

**Submission by the United Nations High Commissioner for Refugees**  
**For the Office of the High Commissioner for Human Rights' Compilation Report**  
**Universal Periodic Review: *Fourth Cycle, 46th Session***

**SLOVAKIA**

**I. BACKGROUND INFORMATION**

Slovakia acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*) in February 1993, after it became an independent State following the dissolution of its federation with the Czech Republic. Slovakia acceded to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) and the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*) in 2000.

The main domestic legislation governing asylum is Act No. 480/2002 Coll. on Asylum (hereinafter the Act on Asylum) which lays down the basic definitions, structures and procedures necessary to determine and provide for international protection needs, reception and rights of asylum-seekers, and integration services for refugees. The Slovak Republic has also transposed relevant EU asylum-related Directives into national legislation, primarily through amendments to the Act on Asylum. Act No. 404/2011 Coll. on Residence of Foreigners (hereinafter the Act on Residence of Foreigners) provides the legal framework for issues such as access to family reunification, effectiveness of judicial review of detention cases, conditions of detention, safeguards in administrative expulsion procedures as well as information about free legal representation and alternatives to detention.

Like many countries in Europe, Slovakia has experienced a rise in the number of persons irregularly entering the country and travelling through it, on their way to Western and Northern European countries. Slovakia continues to be mainly a country of transit for the majority of persons – including asylum-seekers and persons seeking family reunification in the EU. The estimated number of individuals apprehended and registered<sup>1</sup> by the Border and Foreigners Police in Slovakia between January and October 2023 is approximately 41,000, reaching a weekly number of 3,500 individuals apprehended by end of October. Unaccompanied children choose to identify themselves as adults or children accompanied by relatives as advised by adults and to avoid being transferred to closed centres (Child and Family Centres) by the child protection centres. More than 95% of the individuals involved in these movements through Slovakia identify themselves as Syrian and Afghan nationals. Whilst the number of asylum applications has increased over the past several years, proportionately few individuals involved in these movements have sought international protection or sought to access family reunification procedures in Slovakia. 370 asylum applications were lodged in 2021, and 547 in 2022. Between January and June 2023, 260 persons lodged asylum claims in Slovakia.

Since the escalation of the war in Ukraine, Slovakia has seen a rapid influx of persons fleeing hostilities and seeking protection. More than one million Ukrainian and third-country nationals in need of international protection have crossed the borders into Slovakia. Temporary protection status has been accessible to refugees arriving from Ukraine and their families since 1 March 2022 and as of 10 September 2023, a total of 125,924 individuals have applied for temporary protection in Slovakia. On 30 March 2022, the Government

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<sup>1</sup> The individuals involved in mixed and onward movements are systematically registered by the Border and Foreigners Police, and provided with the document called "Confirmation of the stay of the third country national in the Slovak Republic" when they fall under the categories of persons who cannot be subject to administrative expulsion in line with non-refoulement obligations.

adopted Act No. 92/2022 Coll. (Lex Ukraine) introducing further measures to address the situation in Ukraine, including among others, the introduction of the allowance for accommodation for beneficiaries of Temporary Protection, facilitating their employment and social protection as well as their access to emergency health care services and other necessary health care services beyond emergency health care, if needed.

The Government of Slovakia has generally maintained open access to its territory and its asylum procedures for refugees and asylum-seekers, as well as access to temporary protection for refugees arriving from Ukraine, and addressed inconsistencies stemming from the application of the Schengen Border Code. In addition, national, district and local authorities have rapidly responded to the large numbers of arrivals from Ukraine.

According to UNHCR protection profiling, 85% of refugees from Ukraine in Slovakia were women and children as of March 2023, and 93% of respondents reported at least one urgent need such as material assistance, health care, accommodation, or employment.

## II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

**Linked to 3rd cycle UPR recommendation no. 193:** “Strengthen the Centre for Legal Aid in order to ensure the protection and promotion of the rights of foreigners, such as migrants, refugees and applicants for international protection (Indonesia)”

In 2022, UNHCR and the Legal Aid Centre engaged in partnership to strengthen access to qualified free legal aid for refugees, asylum-seekers, beneficiaries of temporary protection, stateless persons, and people at risk of statelessness. Many individuals from these categories are economically and socially disadvantaged, which affects their access to legal services that can help them understand, protect and defend their legal rights and interests. The Legal Aid Centre has been closely involved in the Slovak Refugee Coordination Forum since 2022, and provides legal aid and counselling to refugees displaced in the context of the war in Ukraine throughout Slovakia, including by joining the mobile outreach of the Blue Dot Safe Space and Protection Hub, in collaboration with UNHCR and Slovak NGO Mareena, to ensure that particularly vulnerable refugees, in particular older persons, persons with disabilities and women caring for young children, have access to legal counselling and representation.

