

**Submission by the United Nations High Commissioner for Refugees**  
**For the Office of the High Commissioner for Human Rights' Compilation Report**  
**Universal Periodic Review: 3rd Cycle, 32nd Session**

## **SLOVAKIA**

### **I. BACKGROUND INFORMATION**

Slovakia succeeded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* in February 1993 [hereinafter jointly referred to as the *1951 Convention*], after it became an independent state following dissolution of its federation with the Czech Republic. In 2000, Slovakia acceded to the *1954 Convention relating to the Status of Stateless Persons*, with a reservation to Article 27, and the *1961 Convention on the Reduction of Statelessness*.

Slovakia is party to almost all core human rights treaties of the United Nations. As a Member State of the Council of Europe, it is also party to the *1950 European Convention for the Protection of Human Rights and Fundamental Freedoms* and its *Protocols*, and to many other Council of Europe human rights treaties. In 2011, Slovakia signed the *Council of Europe Convention on preventing and combating violence against women and domestic violence* (the *Istanbul Convention*). Its ratification process has been delayed by the Government due to opposing opinions of the conservative spectrum of the society.

Slovakia currently hosts 923 refugees originating mainly from Afghanistan, Iraq, Cuba, former Yugoslavia, Romania and Armenia. The Slovak Government has maintained its open-door policy. Asylum-seekers have access to the territory and the asylum procedure. However, the constant decrease in the number of asylum applications in the past four years indicates that the Slovak Republic has not been affected by the European refugee crisis. The country retains its transitory character with the majority of asylum-seekers absconding in order to seek asylum in Western Europe.

In 2017, 166 persons sought asylum, out of which 33 were women and 133 men. Some 15 males and 13 female asylum-seekers were under the age of 18, while 11 of them were unaccompanied minors. The number of stateless persons in Slovakia remains unclear, as there is no identification mechanism in place.

As part of its contribution to the solution of the European refugee crisis in 2015 and 2016, Slovakia has pledged to relocate 100 refugees and resettle another 100. In 2015, Slovakia accepted 149 Iraqi Christian refugees who were resettled to Nitra under a project coordinated by a non-profit organization "Pokoj a dobro" (Peace and Good) with the support of Bishopric Nitra and the Ministry of Interior. By the end of 2017, 16 refugees were relocated from Greece to Slovakia. In addition, 550 scholarships were offered to foreign and refugee students while 23 refugee students were enrolled in studies at the Comenius University in Bratislava by the end of 2017. In 2018, the Government approved 48 scholarships, out of which 24 places will be reserved for students from Jordan, Syria,

Lebanon, Iraq and Sudan. Furthermore, based on the 2015 Memorandum of Understanding between the Slovak Republic and Austria, the Slovak Republic provided accommodation to approximately 1,220 persons whose asylum applications were assessed in Austria.

## II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

### **Positive developments linked to 2nd cycle UPR recommendations**

**Linked to 2nd cycle UPR recommendation no. 110.146:** “Implement laws and policies that protect and promote the civil, political, social and economic rights of migrants, Roma people, refugees and asylum seekers, especially the rights to health, to education and to work.” (Holy See)

In 2014, the Government has adopted a comprehensive policy document, the *Integration Policy of the Slovak Republic*. The Ministry of Labour, Social Affairs and Family is the main coordination body responsible for the implementation of the measures set out in this policy document. The *Integration Policy* focuses on legal migrants and holders of international protection with a special emphasis on vulnerable groups, including unaccompanied children.

Third-country nationals who are beneficiaries of subsidiary protection are no longer required to obtain a work permit. They, therefore, enjoy access to the labour market on equal terms with persons granted asylum. Both refugees and beneficiaries of subsidiary protection now have access to employment-related services under the same conditions as Slovak citizens. Further legislative changes allow subsidiary protection holders as well as refugees to apply for EU long-term residence status after 5 years of their stay in the country. This includes the time period of their asylum procedure.

