/her opinion on all facts pertinent to the accusation and on related evidence, but he/she has the right to refuse to testify.

The legal capacity of an accused child is restricted due to insufficient age. Therefore, a minor, who was between fourteen and eighteen years old at the time when the crime was committed, may also be an accused person. **Criminal responsibility of an individual starts at the age of 14. In exceptional cases, particularly related to the crime of sexual abuse under § 201 of the Penal Code, only minors above the age of 15 may be held criminally responsible.**

**Juvenile proceedings**

Juvenile proceedings must establish the level of mental and moral development of the juvenile as thoroughly as possible. Usually, the court orders the state authority for care of young people to establish the conditions of the juvenile. These conditions should also be investigated by other suitable methods, such as the examination of parents and by requesting statements of schools. In cases of juveniles aged below fifteen, his/her possibility to recognize illegality of the act and the juvenile's capacity to control his/her activity, must always be investigated. **The accused juvenile may only be taken in custody in cases where the purpose of custody cannot be achieved by other means.**

It is important that, in juvenile proceedings, investigation and decision is entrusted to persons whose life experience and experience in the education of young people is guaranteed. The trial and the open-court trial deciding about the guilt-and-punishment agreement cannot be held in absence of the juvenile. Joint judicial proceedings may be held against a juvenile when there are important reasons, for example, shortening the duration of custody of the juvenile.

**A child can, in judicial penal proceedings, appear as witness, accused or a victim.** The Rules of Criminal Procedure regulate special protective procedure for hearing persons below the age of 15, which are described in the section above. For persons aged 15–18 years, provisions which govern interrogation are the same as those used for adults. According to the UN Convention on the Rights of the Child, the best interests of the child should be a primary consideration in all actions concerning children undertaken by public or private institutions, courts, administrative authorities or legislative bodies. The United Nations in its 'Rules of the

United Nations concerning Justice Matters involving Child Victims and Witnesses of Crime' aims to protect all minors as victims and witnesses in crime and defines 'minor victims and witnesses' as children below the age of 18.

It would therefore be recommended to amend specific rules and legal regulations related to the interrogation of children who are in the position of a victim or witness in judicial proceedings include children until the age of 18.

The Rules of Criminal Procedure do not explicitly stipulate that a witness-child must unavoidably be examined. There may be obstacles such as the age of the child, the weight of evidence, etc. which will allow the child not be examined. The Rules of Criminal Procedure do not, *expressis verbis*, specify any age criterion concerning the examination of a child. Therefore **a child may, in theory, be heard regardless of his/her age**. Considering that the examination of low-aged children in penal judicial proceedings is neither appropriate nor efficient, they are usually examined by an expert psychologist. Examination of a minor above 15 years is in compliance with provisions applying to all witnesses.<sup>97</sup>

### **Administrative proceedings**

In Slovak law the **minimum age limit of responsibility for administrative infractions is 15**, below this age children are not held responsible. The law specifically considers persons between fifteen and eighteen years old (further referred to as "juveniles"). Specific provisions on juveniles are provided by Slovak Law<sup>98</sup>, including certain exceptions and deviations in judging and hearing juveniles in administrative infraction cases. For example, fines to juveniles are reduced to half of adult fines and particular care is given to juvenile offenders in administrative proceedings.

**Outcomes of the focus group meeting and the Survey** show that children do not understand much of what is going on in court and a large group of children responded that lawyers, judges and police officers 'hardly ever' or only 'sometimes' listen to their views and take these seriously. This is a concern, since it is not daily practice for children to be in contact with these people and it might cause traumatic experiences with children. Legal officials need to be trained to inform children in child-friendly language on legal proceedings and on how they can listen to children's views and take these seriously.

### **The hearing of children in migrant and asylum cases**

The **children's home for unaccompanied minors** is obliged to determine his/her views on all facts concerning him/herself. In practice the child's views are sought about his/her relocation, integration with the family, return to the country of origin and asylum or before applying for asylum. The children's home for unaccompanied minors, for the purpose of determining the child's views, provides for **interpretation into the language** comprehensible to the child.

Asylum, proceedings are regulated in the Slovak Republic by Act No. 480/2002 Coll. on asylum (further referred to as "**the Asylum Act**"). The Asylum Act gives a child the opportunity to present the reasons of his/her asylum claim: "*The declaration, on behalf of an alien not*

97. Slovak Prosecutor General's Office.

98. Article 19 of the Infractions Act.

*of legal age, is submitted by his/her statutory representative or court-appointed guardian". This means that only the parent or court-appointed guardian or curator can submit an asylum claim on behalf of a minor asylum seeker.*

#### *Unaccompanied minor asylum seekers*

In the case of an unaccompanied minor (that is, a minor person not accompanied by his/her statutory representative on the territory of the Slovak Republic), the application for asylum shows the reason stated by the minor asylum seeker.

#### *The home for unaccompanied minors in Horné Orechové*

Unaccompanied minors are provided with care in a children's home for unaccompanied minors, where his/her background and cultural and religious characteristics are respected. The children's home for unaccompanied minors shall provide for medical examination, and establish, when appropriate and expedient for the child's development, teaching of the Slovak language. **The children's home designed for unaccompanied minors is obliged if possible, considering the age and mental advancement of the child, to determine his/her views on all issues and decisions concerning him/her.** This includes relocation, integration with a family, return to the country of origin and applications of asylum. When the child's views are sought by the children's home, **interpretation into the language comprehensible to the child will be provided.**

The Asylum Act determines that the unaccompanied minor must be represented by his/her court-appointed guardian in all acts related to the asylum proceedings. The guardian must properly prepare the unaccompanied minor for all acts in the language understood by the applicant. The Asylum Act defines that the specific needs of the unaccompanied child must be considered in his/her accommodation.

The guardian, and the establishment accommodating the minor unaccompanied asylum seeker are responsible for the provision of information about his/her situation and about the different solutions. This information will be provided mainly in a written form to the minor.

The guardian ensures within the entire process of care and support that **all accepted decisions are in the best interests of the unaccompanied minor, for example, by consulting the unaccompanied minor, by accompanying the minor at the interviews in asylum proceedings, and by ensuring that the interview is guided by acceptable methods, by mediating between the unaccompanied minor and organizations which are able to assist him/her, by seeking out permanent solutions in the best interests of the unaccompanied minor.**

The **obligations of the guardian** in the proceedings for asylum or supplementary protection include **preparation of the minor for interviews, a thorough explanation of the situation of the minor before the interview and by being present during the interview of the minor asylum-seeking child.**

#### *Provision of information to the asylum-seeking child*

Children's rights to **relevant information in their languages** about their entitlements, accessible services, means of communication and about proceedings applicable to aliens and asylum claims are provided within the scope of the Asylum Act. Other specific measures in the interest of the asylum-seeking child are that when necessary a person of the same gender as the applicant will undertake the interview and interpretation. The child shall be prepared for the

interview by the guardian, including the significance and potential consequences of the interview. The Ministry of Interior shall, when accommodating the child in an asylum centre, take his/her age, conditions of health, close (family) relationships and religious, ethnic or national characteristics into account. The applicant for asylum is obliged to attend Slovak language courses, when the applicant is subject to compulsory education. Social workers ensure that children subject to compulsory education receive two hours of daily preparation for tuition in the respective asylum establishment.

### **Concluding Remarks**

Regarding the consultation of minor children in legal and administrative proceedings, children are consulted when this is appropriate to their age and mental development. In civil judicial proceedings there are no specific age limits for consulting children. However, parents or their guardians are the legal representatives of children in legal proceedings, unless this is contrary to the interests of the child.

In the event of children being placed under judicial care, the court will hear the child's views when this is considered 'appropriate'. The question that remains is exactly when does a court find it 'appropriate' to consult a child on care decisions?

In adoption procedures children are heard only when they are capable of understanding the significance of adoption and when it is in their interest. When the child is heard in adoption procedures his/her opinions are of key importance for the decision.

Regarding criminal proceedings for children as witnesses or victims, once again age limits are not defined. In principle children in such cases are always able to have their voice heard in criminal legal proceedings. In cases where the child is accused of a crime, under Slovak juvenile justice, the age of criminal responsibility is 14. Specific protective measures have been established for child witnesses below 15. Above 15 years of age child witnesses are treated in the same way as adults.