## III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

### Challenges linked to outstanding 3rd cycle UPR recommendations

#### Issue 1: Protection of Refugee Children

**Linked to 3rd cycle UPR recommendation no. 148:** “Promote the rights of the child (Libya)” and **no. 125:** “Ensure equal access to all levels of education for every child without discrimination (Iceland)”

Early identification, assessment, and targeted support for refugee children at-risk, including unaccompanied and separated children, and those affected by violence, abuse, exploitation and neglect – including at crossing and transit points, and in private and collective accommodation options – requires stronger coordination among State and humanitarian child protection actors. A key area of further attention is strengthening national capacities to conduct individualised best interest procedures to support appropriate guardianship and alternative care arrangements as well as with regards to return of unaccompanied and separated children to Ukraine.

UNHCR estimates that 53% of refugee children were not enrolled in schools in Slovakia in the 2022-23 school year. The Government has decided to apply compulsory education for all refugee children by September 2024.

### **Recommendations:**

UNHCR recommends that the Government of Slovakia:

- a) Ensure the inclusion of unaccompanied refugee children in the national child protection system and strengthen the capacity of child protection services to identify and refer all unaccompanied and separated children.
- b) Include refugee children in best interest procedures, ensuring due consideration for the child's expressed preferences and perspectives, the welfare and relationship with their family and relatives, the safety and protection of the child, and the child's identity and developmental requirements.
- c) Ensure decisions regarding the return of children without parental care, particularly those under institutional care arrangements, are based on individual best interest procedures.
- d) Strengthen the existing legal guardianship procedures as applied to refugee children in Slovakia and enhance the capacity of authorities to carry out regular monitoring.
- e) Scale up efforts to ensure that all refugee children in Slovakia have access to the national school system as soon as possible, and benefit from support measures that address their specific needs.

### **Issue 2: Statelessness**

**Linked to 3rd cycle UPR recommendation no. 195:** “Continue with the implementation of measures to strengthen the protection of stateless persons, in particular through quality legal assistance (Serbia)”

Numerous obligations arising out of the *1954 Convention* for Slovakia have not been reflected in national legislation or applied in practice. Slovakia maintains its reservation to Article 27 of the *1954 Convention*, 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. A formal statelessness determination procedure has yet to be established by the Government. UNHCR conducted a study on statelessness<sup>2</sup> in Slovakia, published in 2022. Despite the difficulty in establishing a reliable estimate of the stateless population, available data suggests that the stateless population in Slovakia is relatively small and homogeneous compared to the number of other groups of foreigners living in Slovakia, with the majority of stateless persons originating from Slovakia or its neighbouring countries.

Stateless persons may apply for “permanent residence” for a duration of five years. However, the granting of permanent residence under the Act on Residence of Foreigners is not automatically applicable to all stateless persons, even if they meet all the conditions, and remains at the discretion of the Ministry of Interior. Moreover, granting of permanent residence for stateless persons is also linked with a possibility to obtain Slovak citizenship. The Act on the Slovak Citizenship contains provisions that allow stateless persons with a residence permit to apply for Slovak citizenship after three years of continuous residence in Slovakia. According to the Ministry of Interior, in 2016, three stateless persons were granted Slovak citizenship, four stateless persons in 2017 and one stateless person in 2018.

UNHCR recalls the Concluding Observations of the Committee against Torture on the fourth periodic report of Slovakia in 2023, which called on Slovakia to establish a dedicated procedure for determining statelessness, create a central database of stateless persons in its territory and consider withdrawing its reservation to article 27 of the *1954 Convention*

<sup>2</sup> UN High Commissioner for Refugees (UNHCR), *Mapping Statelessness in Slovakia*, 2022, available at: <https://www.refworld.org/docid/63494a304.html>.

(CAT/C/SVK/CO/4.2023).

### **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*.
- b) Develop a National Action Plan on statelessness.
- c) Establish a statelessness determination procedure.
- d) Establish and publish reliable statistics on stateless people in Slovakia.
- e) Facilitate the access to permanent residence for stateless persons, ensuring that they are provided with a right to be “lawfully in” the territory of the Slovak Republic for the entire duration of the relevant proceedings; and facilitate their naturalization.

### **Additional protection challenges**

#### **Issue 3: Protection and Inclusion of Refugees**

In 2022, the Slovak Government and society showed a strong commitment to ensuring the rights and safety of those fleeing the armed conflict in Ukraine, and pro-actively collaborated with international and civil society stakeholders. Despite this commitment and the favourable protection environment, some challenges remain due to pre-existing capacity gaps in the areas of accommodation, child protection, social services, response to gender-based violence and risks of trafficking in human beings, health care, and education. The regional and local authorities have responsibilities over accommodation, education and health, while they have very limited access to resources, including available funding instruments to meet these responsibilities and ensure the protection and inclusion of refugees. Similarly, the line ministries and their respective bodies such as the Migration Office of the Ministry of Interior were not able to enhance their resources while undertaking responsibilities to protect an unprecedented number of refugees. UNHCR also wishes to stress the key role that Slovak volunteers, civil society and non-governmental organisations and the Ukrainian community initiatives have in supporting refugees navigate the national protection systems and essential services in Slovakia and supporting the public institutions responding to refugee needs, including accommodation, health, education, and social protection.