## III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

### **Challenges linked to outstanding 2nd cycle UPR recommendations**

#### **Issue 1: Integration of refugees and subsidiary protection holders**

**Linked to 2nd cycle UPR recommendation no. 110.146:** “Implement laws and policies that protect and promote the civil, political, social and economic rights of migrants, Roma people, refugees and asylum seekers, especially the rights to health, to education and to work.” (Holy See)”

In 2015, the Slovak Government expressed its commitment<sup>1</sup> to prepare and adopt a comprehensive “State Integration Program for beneficiaries of international protection” by the end of 2016. However, the adoption has been delayed and postponed to January 2019.

A number of NGOs funded through the EU Asylum, Migration and Integration Fund developed projects to counter the delays in the establishment of the State Integration Program, in particular in areas, such as access to affordable accommodation, food, basic hygiene and clothing. Other services include legal and social counselling and assistance, access to health care, employment and education, socio-cultural orientation and organization of various awareness raising activities among the targeted local population.

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<sup>1</sup> See Government’s Resolution no. 568 of 21 October 2015, available at: <http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Uznesenie-15172?prefixFile=u>

Health care is provided to refugees and subsidiary protection holders to the same extent. However, health services provided to holders of subsidiary protection are not covered directly through public health insurance, but paid for by the Government. This often poses an additional administrative burden especially on private medical specialists who may become reluctant to accept such patients. In contrast, persons granted asylum are enrolled in the public health insurance system as Slovak citizens.

In Slovakia, refugees have the same rights on the labour market as citizens. The Government has taken measures to facilitate access to the labour market also for asylum-seekers and subsidiary protection holders by waiving the labour market test<sup>2</sup> and, in case of asylum-seekers, by shortening the access period from one year to nine months (assuming that they have not received the decision on asylum application within the given period). However, refugees, subsidiary protection holders and asylum-seekers in Slovakia face difficulties in having their degrees and skills recognized, hindering their access to the labour market.

NGOs also report shortcomings in Slovak language training programmes for refugees and asylum-seekers. In the absence of a study curriculum from the Ministry of Education, teachers lack both proper study materials and guidance on how to teach asylum-seekers and refugees. The inability to speak the local language is a significant impediment to the effective local integration of refugees and asylum-seekers, and an obstacle to obtaining employment and to the full enjoyment of their economic, social and cultural rights.

Another essential element in achieving successful integration of refugees is a swift family reunification, especially in cases of unaccompanied children. However, in Slovakia, family reunification is challenging for refugees in general. In fact, for those refugees who were granted refugee status based on humanitarian grounds, the *Act no. 480/2002 Coll. on Asylum* does not allow for the possibility of family reunification at all.

## **Recommendations**

UNHCR recommends that the Government of Slovakia:

- (a) Adopt the State Integration Program for beneficiaries of international protection before the end of 2018, to ensure that there is a program in place to facilitate refugees' access to social, economic and cultural rights, especially taking into account the needs of the most vulnerable;
- (b) Adopt the integration strategy not only at national but also local level that would be directly implemented by municipalities;
- (c) Provide asylum-seekers and beneficiaries of subsidiary protection with effective access to the health care system by making public health insurance accessible and ensuring that registration cards are recognized and accepted in all medical facilities;
- (d) Facilitate the recognition of foreign educational and professional certificates and take measures to introduce alternative ways of assessing the qualifications of beneficiaries of international protection, in order to ensure that they fully enjoy the right to education and the right to work;
- (e) Accelerate the process of local integration of asylum-seekers, refugees and beneficiaries of subsidiary protection by developing effective study materials on the Slovak language and providing appropriate guidance for teachers working with them; and

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<sup>2</sup> Pursuant to Act no. 5/2004 Coll. on Employment Services, certain categories of foreigners need to obtain a work permit or a specific attestation of the respective Office of Labour, Social Affairs and Family. In order to issue this attestation, the respective Office must conduct a labour market test. In practice, it means that the respective Office must assess the situation at the Slovak labour market, in particular, if free vacancy can be filled by a Slovak citizen or not. Pursuant to Article 23a § 1 and 2 of the above Act, this condition is waived in case of asylum-seekers, refugees and beneficiaries of subsidiary protection, as they could benefit from the same rights as Slovak citizens in accessing employment.

- (f) Amend *Act no. 480/2002 Coll. on Asylum* allowing beneficiaries of international protection to benefit from family reunification provisions when the status is based on humanitarian grounds.