Child asylum-seekers are given the opportunity to be heard in asylum-seeking cases only when they are unaccompanied. In other cases, only their parents or legal representatives are heard. **Unaccompanied asylum-seeking children** are provided with a guardian who is obliged to inform the child in readily understandable language about the procedures and their implications. He or she prepares the child for interviews and is present during those interviews. **The child's best interest is taken into account here.**

#### *Recommendations:*

- The Family Act and the Code of Civil Procedure need to be implemented and monitored, to ensure the consultation of all children, regardless of their age, about care decisions which impact on their personal living circumstances, unless this is contrary to their best interests.
- Rules and regulations need to be amended to ensure that all children below the age of 18, whether witnesses or victims of crimes, are given specific protective measures in court and legal proceedings.
- Legal officials (judges, lawyers, police officers, etc) need to be trained on how to communicate in a child-friendly way, how to ensure that children can have their views heard and taken seriously and how to adjust the environment in legal proceedings. Consideration should be given to having specially trained legal units for working with children and young people.

## Public life and civil society

Much of children's participation takes place at local and community level, such as local and municipal youth councils. However, according to the UN Committee, children should also be helped to establish their own youth-led organisations and initiatives, which will create space for meaningful participation and representation.

### Youth-led organisations

*"Young people are considered to be underprivileged for running youth organizations."*

Quotation of Slovak child participating in child focus group meeting

#### *Beginnings of state support for children and youth organisations*

After the revolution in 1989 the state took several years before it defined its policy for youth in the form of a document – Principles of State Policy in respect of Children and Youth (1992). The document already argues that there is a need to develop conditions for youth participation in the life of a democratic society. Specific programmes to support child and youth protection were the main source of finance for national child and youth organisations.<sup>99</sup>

#### *Current support of the state for children's and youths' organisations*

The Ministry of Education announces annually the Financial Support Programs of Children and Youth Activities in the so-called **ADAM Programmes**. The aim of ADAM programmes is to ensure systematic, goal-directed and effective support of activities for children and youth outside the formal education process. ADAM programmes focus on the following priority areas: systematic and regular work with young people, active use of leisure, **youth participation in society**, voluntary youth work, **information and counselling services for the youth**, **non-formal youth education**, better insight into young people's situations by means of research, staff training for people working with youth and young leaders.

ADAM comprises three sub-programmes: ADAM 1 supports large national and regional children's and youths' organisations; ADAM 2 funds projects reflecting priorities of European and national youth policies and ADAM 3 is designed to support umbrella organisations representing the interests of children's and youths' organisations.

Children's and youths' organisations at regional and national level may be funded ADAM 1. The minimum condition is to have at least 100 members and branches in five districts. ADAM 1 supports among others the development of knowledge of the young generation to exercise their civil and human rights and to create conditions which will increase the number of children involved in regular activities.

In 2011, the resources under ADAM 1 support 22 organisations with a total membership of 57,508<sup>100</sup>, up to 30 years old. Child and youth organisations mainly involve children aged up to 15 years<sup>101</sup>.

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99 . In 2009, one of the priorities of the programme ADAM 2 was the development of new youth information centres – which was an exception within the state support system and has not been repeated in any of the calls since.

100. The number of children associated in Child and Youth organisations supported by ADAM Programmes for up to 15 year olds is 31. 221, the number of 16 to 19-year olds is 13. 272.

101. Database system of the Ministry of Education, Science, Research and Sport, VIVANT, on 4 March 2011.

*Funding sustainability and sufficiency*

The evaluation of the impact of ADAM programmes for 2008–2010 has shown that the major part of child and youth organisations is unavoidably in need of state contributions to carry out its work. Many organisations regard the financial contribution from the state to be insufficient. With the stringency measures to cut the budgets in state institutions (e.g. by 10% in 2010), the “cuts“ affect also the calls for grants of the ministries.

A number of other financial options are available in Slovakia through grants schemes of different donors and foundations. The EU’s Youth in Action Programme also supports some projects and work of child and youth organisations in the Slovak Republic. In the analysis undertaken by Youth Council of Slovakia in 2010,<sup>102</sup> it turned out that children’s and youths’ organisations having received grants under the ADAM 1 programme, received almost 65% of their total revenues from other sources.

**Youth-led organisation do exist in Slovakia.** Actually, most of the youth NGOs have been established by young people (young adults) who are middle-aged today and some are still active in youth organisations. The involvement of new young members into the management of organisations is appropriate. The majority of the youth organisations are dedicated to children and youth, but the **involvement of children into the organisation management is not automatic** and straightforward. However, according to IUVENTA – Slovak Youth Institute, children and young people mainly from the age of 11–12 are incorporated into the management of the organisations.

Currently there are 1,789 child and youth organisations registered with the Ministry of Interior.<sup>103</sup>

*Impact of ADAM programmes on the activities of child and youth NGOs<sup>104</sup>*

The evaluation of ADAM programmes showed that the programmes guide young people towards active and responsible life and responds to important societal needs. They are also perceived as having a positive impact on the awareness of voluntarism and non-formal learning and the general development of state policy in respect of children and youth. Last but not least, the programme was useful also in offering opportunities to establish new partnerships and engaging in further projects.<sup>105</sup>

**Children’s parliaments and youth councils**

Several forms of child and youth representation at local and national level exist in Slovakia.

*Pupil’s and school councils*

Slovak law (Act No. 596/2003) puts in place, in secondary schools pupils’ school councils for pupils aged 15–19. In 2009, they were set up at 95% of the secondary schools. The **weak point**

102. Analysis of the impact of reduced support in the ADAM programmes of the Ministry of Education Science, Research and Sport, for the activity of children and youth organisations, Youth Council of Slovakia, 2010.

103. Additional statistics pertaining to registered children’s and youth’s organisations: children’s – 340, students’ – 68, youth’s -132, higher education youth -175, other youth’s (including Youth Information Centres) – 1,074.

104. As the Program ADAM 1 supports the activity of child and youth NGOs – it is possible to apply the impact evaluation also to the impact evaluation of these organisations.

105. IUVENTA – Slovak Youth Institute.



is their functioning and the actual influence on the development of democracy in school<sup>106</sup>, which is confirmed by children taking part in the focus group meeting for the Slovakian review. The pupils' school council is an elected body representing the views and interests of their peers with the school management. Since 2007, regular accredited training has been implemented for coordinators of school councils. Annually, around 100 teachers in all regions participate in these courses. Special projects are prepared to develop students' competences, implemented in cooperation with regional youth centres in Banská Bystrica, Košice, and Trenšín. (*see further section on Education and School*).

#### *City parliaments and youth council*

Local governments are responsible for the establishment and the conditions for the functioning of city or community parliaments and youth councils. **Very often it is a tokenistic approach and the real influence of these entities on democratic running of the municipality is questionable.** No statistical data is available that would provide information on their number or compositions. In practice most of the time these bodies are so-called 'students' parliaments' made up of school representatives in the city or community and the representation of working youth or unemployed young people is slender.

"We get to know everything when it has already been decided upon."

Quotation of Slovak child participation in focus group meeting

#### *Youth's councils and umbrella organisations*

Youth councils are representing the interests of their members, children and youth civil associations and NGOs. Operating at national level is a youth council, a civil association representing 39 member organisations. At regional level, there are currently 7 regional youth's councils uniting both children and youth organisations, and in some cases, also pupils' school councils and city youth parliaments.

ADAM programmes also aim to support the functioning of representative youth structures in the form of regional youth's councils and other umbrella organisations.

#### *Democracy in organisations*

The ADAM programmes' aim is "supporting education for democracy of the young generation". The programme evaluation showed that about one-fourth of collectives' leaders (mainly young leaders of 15 years and older) in civil associations did not know, whether they could be members of a control body, and roughly one-fifth of collectives' leaders stated they could not vote or stand to be elected. On the other hand, as many as 85% of collectives' leaders said they had access to information from upper structures. They can also comment on their decisions and almost 80% of leaders may, according their statement, hold a leading function.

