**Human Rights Council resolution 45/30**

**Input from SLOVAKIA**

In reference to: TESPRDD/HRESIS/IG/GB/KY from 29 September 2021

1a) The Slovak Republic (hereinafter referred to as the “SR”) is a party to the UN Convention on the Rights of the Child and its Optional Protocols (hereinafter the “Convention”), and is therefore bound to carry out all activities in accordance with the best interests of the child and other articles of the Convention. The rights of the child are therefore recognized, guaranteed and enforced regardless of whether the child is separated from his or her family.

Legislatively, the best interests of the child are enshrined in Article 5 of the Act No. 36/2005 Coll. on the Family and on Amendments to Certain Acts, as amended, according to which “the best interests of the minor shall be a primary consideration in all matters affecting him or her. In determining and assessing the best interests of the minor, particular account shall be taken of:

a) level of child care,

b) the safety of the child, as well as the safety and stability of the environment in which the child resides,

c) protection of the dignity as well as of the child's mental, physical and emotional development,

d) circumstances related to the child's state of health or disability,

e) endangering the child's development by interfering with his or her dignity and endangering the child's development by interfering with the mental, physical and emotional integrity of a person who is a close person to the child,

f) conditions for preserving the child's identity and for developing the child's abilities and personality,

g) the child's opinion and his possible exposure to a conflict of loyalty and subsequent guilt,

h) conditions for the establishment and development of relationships with both parents, siblings and other close persons,

(i) the use of possible means to preserve the child's family environment if interference with parental rights and responsibilities is considered."

The quoted provision is also referred to in the Act on the Social Protection of Children and Social Guardianship, according to which "the best interests of the child shall be a primary consideration in the selection and application of measures for the social protection of children and social guardianship in accordance with the Act on Family.

The Act on the Social Protection of Children and the Social Guardian defines the social protection of children as a set of measures to ensure the protection of the child, which is necessary for his or her well-being and which respects his or her best interests; the upbringing and all-round development of the child in his or her natural family environment and the provision of an alternative environment for the child who cannot be brought up in his or her own family.

1b) Prevention of exclusion of a child from the family is comprehensively supported within the family and social policy of the SR, for example through measures of the strategy for deinstitutionalisation of the social services and alternative care system, national priorities for the development of family services, population policy issues, violence against children, gender equality and equal opportunities to provide long-term and systemic solutions to support families and the like.

In the area of social and legal protection of children and social guardianship, the priority of ensuring the upbringing and all-round development of the child by its parents and, if this is not possible, by the child's relatives, is clearly defined. This legal construction and the obligations and duties of public administration bodies correspond to the comprehensive setting of the system of measures of social and legal protection of children and social guardianship so that the prevention of separation of the child from the family is a priority and thus the starting point for further action or decision-making about the child.

2b) The best interests of the child shall be assessed in any activity, procedure, method or technique, including decisions concerning or likely to involve the child, ensuring that the child is adequately involved and is given opportunity to express its opinion (if possible due to the child's age and intellectual maturity) on all matters affecting him.

In relation to unaccompanied minors, the best interests of the child are evaluated in the context of solving the situation of unaccompanied minors not only from the current, but especially from a long-term and perspective point of view in order to design and adopt permanent solutions for unaccompanied minors, e.g. in the case of family reunification with the family in the form of repatriation, return of the child to the country of origin (if it is a safe country), reunification, i.e. reunification of a child with a family located in the territory of a third country, or within the asylum seeker procedure, or integration of unaccompanied minors within the territory of the Slovak Republic.

In relation to unaccompanied minors, the procedure is in accordance with the general comments of the UN Committee on the Rights of the Child no. 6/2005 and no. 14/2013, as well as the Handbook for the Implementation of the UNHCR BID Guidelines on Determining the Best Interest, Especially for Refugee Children (the so-called UNHCR BID Guidance, Office of the United Nations High Commissioner for Refugees, Geneva, 2011). The Training Handbook for Carers and Social Workers Working with Unaccompanied Asylum Seekers (developed by the IOM) and an application guide on the application of the best interests of the child principle in all procedures, measures and decisions taken in relation to unaccompanied minors are also used.

3a) and 3b) The greatest concerns of children living in conflict, in custody or whose parents are detained, who are allegedly linked to terrorism or terrorist groups, regarding the exercise of their human rights to reunite with their families, cannot be identified without specific research explicitly aimed at identifying their specific concerns. For this reason, we cannot specify them.

However, as the previous answers to the questions have shown, all children are treated without distinction and individually, with regard to their age and intellectual maturity, specific problems and needs.

All children and families are treated as equal subjects (not objects), in the form of measures implemented according to the plan of social work with the child and his family, which is based on the assessment of the child's risk and the subsequent determination of the specific risk.

We see more effective promotion of the best interests without discrimination for all children without distinction, in their regular information about things that concern them, in providing truthful information about their real situation, including the possibility of their return to the family (whether it is in their best interests and whether the situation allows it) - sensitively and in a way appropriate to their age and intellectual maturity (so that they do not suffer from unnecessary fears, and on the other hand, so that they do not have unrealistic expectations that could lead to disappointment and trauma).

Of course, when each child returns to the family, we do not forget the family itself, which must be sufficiently prepared for his return (effective help and support + continuous support of the relationship between the child and his family/parents). Such a family is monitored during and after the child's return to the family, as this is undoubtedly a new situation for both parties. Even in this case, the measures implemented must be systematic - that is, according to a relevant plan.

The Ministry of Interior of the Slovak Republic (Migration Office) is interacting with unaccompanied minors only in case they launched an asylum proceeding (through legal guardian). This asylum proceeding is governed by national law as well as EU legislation. All other international standards are respected. Asylum proceeding with unaccompanied minors are treated only by adequately trained employees of the Migration Office of the Slovak Republic.

October 2021