### **Additional protection challenges**

#### **Issue 2: Detention of asylum-seekers including children**

In Slovakia, there are two detention facilities for foreigners, including asylum-seekers. Single women and men are usually detained in the Medvedov Detention Centre in Western Slovakia. The Detention Centre in Secovce in Eastern Slovakia is used, in particular, for families with children and other vulnerable individuals.

A foreigner may be detained for a maximum period of 6 months, which may be repeatedly extended. The overall period cannot exceed 18 months. Asylum-seekers cannot be detained for more than 6 months, unless they pose a security risk. Foreign families with children, regardless of whether they applied for asylum, may also be detained for up to 6 months. Unaccompanied children cannot be detained. The child protection authorities assume responsibility over them.

The amendments to the *Residence of Aliens Act* that entered into force on 1 May 2017 enable the police authorities to apply the two types of alternatives to detention, namely (i) obligation to report the place of stay, and (ii) obligation to pay a bail, in all cases for which detention is considered, and not only in cases of administrative expulsion. Alternatives to detention are applicable to all third-country nationals, including asylum-seekers under the Dublin regime, with the exception of those who are a threat to national security, public order or public health. However, in practice, alternatives to detention have been applied only in few cases so far.

Despite the fact that alternatives to detention are enshrined in law, the practice of the detention of families with children remains of concern, including in the context of Dublin returns, even though certain amendments to the *Residence of Aliens Act* aim to improve detention conditions for children by extending their outdoor hours, allowing access to leisure activities and providing them with better access to education. UNHCR recalls recent Concluding Observations of the UN Committee on the Rights of the Child on Slovakia, according to which the Government of Slovakia should “expeditiously and completely cease the detention of children on the basis of their or their parents’ immigration status and put in practice alternatives to detention that allow children to remain with family members and/or guardians in non-custodial, community-based contexts” (CRC/C/SVK/CO/3-5, 2016).

#### **Recommendations**

UNHCR recommends that the Government of Slovakia:

- (a) Reduce current practice of detaining asylum-seekers awaiting a Dublin transfer by ensuring that the detention is applied only when it is determined to be necessary, reasonable in all the circumstances and proportionate to a legitimate purpose;
- (b) End the detention of families with children; and
- (c) Duly consider the availability, effectiveness and appropriateness of alternatives to detention in each individual case and apply alternatives to detention especially in cases of families with children taking into consideration that children should not be detained for immigration related purposes.

#### **Issue 3: Statelessness**

The *Slovak Act on Residence of Aliens* provides for the protection of stateless persons. However, there are significant gaps that generally undermine this protection regime. In

particular, there are no detailed rules for the determination of statelessness. An adequate procedural framework is missing. In addition, a status of stateless person does not automatically provide the incumbent with the right to permanent residence. The granting of permanent residence is conditional upon several criteria, and subject to a discretionary decision of the Aliens Police.

According to the *1954 Convention*, Slovakia should facilitate the naturalization of stateless persons who face two strong obstacles to having access to naturalization. First, stateless persons must demonstrate continued lawful residence in Slovakia of at least three years long. In addition, they have to bear the onerous cost of the administrative fee which amounts to 700 EUR.

In addition, Slovakia has not conducted a mapping of the causes and risks of statelessness in its territory, nor has it collected reliable data on the number of stateless persons or those at risk of statelessness. As a result, Slovakia lacks necessary information required to design policies to eradicate statelessness.

### **Recommendations**

UNHCR recommends that the Government of Slovakia:

- (a) Work towards lifting the reservation to Article 27 of the *1954 Convention relating to the Status of Stateless Persons*, which provides that Convention travel documents shall be issued by the Slovak Republic only to those stateless persons who have been granted permanent or long-term residence in Slovakia;
- (b) Carry out a mapping of statelessness identifying the causes and risks of statelessness and collecting data on the affected population;
- (c) Establish a statelessness determination procedure with the necessary procedural guarantees in line with international standards;
- (d) Strengthen the protection of stateless persons through quality legal assistance;
- (e) Facilitate the naturalization of stateless persons; and
- (f) Insert safeguards against statelessness in compliance with the *1961 Convention on the Reduction of Statelessness*.