#### *Developed competences relating to participation*

Within the evaluation of ADAM programmes, 73 to 80% of respondents stated that children and youth, most of all, were **developing social skills, communication in their mother tongue and the initiative in their organisation.** More than a half of respondents said (68%) they

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106. More information available in the studies of the IIFE.



almost never or to a limited extent cover education in the area of human and civil rights. They pay more attention to education for tolerance (according to 88% of respondents), solidarity (according to 78% of respondents). In the opinion of the organisations' statutory representatives, they lead young people to a more active and responsible life by their work.

### **Other initiatives**

In 2008, a **manual of human rights youth education, KOMPAS**, was published by IUVENTA – Slovak Youth Institute, that offers teachers, workers with youth and youth leaders, apart from theory, also practical activities to develop participation, tolerance, solidarity, etc. Another important initiative in the area of promoting young people's participation is the pilot project **Partnership**, which is **training for local governments**, prepared by IUVENTA – Slovak Youth Institute with the Association of Towns and Communities of Slovakia. During the training time was dedicated to the methodology of newly emerging needs of children, which included the discussion and involvement of children. **Children were invited to the training and took part in the discussion** and reflected on the priorities stated by the adult participants. The objective of the project is to enhance the competences of local government staff in designing modern policies for youth at the level of cities and communities, and to develop among staff the skills of self-government staff necessary for the coordination of youth policies at local level. The whole training cycle of the project Partnership has been successfully completed by 30 representatives of local-governments.

In 2007, a study was undertaken entitled **Youth policy of regions and cities in Slovakia**. The purpose of the research was to analyse the youth policy of Slovakia's self-governing regions, of which there are 8, and towns, with a focus on non-formal education, participation, information and voluntary movement. The research showed that to evaluate the level of youth policies in general of regions and cities/towns in Slovakia is problematic. The process of decentralising competences to self-governments in the area of youth work results in very different stages of development of youth policies. In some regions and towns there is a complete absence of any strategy and priorities in youth policy while in others well-formulated goals and activities geared to the needs of young people are developed. Areas mostly supported are non-formal education and participation.

Recommendations included to **develop a training programme for local and regional government staff, increase youth representation on local self-government advisory bodies, create youth parliaments**, cooperate with the business sector on youth policy issues, and give visibility to positive examples of active young people.

The Final Report of the development of regional youth policies project produced by IUVENTA – Slovak Youth Institute in 2010<sup>107</sup> found that the regional level reflects the national level. The report found that there is a need for a **new approach which exceeds traditional boundaries and previous traditions and systems**. Inter-sectoral and inter-departmental consultations are increasingly needed, which is supported by the majority of the regional government offices.

The **Youth Report 2010**<sup>108</sup>, a comprehensive document mapping the actual life conditions of young Slovak people, found that activities of youth organisations and school facilities are

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107. [http://www.iuventa.sk/files/documents/4%20iuventa/projekty\\_aktualne\\_temy/regionalna\\_mladeznicka\\_politika\\_zaverecna\\_sprava\\_2010.pdf](http://www.iuventa.sk/files/documents/4%20iuventa/projekty_aktualne_temy/regionalna_mladeznicka_politika_zaverecna_sprava_2010.pdf)

108. [http://www.iuventa.sk/files/documents/legislativa/sprava\\_omladezi2010\\_final.pdf](http://www.iuventa.sk/files/documents/legislativa/sprava_omladezi2010_final.pdf)

attended, on a membership basis, by roughly 11% of the total young people population. With the exception of the activity of pupils' school councils in formal school systems, **a young person does not have many occasions (outside formal education) to acquire the competences needed for participation in democratic processes.** The results of research studies bring evidence of the interest of young people in politics in a broader sense of the word (e.g. in what is happening in their place of residence).

### **Challenges in the area of children and youth participation in Slovakia**

There have been longstanding perceptions in Slovakia of young people as being a social group “causing problems that need to be addressed”, rather than a potential source of possible solutions. One obstruction to enhanced youth participation is the **absence of a tradition of consultations in the political culture of Slovakia at all levels.** This tradition began to be built relatively recently and is still not part of common practice: permanent functional structures and platforms have not been built or are not attractive to young people. The development of youth citizenship participation is the objective of a number of national support programmes (ADAM), foundation and European Programmes but their capacities are, particularly regarding financial resources, limited.

The conditions for real participation need to be taken into account when developing youth policies, which are to **strengthen young people's competences** to enable them to engage in these processes, create **room and tools** attractive to young people and create an **atmosphere of partnership** between generations.

### **Concluding Remarks**

A positive development is that, so soon after the fall of communism in 1989, youth and child-led organisations receive wide financial support from the Slovak government. Although the direct involvement of children in the management of NGOs is not a straightforward matter, this is nevertheless taking place.

As was already seen in the section on education and school, the municipal case studies and in the results of the focus group meetings, school councils and local youth councils or parliaments do not have a real influence on issues and decisions affecting children and youth. A positive trend is that a large majority of secondary schools have school councils, but this is not the case in primary schools. Because every child is in the education system, this is the starting environment for children to learn how to participate individually and at group level.

#### *Recommendations:*

- Exchange good practices of youth and child-led NGOs with other NGOs to stimulate greater involvement of children in child and youth organisations.
- Ensure that there are school councils in all types of schools and that these have not merely a formal function (see recommendations in education section).
- Give consideration to reform of the education system, allowing it to be more participatory for children and young people.
- Encourage local government and civil society to apply non-formal consultation methods in their work.

- Following the positive example of training provided to local authorities and children, make provision for more **training to be given to representatives of local government and children** to ensure that local youth councils and parliaments are set up which can have an influence on local policies. Local authorities need to be responsible for the implementation of this recommendation.



# Conclusions

“If I have a goal and nobody listens to me, I cannot achieve it!”

Quotation of Slovak child in focus group meeting

The Review contains specific conclusions and recommendations on the implementation of the right of children to participate in different settings and situations and in Slovak legislation and policies. In addition, there are more general conclusions and recommendations that can be drawn from the Review.

In general, child and youth participation was not really embedded in Slovak culture until 1989, when the country became a democracy. Taking this into account, the Slovak government has already undertaken considerable action in legislation, policies and action programmes to regulate and facilitate child and youth participation in the Slovak Republic.

**The key conclusion** which can be drawn from the Slovakian review is linked to the history of the country. Before 1989, there was no tradition of participation in political culture at all levels, and accordingly no child and youth participation. **In order to bring about a change in culture**, citizens, including parents, professionals, local, regional and national government representatives and children have to be made aware of children’s rights and of the child’s right to be listened to and taken seriously. **An awareness-raising campaign** needs to be organised to achieve this. **A step-by-step process to improve child and youth participation in Slovakia** is therefore proposed.

This step-by-step process needs to involve research among adults on how they perceive participation; the development of an awareness-raising campaign, including a clear definition of child participation and what it means in practice; the training of professionals working with and for children and of children and young people themselves on child participation; an assurance of the equal participation of all children; the passing of laws for setting up child and youth consultation bodies; and the consultation of children and young people by government at all levels on legislation, policies and action programmes relevant to or with an impact on children.

One of the issues that came out of the children’s consultations was that ‘older’ children react in the same way to opinions of ‘younger’ children as adults do to children and young people. They believe that children are ‘too young’ to discuss important matters and to be taken seriously. A solution for this is to ensure that **participation structures and initiatives are implemented for different age groups** of children.

Though the Public Defender for Rights (Ombudsman) is doing much to promote and protect children’s rights, including consultations with children themselves, following lengthy consultations and discussions, it is recommended that an **independent Ombudsman for children** or

independent mechanism for monitoring the implementation of the UNCRC now be established, further to the Recommendations of the UN Committee on the Rights of the Child.

Several **formal participation structures** are in place, in particular in education and schools. However, in practice these formal structures do not seem to function in a way that ensures that children and young people's views are heard and taken seriously. Examples of other participation structures, organised by children and/or teachers themselves – **the so-called bottom-up approaches** – have proven to be more effective in Slovakia. Examples are opinion polls organised by children at schools and the organisation of their own after-school clubs.

In addition to support for bottom-up approaches of children, young people and professionals, there is a **need for the government to enact legislation**. In particular at local and regional level, there are hardly any youth councils or children's parliaments; however, in residential care institutions too more 'children's parliaments' have to be set up. Where consultative bodies exist, they are mainly related to education and schools. Apart from legislating for compulsory local or regional child and youth councils, training needs to be provided for government representatives on how to provide assistance to children's and youth councils. Children themselves have to be trained and motivated to take part in such participation bodies; they have to become aware of the benefits they could derive from such structures.