While the Slovak Government provides some humanitarian support including disability humanitarian grants, most forms of compensation for people with disabilities are not available for refugees. Up to 20% of the population may need social housing or other housing assistance in the long term due to their vulnerability, including separated families with children who do not have day care, people with disabilities and elderly people without family support. Persons with disabilities, older persons and those with serious health problems face additional problems related to the affordability of housing. Only a limited number of accommodation centres can ensure barrier-free and necessary access to health and social services.

According to UNHCR’s findings, in addition to reasons such as family reunification, checking properties in Ukraine, limited access to accommodation, health care, education and high costs of living, against the backdrop of limited opportunities for socio-economic inclusion and self-reliance, as well as labour exploitation, are among the factors leading refugees from Ukraine to move back to their country. Reference is made to the recommendations of the Refugee Coordination Forum’s findings and recommendations on accommodation of

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<sup>3</sup> Regional Refugee Response for the Ukraine Situation, *Slovakia : Key recommendations on Accommodation and Housing for the Government and RRP stakeholders - April 2023*, available at: <https://data.unhcr.org/en/documents/details/100426>.

refugees<sup>3</sup> and on persons with disabilities<sup>4</sup>.

UNHCR recalls the Concluding observations of the Committee on the Elimination of Discrimination against Women in 2023 on the seventh periodic report of Slovakia, recommending the Government to adopt targeted measures, including temporary special measures, to enable the full implementation of the packages of laws and ensure Ukrainian refugee women have access to employment, accommodation, childcare facilities and food (CEDAW/C/SVK/CO/7.2023).

### **Recommendations:**

UNHCR recommends that the Government of Slovakia:

- a) Enhance funding opportunities and resource allocation to Government institutions, as well as regional and local authorities, to strengthen refugee protection and inclusion.
- b) Facilitate access of funding opportunities and resource allocation to civil society stakeholders, in particular those working with refugee women, children and persons with disabilities, as well as refugee-led initiatives.
- c) Establish a national accommodation and housing strategy, including social housing that supports integration of the most vulnerable groups within local communities through social housing schemes, including refugees.
- d) Provide financial incentives to towns and cities to develop social housing, including for refugees, and renovate unused buildings, including former social housing facilities they own.
- e) Develop an action plan focusing on refugees to support and complement the national social protection and assistance mechanisms benefiting people with disabilities, and collaborate with the disability organisations and refugee communities in developing and implementing assistance programmes.
- f) Ensure refugees have access to sexual and reproductive health services and specialised services for survivors of gender-based violence and those at risk of gender-based violence, ensuring a gender-sensitive and survivors-centred approach.

### **Issue 4: Detention of asylum-seekers and refugees, including children**

According to Section 88(4) of the Act on Residence of Foreigners, a foreigner may be detained for a maximum period of six months for migration purposes, which may be repeatedly extended up to 18 months. Asylum-seekers can be detained for a total of up to six 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; child protection authorities assume responsibility for their reception and care arrangements.

The amendments to the Act on Residence of Foreigners that entered into force on 1 May 2017 enable the police authorities to apply 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 foreigners, including asylum-seekers under the Dublin regime, with the exception of those who are deemed a threat to national security, public order or public health. However, in practice, such alternatives have been applied only exceptionally.

UNHCR recalls the Concluding observations of the Committee against Torture in 2023 on the fourth periodic report of Slovakia, according to which detention of families with children

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<sup>3</sup> Regional Refugee Response for the Ukraine Situation, *Slovakia : Key recommendations on Accommodation and Housing for the Government and RRP stakeholders - April 2023*, available at: <https://data.unhcr.org/en/documents/details/100426>.

<sup>4</sup> Regional Refugee Response for the Ukraine Situation, *Slovakia : Key recommendations on disability for the Government and RRP stakeholders - April 2023*, available at: <https://data.unhcr.org/en/documents/details/100394>.

should be resorted to as a measure of last resort only and for the shortest appropriate period of time. The Committee also called upon Slovakia to duly consider the availability, effectiveness and appropriateness of alternatives to detention in each individual case, in line with the Tokyo Rules (CAT/C/SVK/CO/4.2023).

**Recommendations:**

UNHCR recommends that the Government of Slovakia:

- a) Reduce the current practice of detaining asylum-seekers and those awaiting a Dublin transfer by ensuring that the detention is applied only when it is based on an assessment of an individual's particular circumstances, determined to be necessary, reasonable in all the circumstances, and proportionate to a legitimate purpose, and upon consideration of available alternatives.
- b) 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 and that the detention of asylum seekers generally should be avoided and considered only as a measure of last resort.

**UNHCR**  
**September 2023**