**UNHCR  
July 2018**

## ANNEX

### Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

## SLOVAKIA

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations and UN Treaty Monitoring Bodies' Concluding Observations reports relating to issues of interest and persons of concern to UNHCR with regards to SLOVAKIA.

### I. Universal Periodic Review (Second Cycle – 2014)

Recommendation <sup>3</sup>	Recommending State/s	Position <sup>4</sup>
<b>Accession to international instruments</b>		
110.6. Consider becoming party to ICRMW and to OP-CAT	Azerbaijan	Noted
<b>Asylum-seekers and refugees</b>		
110.145. Put in place mechanisms to identify at an early stage children among refugees and asylum seekers who might have been involved in armed conflict in order to ensure their protection, recovery and reintegration.	Bulgaria	Supported <sup>5</sup>
<b>Legislature regarding vulnerable groups</b>		
110.146. Implement laws and policies that protect and promote the civil, political, social and economic rights of migrants, Roma people, refugees and asylum seekers, especially the rights to health, to education and to work.	Holy See	Supported
<b>Victims of trafficking</b>		
110.74. Reinforce preventive measures for combating trafficking in women and girls for purposes such as sexual exploitation.	Sri Lanka	Supported <sup>6</sup>
110.76. Provide adequate resources to fully implement its National Programme to Combat Trafficking in Human Beings, paying particular	Philippines	Supported

<sup>3</sup> All recommendations made to Slovakia during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Slovakia" (26 March 2014), A/HRC/26/12, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/SKindex.aspx>.

<sup>4</sup> Slovakia's views and replies, in English, can be found in: *Addendum* (12 June 2014), A/HRC/26/12/Add.1, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/048/42/PDF/G1404842.pdf?OpenElement>.

<sup>5</sup> **Addendum:** "Slovakia will continue to implement national legal framework in this area established in accordance with international human rights obligations which also includes the right to health, education and the right to work. Slovakia has legal mechanisms available for the early identification of children among refugees. In case children among refugees are identified who might have been involved in armed conflict, the state authorities have the obligation to provide them with sufficient protection, recovery and reintegration."

<sup>6</sup> **Addendum:** "Combating trafficking in human beings, including providing assistance to victims has been among long-term priorities of the Ministry of Interior. Recommendations given to Slovakia regarding trafficking in human beings are fully implemented at national level. The Information Centre for Combating Trafficking in Human Beings fulfils the task of a "national rapporteur" while at the same time serves as a manager of the Human Trafficking information system. The Ministry of Interior acts as an umbrella authority for the Programme of Support and Protection of Victims of Human Trafficking, which ensures comprehensive assistance to victims subject to their individual needs. As a part of combating this phenomenon, Slovakia will continue to raise awareness about trafficking in human beings, also through the campaigns. Slovakia will focus on fulfilling the tasks resulting from the National Programme of Combating Trafficking in Human Beings."

attention to combating trafficking of children.		
110.78. Pay special attention to the adoption of comprehensive measures to address the aggravating problem of trafficking in children. Consider the possibility of sending an invitation to the Special Rapporteur on trafficking in persons, especially in women and children.	Belarus	Supported
110.79 Continue to strengthen its policy to prevent, combat and punish human trafficking, particularly by providing assistance to victims, regardless of their nationality.	Cyprus	Supported
110.83. Ensure close cooperation between the police and the NGOs which provide assistance to victims of trafficking in human beings.	Slovenia	Supported
110.84. Improve identification of the victims of trafficking in human beings by setting up a coherent national mechanism of identification and referral of such cases.	Republic of Moldova	Supported
<b>Racial violence<sup>7</sup></b>		
110.93. Ensure appropriate investigation of all acts of violence committed for racial motives and punish those responsible for them.	Uzbekistan	Supported
<b>Detention centres</b>		
110.99. Consider establishing an independent body with the right to undertake unannounced visits to all places of deprivation of liberty, including police stations and pre-trial detention facilities, with a view to an early ratification of OP-CAT.	Czech Republic	Supported <sup>8</sup>
<b>Protection from SGBV</b>		
110.71. Consider adopting measures to prevent gender-based violence, including amending legislation to include such an offence.	Thailand	Supported <sup>9</sup>
<b>Child protection</b>		
110.78. Pay special attention to the adoption of comprehensive measures to address the aggravating problem of trafficking in children. Consider the possibility of sending an invitation to the Special Rapporteur on trafficking in persons, especially in women and children.	Belarus	Supported <sup>10</sup>