A positive achievement of the Slovak government is the **National Action Plan for Children 2009–2012**, which undertakes to consult children in the implementation and monitoring of the activities and measures described in the Action Plan. The Slovak government should be careful not to focus its measures to too great an extent on child protective issues, but should also target its attention on the need for the participation of children and young people in society at large and in the different settings and situations relevant to children and young people.

**Training of professionals working with and for children** on how to implement child and youth participation has been provided mainly by civil society and NGOs. This training has proved to be very effective; however, a considerable increase in training of both professionals and children is needed. It is not only professionals who do not know what child and youth participation means or how to implement this: children and young people themselves are often unaware of how to exercise this right. Linked to this, professionals and children of all ages need to be educated on children's rights in general.

The principle of providing **child-friendly information** to children on issues of relevance to them is rarely implemented. In **medical and health areas and in legal proceedings**, such as court proceedings, children most of the time do not understand anything of what is going on.

The review does not deal in detail with whether **children from minority groups** in Slovakia or disadvantaged children are able to have their voice heard and be taken seriously. These include **Roma (9.17% of the population), the Hungarian minority (9.7% of the population) and children with disabilities**. The perception in Slovakia is that, where participation structures exist, mainly in the education system, all children at school have equal opportunities to participate. In practice, children will select their school council representatives from among the more articulate children who are able to represent their views and it is not often that minority or disadvantaged children will be among them. In the focus group discussions in which several children participated from disadvantaged backgrounds, including children with special

needs, it was stated that everyone should be treated without discrimination, but positive discrimination for children with special needs was viewed as being excessive.

In practice, the Slovak government needs to ensure that children from the Hungarian minority and Roma minority are able to participate on an equal footing in school councils and other participatory activities, including replying to surveys. For the survey carried out for the review, 4.4% of all children were of Hungarian origin and 2.6% of Roma origin, which is a good step, but not representative of the whole population group. 'Special schools' are attended by children with specific learning needs, including children with disabilities, but many Roma children also attend these schools. No indication is given as to whether these schools have school councils or other means for pupils to participate in decision-making on education and on matters relating to their school environment.

In conclusion, there are several positive developments in the Slovak Republic contributing to the participation of children and young people in decision-making processes. However, more constructive work needs to be undertaken to bring about a change in culture and attitude in Slovak society regarding the right of children and young people to participate, have their voice heard and be listened to seriously.





# ANNEX I

## Methodology for the policy review on child and youth participation

The review should be based on General Comment No 12 (2009) “*the Right of the child to be heard*” from the UN Committee on the Rights of the Child.<sup>109</sup>

The General Comment No 12 states that “*the child’s right to be heard imposes an obligation on States parties to review or amend their legislation in order to introduce mechanisms providing children with access to appropriate information, adequate support, if necessary, feedback on the weight given to their views, and procedures for complaints, remedies or redress*” (paragraph 48). And “*State parties should carefully listen to children’s views wherever their perspective can enhance the quality of solutions*”(paragraph 27).

Children and youth are those are defined in the United Nations Convention on the Rights of the Child (UNCRC) below the age of 18.

An in-country review team, led by a national coordinator, together with the European consultant will cooperate in

- 1) gathering preliminary data and
- 2) in-depth data on child and youth participation within the State party.
- 3) The in-country team is supported by a reflection group of children, this group will be involved in the in-country team throughout the review period.

Selection of the children (six in total) needs to be balanced (age/ sex/ background/ interests, etc). Selection will be carried out by the in-country group together and will ensure that two children are from a disadvantaged background, two children are below the age of 12, two children are between 13 and 18 years old.

### Gathering Preliminary Data of the State Party:

#### **Legal and Policy analysis - Desk review combined with face-to-face interviews**

In order to fulfil the obligations of Article 12 State parties should adopt several strategies. These strategies need to be verified by desk research of national policies and legislations by the in-country review team:

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109. United Nations, Committee on the Rights of the Child, General Comment no 12 (2009), CRC/C/GC/12, 1 July 2009.

*Questions:*

- Are **restrictive declarations and reservations** to article 12 made by the State party?
- Is Article 12 of the UNCRC embedded in the country's Constitution?
- Does the State Party have a **Government Department** or agency responsible for ensuring the implementation of Article 12 of the UNCRC?
- Does the State Party have a **national strategy or policy** promoting Article 12 of the UNCRC? If yes, is this in particular for promoting or for implementing Article 12?
- Which( **general**) **laws, regulations, institutional codes** and policy documents are in place that ensure that appropriate conditions are ensured for children to be supported and encouraged to express their views? (*Laws and regulations on specific focus areas to be requested separately and in more detail, see below*)  
Are these **laws and regulations** regularly evaluated with regard to their effectiveness?
- Are there **specific legal judgements**, including court decisions which refer to the need to implement the right of the child to be heard?
- Is an **independent human rights institution**, such as a children's ombudsman or commissioner with a broad children's' rights mandate established?<sup>110</sup> If yes, can a description of its mandate and activities be given? If not, why not?
- Is **training** provided on article 12, and its application in practice, for all professionals working with, and for, children, including lawyers, judges, police, social workers, community workers, psychologists, caregivers, residential and prison officers, teachers at all levels of the educational system, medical doctors, nurses and other health professionals, civil servants and public officials, public prosecutors and asylum officers?  
If yes, what type of training is given and is the effect of the training on children's participation evaluated? (for example is the training on-going for any new staff working with and for children?) If not, why not?  
Is training available to staff working in voluntary organisations?
- The **right of information** (Article 17) is extremely important in connection with article 12. Children need access to information in formats appropriate to their age and capacities on all issues that concern them. This includes, for example, information on their rights, national legislation, policies, local services, and appeals and complaints procedures. Consistently, States parties should include children's rights in the school curricula. The right to information is to a large extent a prerequisite for the effective realisation of the right to express views.

*Questions:*

- Is the State Party ensuring that children and young people receive **information concerning issues affecting them in a child-friendly language**?
- Are there **any laws and regulations** ensuring that children are **receiving the appropriate information** to allow them to take decisions and express their views? For example in health issues: children must be provided with information in formats appropriate for their

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110. See the UN Committee on the CRC's general comment No. 2 (2002) on the role of independent human rights institutions.

age, about proposed treatments, their effects and outcomes, to be able to contribute to the planning and programming of services for their health and development. Ask children, who have been through the **health care system** if these laws and regulations are put into place.

- Do children receive **independent information** in relation to for example legal proceedings, where advocates have to provide children with independent information? For example, how is this regulated in the divorce and separation cases?

### **Knowledge of children’s right to be heard and the role of the media**

The **right to freedom of expression** (Article 13) is important in connection with Article 12. The freedom of expression relates to the right to hold and express opinions, and to seek and receive information through any media. The combination of these two articles contributes towards building children’s capacities to exercise their right to freedom of expression.

#### *Questions:*

- What is the **general attitude towards the child’s right to be heard** in the State Party’s society: Are in general citizens positive towards children being able to give their views and listen to these seriously? In case there are negative attitudes towards a child’s right to be heard, is the government undertaking any public campaigns, including opinion leaders and the media, to change widespread customary conceptions of the child?
- What is the attitude towards a children’s right to be heard in the **media**? Are children pictured in a positive or negative way in the media or in a balanced way? Give concrete examples of this.

### **Gaps in relation to national legal and policy analysis?**

- With regard to the outcomes of the previous review questions, what gaps exist to ensure the full implementation of the child’s right to participate?
- Is the State Party making any distinction with regard to **age limitation** on the right of the child to express his/her views, for example in most countries children below 16 are not allowed to vote or there are age limitations to participate in medical decisions or legal proceedings. If yes, in which settings?

Where child participation legislation and policies are in place, are the **views of the children given due weight in accordance with their age and maturity**? This means, are the children not only listened to, but are their views also carefully considered in measures affecting them? In relation to this, the question needs to be answered: are children actively participating in decision-making about his/her life and if yes how?

This also means that the **‘best interests’** of the child (Article 3)<sup>111</sup> and the **right not to be discriminated** (Article 2) has to be respected and taken into consideration where the State has a responsibility to listen to the child as laid down in Article 12.

111. See Stoecklin, D. (2009). Réflexivité, participation et capabilité. *Le droit des enfants de participer. Norme juridique et réalité pratique: contribution à un nouveau contrat social* (J. Zermatten & Stoecklin Eds.), Sion: IUKB/IDE, p. 75-109, in which the authors push further the analysis of how concrete tools do favour the consideration of the child’s opinion in decisions taken in his/her best interests..

## In-Depth Gathering of Data:

### **The Implementation of the Right to be Heard in Different Settings and Situations**

The right to be heard has to be implemented in the diverse settings and situations in which children grow up, develop and learn. Various ways of influencing the implementation of the child's right to be heard are available, which States parties may use to foster children's participation.

#### **The family**

The family is the primary place where children grow up, "*where they can express their views freely and be taken seriously from the earliest ages*" (paragraph 90). State parties should encourage, through legislation and policy, parents, guardians and childminders to listen to children and give due weight to their views in matters that concern them. The State Party is also encouraged to promote **parent educational programmes**, which build on a relationship of mutual respect between parents and children; involvement of children in decision-making; implication of giving due weight to the views of every family member; understanding, promotion and respect for children's evolving capacities; ways of dealing with conflicts within the family. Crucial within family relations is the focus on the child's right to be heard.

#### *Questions:*

- Is the State Party having any legislation or policies encouraging parents to listen to children and to give due weight to their views in matters that concern them? Describe the existing legislation and policies and **ask children** whether they are consulted in family life and whether they believe that their points of view are taken seriously/listened to.
- Is the State Party having any parent educational programmes, including one or more of the above described issues? If yes, are there any statistics on how many parents do make use of these parent educational programmes?

#### **Alternative care**

In all Council of Europe Member States a group of children live in institutional care, for different reasons. This can be alternative care to replace (temporarily) the family, juvenile justice institutions or other institutions.

#### *Questions:*

- Does the State Party have legislation or regulations in place to ensure children in all forms of alternative care, including in institutions, are able to express their views freely? If yes, which ones?

These should include:

- legislation that provides the child with the right to information about any placement, care or treatment plan;
- the right of the child to be heard and that his/her views are taken into account in the development of child-friendly care services;
- competent monitoring institution, such as a children's ombudsperson;

- establishment of mechanisms, such as a representative council of the children in the residential care facility, with the mandate to participate in the development and implementation of the policies and rules in the institution.
- Where these regulations or legislation exists, are these implemented in practice? (**ask children**).

### **Health care**

The child should have a right to participate in individual health-care decisions as well as being involved in the development of health policy and services.

#### *Questions:*

- Does the State Party have legislation or regulations in place to ensure that children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age, where this is needed for the child's safety or well-being?
- Does the State Party have a fixed age of the right to consent for the child to medical treatment? If yes, is there an opportunity for younger children to express their informed view on his/her health/medical treatments, with this given due weight?
- Are children and young people provided with clear and accessible information on their right to participation in paediatric research and clinical trials by physician and health-care facilities? If yes, please describe what type of information.
- Have children, who have been through the health care system, received the appropriate information, according to their age, about proposed treatments, their effects and outcomes, to be able to take decisions on health treatments? (**ask children**)
- Are children enabled to contribute their views and experiences to the planning and programming of services for their health and development? This information can be obtained via feedback systems for children using services or involved in research and consultative processes and can be transmitted to local or national children's councils or parliaments.

### **Education and school**

Respect for the right of the child to be heard in education is fundamental for the realisation of the right to education.

#### *Questions:*

- How are the educational authorities including the children's and their parent's views in the planning of curricula and school programmes?
- In what way are mechanisms set up to allow children to express their views on the development and implementation of school policies and codes of behaviour, such as school councils, pupils representation on school boards, class councils, etc? Are there any mechanisms in place to allow all children from the early years onwards to participate in their learning environment? If these mechanisms exist, how these function in practice and how are these valued by children/young people participating?
- Do children feel they can take part in decision making in schools? (**ask children**)
- Is human rights and children's rights education part of the school curriculum (and if so at which school levels)?

- Is education about democracy and active citizenship part of the school curriculum, and if so at which school levels?
- Does the State Party consult children at local and national level on all aspects of education policy? Is there a difference between consultations at the national and local level and if so can this be explained?
- Is there an independent student or school pupils organisation? If yes, what percentage of the students/pupils are members of it? (pupils/students who are below 18 years old)
- Are children heard in decisions on their transition to the next school level, and if yes how?
- Is there any training for teachers on how to include child participation in education? Are teachers in practice involving children in education planning and activities? (**question for children**)
- Can children take part in out-of-school education or activities when they drop out of school or when they leave school at 16?

### **Play, recreation, sports and cultural activities**

Children are entitled to play, recreation and physical and cultural activities for their development and socialization.

#### *Questions:*

- Are children consulted on the design of play grounds and the accessibility and appropriateness of play, recreational, sport and cultural facilities? If so, what type of participatory structures are used for this? Is the government making it a condition to consult children when play areas are built? If the government involves children in the decision making process at what stage of the process are children getting involved, does this happen from the very first start?
- Are special mechanisms in place to allow very young children and children with specific needs (disabled children) to express their wishes in relation to play, recreation, sports and cultural activities and if yes how?
- Are children consulted on local youth work activities and are they provided with information on this? How is this consultation taking place?
- Are children consulted on the designing of new school clubs, including the programmes, the activities and the way activities are run and organised and if yes how?
- Are children consulted on ‘cultural’ activities intended for minority groups in the country, for example migrant children, and if yes, how are these children consulted?

### **In situations of violence**

The UNCRC establishes the right of the child to be protected from all forms of violence and the responsibility for States Parties to ensure this right for every child. The UN study on violence against children by Paulo Sérgio Pinheiro, states in its conclusions that *‘children have the right to express their views, and to have these views taken into account in the implementation of policies and programmes’, and ‘children’s organisations and child-led initiatives to address violence guided by the best interests of the child should be supported and encouraged’.*



*Questions:*

- Is the State Party prohibiting all forms of violence against children, in all settings? If yes, how?
- Has the State Party adopted a national strategy, policy or plan of action on violence against children with realistic and time-bound targets, coordinated by an agency with a capacity to involve multiple sectors, including children and young people themselves in a broad-based implementation strategy?
- Is the State Party consulting with children in the development and implementation of legislative, policy, educational and other measures to address all forms of violence? If so, what participatory forms are used for this and to what extent are the most vulnerable children and disadvantaged children involved in these consultation processes (e.g. street children, refugee children, exploited children)?
- Which child-friendly reporting mechanisms are in place for children to report abusive behaviour against children, e.g. free telephone helplines or other places where they can report this in a safe and confidential way.

**Judicial and administrative proceedings**

State Parties have specific obligations with regard to judicial and administrative proceedings:

- the child's right to be heard in **civil judicial proceedings**, including in divorce and separation cases; separation from parents and alternative care; adoption;
- the child's right to be heard in **penal judicial proceedings**, including the child offender; the child victim and child witness;
- the child's right to be heard in **administrative proceedings**, for example are children able to address discipline issues in schools, juvenile detention centres, asylum requests from unaccompanied children.

*Questions:*

- Are there any laws and regulations in place to ensure that children are heard in all these different proceedings? If yes, are there any age limits for the children to be heard?
- With respect to migration, is a child, who has just arrived as immigrant, heard on his or her educational expectations and health conditions?
- With respect to an asylum claim, is the child given the opportunity to present his or her reasons leading to the asylum claim? If yes, is the child provided with the relevant information, in his/her own language, his/her entitlements, services available, means of communication and the immigration and asylum process?

**Public life and civil society**

Much of children's participation takes place at local and community level, such as local and municipal youth councils. However, according to the UN Committee children should also be supported to form their own youth-led organisations and initiatives, which will create space for meaningful participation and representation.

*Questions:*

- Does the State Party support the establishment and maintenance of **youth-led organisations**? How is funding provided to these organisations and is this sufficient and sustainable?

(This question might have different views/answers depending on whether youth-led organisations or other actors answer the question).