<sup>7</sup> **Addendum:** “Fight against extremism and prevention of all forms of discrimination, racism, xenophobia and other forms of intolerance remains among priorities of the Slovak Government. Slovakia will continue to implement measures in this area, including provisions of the Criminal Code on extremist crimes and extremist offences introduced by the latest amendment to the Offence Act. The current legislative framework contains sufficient tools to combat hate speech in media. Self-regulatory measures adopted by media institutions demonstrate an effort to eliminate the negative impact of hate speech in media. The Committee for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance (2011) plays an important role in prevention of racism and intolerance, inter alia by serving as a platform for coordination of activities and identification of public policies in this field. With respect to the recommendations regarding crimes committed by the police forces, they are investigated by the Inspection Service of the Ministry of Interior. The Inspection Service investigates all complaints regardless of gender, race or ethnic origin of the alleged victim. Any decision may be reviewed by a prosecution. To increase the public trust, Slovakia will continue to implement programmes with special emphasis on vulnerable groups, including the project of police specialists working with Roma communities.”

<sup>8</sup> **Addendum:** “Slovakia will further consider the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, however, without intention to ratify it in the near future.”

<sup>9</sup> **Addendum:** “Slovakia will further implement measures to eliminate differences in remuneration between men and women, inter alia by using the concept of social responsibility and exchange of good practises. Methodology on equality in remuneration and gender audits in the workplace are under preparation. In December 2013, the Government approved the National Action Plan for the Prevention and Elimination of Violence against Women for 2014-2019 aimed to develop, implement and coordinate national policy on prevention and elimination of violence against women. To step up efforts in the field of combating violence against women, the Coordination and Methodology Centre for Violence against Women and Domestic Violence will be established in 2014.

<sup>10</sup> See *supra* note 5.

110.80. Adopt measures to identify the root causes for the exploitation of children, including through prostitution and pornography, and implement adequate mechanisms for prevention and protection.	Ecuador	Supported <sup>11</sup>
110.85. Ensure that child victims of offences under OP-CRC-SC are provided with assistance, including social reintegration and physical and psychological recovery.	Republic of Moldova	Supported <sup>12</sup>

## II. Treaty Bodies

### Committee on the Elimination of Racial Discrimination

Concluding Observations, (12 January 2018), [CERD/C/SVK/CO/11-12](#)

#### **Refugees and asylum seekers**

27. The Committee notes with concern the information that asylum seekers, including unaccompanied children and families with children, are often detained for extensive periods of time and that the alternatives to detention are rarely made available to them. In addition, while the Committee notes the information provided on the Integration Policy of Slovakia, it regrets the lack of comprehensive and detailed information on its implementation and impact, especially in relation to access by non-citizens to education, employment, housing and social protection without discrimination (arts. 2 and 5).

**28. The Committee urges the State party to ensure that no child is detained because of his or her migration status, to provide alternatives to the detention of asylum seekers, and to use detention only as a measure of last resort and for the shortest appropriate period. The Committee also urges the State party to ensure that the conditions in detention and reception centres are brought into conformity with international standards. The Committee requests the State party to include, in its next periodic report, information on results of the implementation of the Integration Policy of Slovakia, with regard to access to education, employment, housing and health care by non-citizens such as migrants, refugees and asylum seekers, without discrimination.**

### Human Rights Committee – Covenant on Civil and Political Rights

Concluding Observations, (22 November 2016), [CCPR/C/SVK/CO/4](#)

#### **Treatment of aliens, including refugees and asylum seekers**

30. The Committee is concerned that asylum-seeking families with children are being systematically detained for lengthy periods in unsuitable conditions, and alternatives to detention are often not available to them. (arts. 7, 9 and 24)

**31. The State party should ensure that (a) the detention of asylum seekers must be justified as reasonable, necessary and proportionate in the light of the circumstances and reassessed as it extends in time; (b) children are not deprived of liberty, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests; and (c) any necessary detention should take place in appropriate, sanitary, non-punitive facilities and should not take place in prisons.**

<sup>11</sup> *Id.*

<sup>12</sup> **Addendum:** "Protection of the rights of the child is the key issue of the national human rights policy. Slovakia as a State Party to the three Optional Protocols to the Convention on the Rights of the Child will continue their implementation. To further improve the child's protection against violence, the National Strategy for the Protection of Children against Violence was adopted in January 2014. It represents a comprehensive tool to achieve a qualitative change in the perception of violence against children aimed to create an effective mechanism for the systematic protection of children."