- If youth-led organisations are supported, how many of these organisations exist, what is the age-level involved in these organisations, is it a local, regional, national or thematic organisation and what has the impact been of its work?
- Do there exist **local, regional and/or national children’s councils or parliaments**? If yes, what age groups are involved; are different groups of children without discrimination involved, e.g. boys/girls, disadvantaged children such as disabled children, street children, refugee children, school drop-outs, etc; what is their mandate?
- What is the **role of NGOs, civil society and churches/religious institutions** in developing practices to support children to participate, without making it tokenistic? How is the State Party supporting NGOs and civil society in their child participation work?

## **Methodology to review the specific policy areas**

The answers to the questions concerning the different policy areas need to be found by desk-research, on-line survey, focus groups meeting, municipal case studies and face-to-face interviews.

### **Desk-Research**

- The desk-research includes research into the State Parties legislation, regulations and policy acts. Apart from this, **academic research and existing consultation results/opinion polls** will have to be reviewed.

### **Focus groups of children and face-to-face interviews**

- **Face-to-face interviews will be carried out with the relevant stakeholders, including children**, in the different fields described above. The stakeholders to be interviewed will be agreed in consultation with the in-country team.
- **Focus groups of children and young people will be set up** to stimulate children and young people’s ability to reflect on their own lives and therefore also on their participatory experiences.
- **The tool to be used for both face-to-face interviews and focus group discussions** is the model developed by Daniel Stoecklin, the “**kaleidoscope of experience**” to be combined with the “**world cafés**” technique (<http://www.co-intelligence.org/P-worldcafe.html>), which is a living network of conversation around questions that matter.
- The **stakeholders to be interviewed** are (adult) representatives from the national, regional and local authorities; schools, NGOs, youth workers, health workers, child care workers, etc; and children and young people.
- **Focus groups of children and young people** and individual interviews with children should be carried out with a representative group of children, involving **different age groups and different backgrounds** (boys, girls, migrant backgrounds, ethnic backgrounds, disabled children, children in care, etc).
- Selection of these children will be carried out by the in-country group, ensuring that disadvantaged children are getting involved as well. The focus groups will in particular

work with existing groups of children. A minimum of 4 focus groups will be set up, each including 4 children below the age of 18 and including the reflection group of 6 children.

- The European consultant will draft guidelines and questions for the interviews to be held within the country.

### **Case Studies of selected municipalities**

- A selection of (two or more) municipalities will be chosen as Case Studies for the review. These will include a bigger and smaller municipality, cities and located in rural areas, geographically equally distributed, to guarantee a representative selection of municipalities. Three key representative within the municipalities will be identified and interviewed, including one young person/child. The in-country review team will be responsible for carrying out the interviews or delegating this responsibility to a competent expert.
- The interviews will in particular focus on the areas with the least or no data available on the issues listed above.

### **Online survey**

- An on-line survey (target  $\pm 0.25\%$  of the official national children/young people population) will be developed for children and young people (aged 7-18) and will include closed questions (multiple choice). The survey will only include broad questions and the outcomes of the survey will be complementary to interviews and focus group discussions and the specific case studies of municipalities.
- It needs to be ensured that the survey is tested with a pilot group of children before placed on the internet. This could be the focus group of children. The survey has been used in a previous country review.
- Ensure a good marketing strategy in order for as wide a group of children to reply to the survey. Ensure that existing child and youth councils or groups both at national and municipal level are participating in the surveys.
- Ensure that disadvantaged children, either without access to the internet, or for example due to disabilities, who are unable to fill in the internet survey, are consulted by face-to-face interviews, in focus group meetings or with their parents or care givers, to ensure an inclusive approach to all children, since children are not an homogeneous group.
- The survey will be distributed via existing mechanisms, websites, child and youth organisations, NGOs.

### **Assessment and in-depth survey**

- Evidence gathering and **national hearing/working seminar** on the draft report prepared by the European consultant, including the results of the desk review, municipal case studies, the online survey, the interviews and group discussions.
- In this meeting the **reflection group of children, the in-country team and the European Review Team** will be involved.



# ANNEX II

## Children's survey

**March 2011**

Hi,

did any adult ever told you that you have a RIGHT TO EXPRESS YOUR OPINIONS?

Do you know that this right entitles you to take part in decision-making on issues concerning your life? That given this right you can have influence over decisions concerning you - be it in a family, at your school or in a close neighbourhood?

Do you know that YOUR OPINION SHOULD BE HEARD AND TAKEN SERIOUSLY INTO ACCOUNT BY ADULTS?

How you feel about adults taking you seriously? Do they consider your views? Yes? No?

or

Do you feel that adults don't discuss with you and take decisions without seeking your opinion? Yes? No?

WE DO NOT KNOW WHAT YOUR ANSWERS WOULD BE BUT WE ARE INTERESTED IN FINDING OUT!

....and since there are many children and young people in Slovakia, we have prepared the following questionnaire to let you tell us. It should not take you more than 10 minutes to fill it in and in case you feel like it or you need it, you can even be assisted by an adult.

This questionnaire had been already answered by children and young people in Finland. Now it is up to you to tell us how you feel that the right of children and young people to be heard is being respected in Slovakia. You can therefore share a link to this survey with your friends.

YOUR ANSWERS WILL HELP US TO BETTER UNDERSTAND WHAT IN FACT IS YOUR FEELING AND COMPREHENSION OF YOUR RIGHT TO BE HEARD AND TAKEN SERIOUSLY AND THUS PROTECT YOU BETTER.

This questionnaire is **anonymous** we therefore won't ask your name. However, it would be very helpful if you could also answer several introductory questions, because it will give us better picture of kind of children and young people who answered our questionnaire - were those children from all parts of Slovakia or only from some region, were those children who were not born in Slovakia but who are living here... You can answer by ticking appropriate box or by inscribing your answer to the field provided.

*1. Is someone assisting you by filling-in the questionnaire?*

yes

no

*2. How old are you?*

7-9

10-11

12-13

14-15

16-17

18 and more

*3. Are you a boy or a girl?*

boy

girl

*4. Where were you born?*

in Slovakia

in a European country

outside Europe

I don't know

*5. Where was your father born?*

in Slovakia

in a European country

outside Europe

I don't know

*6. Where was your mother born?*

in Slovakia

in a European country

outside Europe

I don't know

7. *My mother tongue is*

- Slovak
- Hungarian
- Roma
- Other (specify)

8. *What type of school do you attend?*

- any
  - primary school
  - school for children with special needs
  - 8-year secondary school
  - secondary school
  - vocational school
  - other (specify)
- .....

9. *What is the name of your hometown?*

.....

10. *How did you become aware of this questionnaire?*

- by friends on internet
  - by friends at school
  - by teachers at school
  - otherwise (pls specify the event, webpage, organisation or person)
- .....

11. *How often do you think adults listen and take seriously children and young people's views?*

- Always
- Most of the time
- Sometimes
- Hardly ever
- Never
- I'm not sure



*12. How often do you think the following adults listen to your views and take them seriously?*

	Always	Most of the time	Sometimes	Hardly ever	Never	I'm not sure	Do not know what/who this is	This does not apply to me
Parents/ carers								
Teachers								
Doctors/ health workers								
Child care workers in residential care institutions (i.e. foster homes, crisis centres)								
Lawyers, judges and police officers								
In the media (TV, radio, internet, press...)								
Government								
This does not apply to me								

*13. How much influence do you feel you have over decisions taken by adults? To what extent you can influence and change them?*

	A lot of influence	Some influence	A little influence	No influence	I'm not sure	This does not apply to me
In your family						
In your school						
In the area where you live						
By your doctor or health worker						

	A lot of influence	Some influence	A little influence	No influence	I'm not sure	This does not apply to me
In your residential care institution (i.e. foster home, crisis centre, etc.)						
By lawyers, judges and police officers						
By the government						
This does not apply to me						

*14. How much do you believe that the following organisations and adults help to protect children and young people's right to be heard and taken seriously?*

	Not at all	Very little	Rather little	Rather well	Very well	Really very well	I am not sure	Do not what/who this is
Public Defender of Rights(Ombudsman)								
The Children's parliament								
The local Children's parliament								
School Councils								
The Youth Council								
Parliament								
Members of the Parliament								
Child Helplines								

*15. In the past 12 months (in the last year), have any of the following people told you that you have a right to express your opinion, to be heard and taken seriously? (you can tick more than one box)*

- Your parents/carers/assistants
- Your siblings
- Other family members

- Other children and young people
- Teachers and lecturers
- An adult working with you in leisure time clubs (sports, music, etc.)
- A residential care worker
- Doctor or other health worker
- Lawyers, judges or police officers
- Youth workers
- Members of the local parliament
- Other adult
- I am not sure
- No one has told me a child has a right to be heard and taken seriously

A child's right to participate (in other words right to express your opinion, to be heard and taken seriously) is stipulated by the Convention on the Rights of the Child. According to its Article 12, you have the right to participate in decision-taking processes which concern you. It also gives right to every child to influence decisions taken in their regard - within the family, the school or in a community. Views of the child should be taken into account in every aspect of their lives.

It does not automatically mean that all your views must be endorsed, but expressing an opinion ensures you can influence the decisions taken and this way also help adults to decide what is in your best interest.

This survey will help not only adults in Slovakia. The survey is a part of a larger project done by the Council of Europe - a European organisation of which most countries in Europe are members. Outcomes of this survey will be included in a report submitted to it by Slovakia during this summer and based on which this organisation will help other children in Europe by protecting their right to be heard.

If you find this survey interesting and if you think that other children and young people would like to take part, feel free to share it with them - (weblink).

THANK YOU FOR PARTICIPATING AND HELPING US TO UNDERSTAND YOU BETTER!

# ANNEX III

## Focus group working method and programme

Time	Name of the block	Goals
10:00 - 10:20	Welcome & Introduction	<ol style="list-style-type: none"> <li>1) to welcome the participants and thank them for coming</li> <li>2) to explain the aim of the Focus Group meeting</li> <li>3) to present the programme of the day</li> <li>4) to provide organizational information and introduce the facilitating and organizing team</li> </ol>
10:20 - 10:50	Ice-breakers and team-building	<ol style="list-style-type: none"> <li>1) to get introduced to one another</li> <li>2) to break the ice before discussing issues</li> </ol>
10:50 - 11:00	Contract	<ol style="list-style-type: none"> <li>1) to let the participants agree on the rules to be kept throughout the day in order to make them feel safe and wanting to participate</li> </ol>
11:00 - 11:30	SESSION 1 Kaleidoscope of Experience	<ol style="list-style-type: none"> <li>1) to brainstorm on the issues included in the Kaleidoscope methodology</li> <li>2) to get acquainted with the themes which will be further discussed during the World Café in SESSION 2, 3</li> </ol>
11:30 - 11:45	Tea Break, refreshment	Voluntary testing of the online survey
11:45 - 12:00	Division of the groups, World Café basics	<ol style="list-style-type: none"> <li>1) to explain the principles of World Café method and discussion rules</li> <li>2) to divide the participants into 4 mixed groups</li> </ol>

Time	Name of the block	Goals
12:00 - 13:20	SESSION 2 World Café – 1st round	1) Discussions 4 x 20 minutes, on the topics: • Family • Education • Out of school activities • Public life/civil society
13:20 - 14:00	Lunch break	Voluntary testing of the online survey esting of the online questionnaire
14:00 - 14:15	Energizer	1) to drag attention to the working atmosphere after the lunch 2) to make the group division for the SESSION 2
14:15 - 15:00	SESSION 3 World Café – 2.kolo	1) Discussions 4 x 10 minutes, on the topics: • Health care • Alternative care • Judicial and administrative proceedings • Children in the media
15:00 - 15:10	Break	Voluntary testing of the online survey
15:15 – 15:40	Final conclusion of the themes	1) to sum up the sessions 2, 3 from the facilitators' point of view 2) to obtain children's approval of the records written by the facilitators during the sessions 2,3
15:40 – 16:00	Closure of the meeting, evaluation	1) to receive feedback from the participants 2) to thank everybody and to say goodbye

The kaleidoscope of experience is drawn as a circle on the wall and explained to the participants. It is explained that this is a tool for creative thinking around five issues, including activities, relations, values, images of self and motivations, that will be used to start the consultation (session 1).

## Session 1 (45 minutes)

In this first session, we start with a Solo exercise

Participants are invited to place the red colour on Activities, and to answer (on papers) to the following points:

- 1) List (on a sheet of paper) the different activities you have (for instance study at school, leisure, sports, etc.)
- 2) For each activity, describe whom you are in contact with (for instance relations, teachers, etc.). Among these people underline the ones who are not considering your point of view before taking a decision that is affecting your life.
- 3) In your opinion, why are these people not considering your point of view? What are the reasons (values) behind this?
- 4) How do you feel about it? (images of self)
- 5) What do you want to do in this regard? (motivations)

*Note:* The 3rd question helps uncover values and/or structural aspects that hinder child and youth participation: These elements can be considered as being some of the “parameters” of participation.

## Session 2 (70 minutes)

Sharing of the individual responses in tables of 4:

Each round lasts 15 minutes:

- 1st round: ABCD (4 tables have ABCD children)
- 2nd round: all A children move to another table
- 3rd round: all B children move to another table
- 4th round: all C children move to another table

Child D acts as the secretary together with the facilitator. Child D does not have to move tables, but stays at the same table (other children will join him/her every round. All D secretaries (4) and facilitators wrap-up and make a report in plenary (30 minutes).

The work done in Sessions 1 and 2 will be highly beneficial to structuring and cross-checking things in Session 3.

## Session 3 (90-120 minutes)

In plenary session.

Do the elements you have highlighted in Session 1 and 2 hinder participation in the following areas?

- the Family;
- Alternative Care;
- Health Care;
- Education and School;

- Play, Recreation, Sport and Cultural Activities;
- In situations of violence;
- Judicial and Administrative Proceedings;
- Public life and civil society;
- General Information.

And, what actually helps you participating in these same areas?

Prepare flip-charts with the area as the title (for instance family life), with two columns: + (elements favouring participation) and – (elements hindering participation).

Please use the following questions to stimulate responses on precise aspects regarding each focus area

### **Questions with regard to the different focus areas:**

#### *The Family*

- Do your parents or carers ask your opinion on matters in your family which you feel matter to you? This could range from simple issues as the choice of your meal to the choice of a school, a sports club, leisure activities, etc.
- If they do and you give your opinion, do they listen to your views and take them seriously when they take a decision?

#### *Alternative Care*

- When you live in alternative care, are your carers asking your opinion on decisions taken in the institution you live in and which affect your life? These could be on small or bigger issues.
- Do you know if you can set up a youth council, which is allowed to participate in decisions made by the institution, in the institution you live in?
- Do you know where to go to if you have complaints or would like to raise issues related to your living conditions in the institution, someone who is independent, for example a children's ombudsman?

#### *Health Care*

- When you have been treated by a doctor or nurse, have they given you information you could understand on what they were going to do or on your treatment, for example the effects of the treatment and expected outcomes? Was the information clear enough for you to take a decision on your treatment? The same question can be asked for clinical trials and paediatric research.
- Do you know you have a right to see confidential information, counselling and advice with regard to your medical treatment, without parental consent, where this is needed for your safety or well-being?
- When you are below the age of 13 years: have doctors or nurses asked you whether you would agree to your treatment, after they had told you what they were going to do and why in child-friendly language?



- Have you been asked after medical treatments what you thought about it or was there a way you could give feedback on it (e.g. filling in a survey)?
- Is there a way you can contribute to the development of health care systems in the community you live in, for example through a local youth council or national children's and youth councils and parliaments?

#### *Education and School*

- Have you been asked by decision makers/local authorities or national authorities on what you believe should be included in the school programmes? If yes, how did this happen and where you happy with the consultation?
- Are there at your school any school councils or school boards or student representations where children at the school can be represented and have their say on school policies, codes of conduct, school rules, etc? If yes, how do these function in practice and what is your opinion on these school councils, etc (e.g. do you believe these are important or only a 'talk-shop' or are the directors at school seriously listening to it?)
- Do you feel you can have a say in decisions taken by the school?
- Do they teach you human rights and children's rights at your school?
- Do you feel your teachers are involving you in education planning and activities?