### **Unaccompanied minors**

32. The Committee is concerned about reports of unaccompanied minors who have gone missing from foster homes and the inefficiency in locating them. It is also concerned that Article 127 of the Act on Residence of Foreigners (No. 404/2011 Coll.) provides under the presumption of majority that a person claiming to be an unaccompanied child shall be considered an adult until the results of the medical age assessment examination prove the contrary and such results cannot be appealed. As a consequence, no guardian is appointed to that person in the interim period. (arts. 24)

**33. The State party should (a) Ensure that unaccompanied minors receive appropriate protection and, as a matter of urgency, establish a register of disappeared unaccompanied children and conduct search operations for those children, in cooperation with other States as necessary; (b) Remove the presumption of majority from the Act on Residence of Foreigners and ensure that age assessment procedures are undertaken only in cases of reasonable doubt about the age of the person concerned, and with a view to the best interest of a child and are conducted by experts in that field; and (c) Ensure that child asylum seekers, in particular, unaccompanied children, have access to education, social and psychological services and legal aid, and are provided with a legal representative and/or guardian without delay.**

### **Committee on the Rights of the Child**

Concluding Observations, (20 July 2016), [CRC/C/SVK/CO/3-5](#)

### **Asylum-seeking and refugee children**

52. The Committee is concerned that:

- (a) Asylum-seeking families with children are being systematically detained for lengthy periods in very unsuitable conditions, and alternatives to detention are often not applied to them;
- (b) There are no support services or special shelters for asylum-seeking and refugee families;
- (c) Children have access to education only after three months in detention and receive inadequate health care, including due to lack of medical personnel speaking languages other than Slovak and lack of interpreters, and in peak times also insufficient clothing and other basic necessities;
- (d) In the recent migration discussions of the EU's relocation and resettlement schemes, the State party has repeatedly made clear that it will not accept Muslims refugees and asylum-seekers.

53. **The Committee recommends that the State party:**

- (a) Expediently and completely cease the detention of children on the basis of their or their parents' immigration status and put in practice alternatives to detention that allow children to remain with family members and/or guardians in non-custodial, community-based contexts, without the requirement of having to prove the possession of unreasonably high daily subsistence funds;**
- (b) Ensure the rights of all asylum-seeking and refugee children to humane living standards, education and adequate health care services without any discrimination, including on religious grounds.**

### **Unaccompanied children**

54. The Committee is seriously concerned that:

- (a) Almost all unaccompanied children placed in foster homes disappeared over the past five years and there are no specific efforts to search for them;

- (b) There are often delays in identifying a guardian for an unaccompanied child, which can result in delayed access to the formal process of searching for a family or starting asylum procedures and in most cases the child disappeared before the process of appointing a guardian is completed;
- (c) The State party's legislation provides for legal counseling for an unaccompanied child only upon the child's request and only in front of the court, excluding the possibility of legal counseling at the first instance at the Migration Office, and that legal counseling is in practice rarely provided;
- (d) Article 127 of the Act on Residence of Foreigners (No. 404/2011 Coll.) provides under the presumption of majority that a person claiming to be an unaccompanied child shall be considered an adult until the results of the medical age assessment examination prove the contrary, which means that no guardian is appointed to him/her until such result;
- (e) Age assessment procedures are not undertaken as a measure of last resort and their results cannot be appealed;
- (f) There is no mechanism in the State party to facilitate the tracing of family and relatives of unaccompanied asylum-seeking and refugee children.