#### *Questions for children and young people aged 12 years and older:*

- Do they teach you about democracy and active citizenship, for example being politically active, at your school?
- Do you know whether there exists an independent student organisation or union in Finland? And is yes, do you know whether most students are members of this?
- When you went to the next school level (secondary school or higher education), were you able to have your say in the decision which school you would go to?
- Do you know whether children and young people can take part in out-of-school education and activities, for example when they drop out of school or when they leave school early?

#### *Play, Recreation, Sports and Cultural Activities*

- Have you ever been consulted on the design of play grounds, for example whether it is accessible and what should be included in the play ground, this can be play, recreational, sports and cultural facilities in the neighbourhood you live in? If you were consulted did this happen from the very first start or only at a later or last stage?
- Do you know whether children with specific needs (disabled children) are able to have their say in relation to play grounds, recreation, sports and cultural activities and if yes how is this done?
- Have you ever been consulted on local youth work activities? If yes, how was this done and what do you think about it?
- Is your school consulting children on setting up new school clubs and activities of the school clubs?
- Do you know whether minority children are consulted on cultural activities which are planned for them? If yes, how is this done?

*In Situations of Violence*

- What do you understand by ‘violence’ against children?
- Are you aware that there are laws that prohibit all forms of violence against children in Finland?
- Do you know of concrete actions or projects in Finland that are combating violence against children? If yes, are children consulted in these actions or projects?
- Do you know where you can report violent behaviour against you? (for example free telephone help lines or confidential persons you know?)

*Judicial and Administrative Proceedings*

Questions for migrant or refugee children:

- When you came to Finland did you receive information you could understand on what services are available for you and what your rights are?
- When you arrived in Finland did they ask you about your health and what school/education you would like to follow?

*Public life and civil society*

- Do you know whether there exist organisations which are led by young people? If yes, do you know how these are funded and is this sufficient to keep the organisation running?
- Are you involved in a local, regional and/or national children’s councils or parliaments? Can you say which age groups are involved and are all children able to take part, no matter whether they are boys or girls, disabled, migrant or refugee children?
- What are you talking about in the local or national children’s council, can you decide this yourself or is the agenda given to you by others?

*General information questions*

- Do you feel that in general you (children and young people) in Finland are listened to when decisions are taken that affect you? For example, when you had a say on a decision affecting your life at school or in your family, did the adults listen to you and take your view into account when they took the decision? Possibly you can explain this with an example.
- When stories on children are reported in the media, e.g. on television, the radio, internet, newspapers, do you believe that their views are taken into account? Can you give concrete examples for this?
- Are children and young people interviewed by the media on issues that concern them and can you give concrete examples on this?
- Do you know whether children below the age of 16 can vote in certain activities in Finland? And if yes, where is this allowed? For example children are not allowed to vote for national, regional and local elections below the age of 18 or 16, but maybe there are organisations or institutions where children are allowed to vote? If yes, do you know where this is possible?

**Pause (20 minutes)**

## Session 4 (45 minutes)

### Discussion in Plenary

This last session is a good way to close the discussions and may lead to conclusions and recommendations from the participants and the expectations from the children and young people.

What is important to you about this (these) situation(s) and why do you care?

(Here is a possibility to refresh/reassess answers to questions 4 and 5 of Session 1: what children think now that they have done the whole exercise).

### Closing (10 minutes)

**Evaluation of the day.** Since it has been a long day for the kids, this should be a short session. You can ask the children to write up with some key words on yellow sticky tags what they thought of the day (e.g. fun, learning experience, made new friends, etc) and they can stick these all on a big piece of paper on the wall.

- Inform the kids what is going to happen with the outcomes of their discussions.
- Thank all the children and young people for their participation and the facilitators for their involvement and support to the kids.
- Give a certificate signed by the Ministry of Education and Culture to each child and young person indicating that they have participated in this day.

Possibly invite parents/carers in for the closing session.



# ANNEX IV

## In-country review team

Secretariat of the Ministerial Committee for Children/Joint Secretariat of the Committees, Committee for Children and Youth

- *Ms. Janka Divincová* – National Coordinator
- *Ms. Stanislava Bazsová* – Child Co-facilitator

Office of the Deputy Prime Minister of the Slovak Republic for Human Rights and National Minorities

- *Mr. Marián Filčík*

Ministry of Labour, Social Affairs and Family of the Slovak Republic

- *Ms. Renáta Brennerová*

Central Office of Labour, Social Affairs and Family

- *Ms. Viera Hybenová*

Ministry of Education, Science, Research and Sport of the Slovak Republic

- *Ms. Eva Masárová (Member of the CoE Steering Committee on Youth)*
- *Ms. Marcela Bielíková (Institute for Information and Prognosis in Education)*
- *Ms. Martina Slovíková (Institute for Information and Prognosis in Education)*
- *Mr. Ladislav Macháček (youth researcher and expert)*

IUVENTA – Slovak Youth Institute (project partner of the National Coordinator)

- *Mr. Viliam Michalovič – Director General*
- *Ms. Jana Miháliková*

Ministry of Health of the Slovak Republic

- *Ms. Hana Rajkovičová*

Ministry of Culture of the Slovak Republic

- *Ms. Jarmil Strelková (the National Culture Centre)*

Ministry of Interior of the Slovak Republic

- *Ms. Andrea Eliášová*
- *Ms. Juliana Bencová*

Ministry of Justice of the Slovak Republic

– *Ms. Viera Benčátová*

Ministry of Foreign Affairs of the Slovak Republic

– *Mr. Slavomír Kantor*

General Prosecution of the Slovak Republic

– *Ms. Marta Kolcunová*

The Office of the Governmental Plenipotentiary for Roma Communities

– *Mr. Igor André*

Office of the Public Defender of Rights (Ombudsman)

– *Ms. Janka Milan Laššáková*

The Union of towns and cities of Slovakia

– *Ms. Eva Štastná*

SK8 Union – Union of 8 self-governing regions

– *Mr. Kvetoslav Grék*

Slovak Disability Council

– *Ms. Miroslava Petrovičová*

The Youth Council of Slovakia

– *Mr. Ondrej Gallo*

The Society of Friends of Children from Children's Homes "Smile as a Gift"

– *Mr. Jozef Mikloško*

Children's Fund of the Slovak Republic

– *Mr. Štefan Matula*

UNICEF in Slovakia

– *Ms. Alexandra Draková*

Union of Mother Centres

– *Ms. Lenka Sokolová*

Reflection group of children and young people

– *Miroslav Horváth (14 years old)*

– *Kristína Matková (8 years old), during review replaced by Jadranka Marič*

– *Justína Hatašová (15 years old)*

– *Michal Brichta (17 years old)*

– *Adrián Baláž (13 years old)*

– *Pavla Geschwandtnerová (9 years old)*

**Collaborating experts:**

- *Ms. Tatiana Cárová – Children’s facilitator*
- *Mr. Viliam Figush – Former Council of Europe Information Centre Director*
- *Ms. Elena Višacká – Statistical Office of the Slovak republic*
- *Ms. Milica Jančulová – Office of the Deputy Prime Minister of the Slovak Republic for Human Rights and National Minorities*
- *Ms. Anna Reháková – Slovak Disability Council*



The report *Child and youth participation in the Slovak Republic – A Council of Europe policy review* is a comprehensive and innovative analysis of how children's and young people's right to participate in matters affecting them is implemented in the Slovak Republic.

Taking as a starting point the child's right to be heard, as set out in Article 12 of the United Nations Convention on the Rights of the Child, the report undertakes a legal and policy analysis of child and youth participation in Slovakia. Children's and young people's possibilities for participation in all relevant settings are examined: the family, alternative care, health care, education, recreation and cultural life, situations of violence, judicial and administrative proceedings, and public life and civil society.

Children and young people were heavily involved in the policy review process leading up to this report. A reflection group of children accompanied the process from beginning to end and empirical evidence on children's views was collected through focus group discussions and a survey covering over 6 000 children aged 7 to 17.

While analysing in depth the challenges for children's and young people's participation in the Slovak Republic, the report also showcases interesting examples of good practice and progressive legislation. The report concludes by proposing a step-by-step process for bringing about a change in culture and attitude regarding children's right to have their views heard and taken seriously.



[www.coe.int/youth](http://www.coe.int/youth)



[www.coe.int/children](http://www.coe.int/children)