**55. In the light of its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee urges the State party to:**

- (a) Ensure that unaccompanied children receive appropriate protection and care and as a matter of urgency put in place a register of disappeared unaccompanied children and conduct search operations, in co-operation with other States as necessary;**
- (b) Ensure that child asylum-seekers and in particular unaccompanied children have access to education, social and psychological services and legal aid and are provided with a legal representative and/or guardian without a delay;**
- (c) Remove the presumption of majority from the Act on Residence of Foreigners and ensure that age assessment procedures are undertaken only in cases of serious doubt about the age of the person concerned, are subject to the informed consent of the child and are conducted by experts;**
- (d) Take all necessary measures to ensure the principle of family unity for children in need of international protection, by inter alia amending the rules for family reunification and providing effective access to the embassies and consulates, and engage with the national Red Cross to establish a mechanism for tracing the families and relatives of unaccompanied asylum-seeking and refugee children;**
- (e) Ensure that all professionals working with unaccompanied children receive regular training on children's rights and on appropriate procedures and communication;**
- (f) Gather and publish statistics on the number of families with minor children apprehended by immigration authorities, their age, country of origin, the ground for their apprehension/detention and the length of the detention and regularly evaluate these statistics as well as the situation of these children.**

### **Committee on the Rights of Persons with Disabilities**

Concluding Observations, (17 May 2016), [CRPD/C/SVK/CO/1](#)

#### **Situations of risk and humanitarian emergencies**

36. The Committee is concerned about the situation of refugees and asylum seekers with disabilities seeking admission to the State party and the fact that those who are detained are not provided with appropriate support and reasonable accommodation.

**37. The Committee recommends that the State party mainstream disability in its refugee policies and that any detention of persons with disabilities in the context of asylum seeking is provided in line with the Convention.**

#### **Liberty of movement and nationality**

53. The Committee notes with deep concern the precarious situation of persons with disabilities in the current migrant crisis on the national borders of the State party. The Committee is concerned that the migration decision-making procedures are not accessible for all persons with disabilities and that information and communication are not provided in accessible formats.

**54. The Committee recommends that the State party mainstream disability in all its migration policies. It also recommends that persons with disabilities are permitted free movement across the State party borders on an equal basis with others.**

#### **Committee on the Elimination of Discrimination against Woman**

Concluding Observations, (25 November 2015), [CEDAW/C/SVK/CO/5-6](#)

#### **Violence against women**

20. The Committee welcomes the launch of a national 24-hour helpline for women who are victims of violence and a series of amendments to laws that penalize stalking and forced marriage and give effect to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse under national jurisdiction. However, the Committee notes with concern:

- (a) The long delays in adopting comprehensive legislation on violence against women, including domestic violence, and in ratifying the Istanbul Convention;
- (b) The underreporting of violence against women by victims, the low numbers of prosecutions and convictions of perpetrators and the limited application of protection orders by the police, in particular in cases of sexual violence;
- (c) The lack of a coordinated system for preventive measures and victim assistance, including the provision of shelters and legal, medical and psychological assistance, in cases of gender-based violence against women;
- (d) The prevalence of gender-based violence and harmful practices against women, including the sale of women or forced marriage, in particular among Roma women living in segregated environments.

**21. Recalling its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party:**

- (a) **To expedite the enactment of the law on the prevention and elimination of violence against women and domestic violence, in line with the Istanbul Convention, and ratify that instrument, ensuring a gender-specific approach to those issues, and ensure the active and meaningful participation of women's rights organizations, in particular those working for disadvantaged and marginalized groups of women, in the implementation and monitoring of the law;**
- (b) **To ensure that perpetrators of violence and harmful practices against women are prosecuted and punished with sanctions commensurate with the gravity of the crime, effectively enforce and monitor compliance with protection orders against perpetrators of domestic violence and ensure that the duration of such orders is sufficient to adequately protect the women concerned;**
- (c) **To ensure that women who are victims of violence have adequate access to protection and assistance, including by ensuring that there are sufficient State-funded shelters throughout the territory of the State party, and raise awareness**

among women and the general public of the criminal nature of violence against women, including domestic and sexual violence, with a view to encouraging women to report incidents of violence against them;

- (d) **To adopt and effectively implement a targeted programme to eliminate gender-based violence and harmful practices perpetrated against Roma women and girls and collect statistical data on all forms of gender-based violence, including domestic violence, disaggregated by sex, age, ethnicity or minority status and relationship between the victim and the perpetrator, undertaking surveys and research on the extent of violence against women in the State party and its root causes.**

#### **Trafficking and exploitation of prostitution**

22. The Committee notes the creation of a programme to support and protect the victims of trafficking in persons and the establishment of an information centre on efforts to combat trafficking in persons and crime prevention in 2008, but notes with concern:

- (a) The ineffective identification of victims of trafficking in persons and the lenient sentencing of perpetrators, including many suspended sentences;
- (b) The lack of comprehensive disaggregated data on sexual exploitation, including forced prostitution;
- (c) The greater vulnerability of Roma women and girls to trafficking, including internal trafficking, for the purposes of sexual exploitation.

23. **The Committee recommends that the State party:**

- (a) **Strengthen efforts aimed at the early identification of victims of trafficking and at victim assistance;**
- (b) **Ensure the prosecution and adequate punishment of perpetrators of trafficking-related crimes, commensurate with the gravity of the crime;**
- (c) **Conduct studies and surveys on the prevalence of the exploitation of prostitution and include in its next report updated information and data thereon;**
- (d) **Strengthen efforts to address the root causes of trafficking and forced prostitution, in particular of Roma women and girls, by increasing educational and alternative income-generating opportunities, thereby minimizing their vulnerability.**

#### **Disadvantaged and marginalized groups of women**

39. The Committee is further concerned at the recent resurgence of the negative discourse by political leaders, private organizations and religious groups and of violence directed against Roma women and women belonging to other ethnic minority groups, migrant, refugee and asylum-seeking women and lesbian, bisexual, transgender and intersex women.

40. **The Committee urges the State party:**

- (a) **To amend its legislation to explicitly prohibit, as a separate crime, hate speech against lesbian, bisexual, transgender and intersex women;**
- (b) **To ensure that the prohibition of hate crimes and hate speech under the Anti-Discrimination Act and the Criminal Code is strictly enforced and that judges, prosecutors, police officers and other law enforcement officials are adequately trained to recognize and effectively address such incidents;**
- (c) **To publicly condemn racially motivated and homophobic discourse and violence, including manifestations of racism and homophobia in the media and on the Internet, and strengthen efforts to promote tolerance and respect for diversity;**

- (d) **To take an inclusive and non-selective approach in upholding the principle of non-refoulement and a gender-sensitive approach to the continuing refugee inflows and asylum claims, including in procedural matters, in line with the rights covered in the Convention and in the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.**

### **Committee against Torture**

Concluding Observations, (08 September 2015), [CAT/C/SVK/CO/3](#)

#### **Victims of human trafficking**

15. While welcoming the amendments to legislation modifying the definition of human trafficking to include new forms of punishable conduct, the Committee is concerned that the State party remains a country of origin, transit and destination for human trafficking, in particular for labour and sexual exploitation and forced begging. The Committee is also concerned at the very lenient or suspended sentences given to perpetrators of trafficking in human beings (arts. 2, 10, 12-14 and 16).

#### **The State party should:**

- (a) **Vigorously implement international and domestic legislation aimed at countering trafficking, allocate sufficient funds to combat trafficking and conduct national prevention campaigns on the criminal nature of such acts;**
- (b) **Take effective measures to prevent and eradicate human trafficking, including by providing specialized training to public officials on identifying victims and on investigating, prosecuting and sanctioning perpetrators;**
- (c) **Ensure the effective implementation of the national programme to fight human trafficking for 2015-2018 and the round-the-clock functioning of the national hotline for the protection of human trafficking victims;**
- (d) **Promptly, effectively and impartially investigate the crime of trafficking in persons and related practices, and prosecute and punish perpetrators in accordance with the gravity of the crime;**
- (e) **Increase the protection of and provide redress to victims of trafficking, including legal, medical and psychological aid and rehabilitation, as well as adequate shelter and assistance in reporting incidents of trafficking to the police;**
- (f) **Enhance international cooperation with regard to preventing and punishing trafficking, and prevent the return of trafficked persons to their countries of origin if there are substantial grounds to believe that they would be in danger of torture;**
- (g) **Provide the Committee with comprehensive disaggregated data on the number of investigations, prosecutions and sentences handed down with regard to perpetrators of human trafficking, and on the provision of effective redress to victims.**