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Report of the fact-finding mission to the Slovak Republic Ms Leyla Kayacik Special Representative of the Secretary General on Migration and Refugees 2-4 May 2022

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I. INTRODUCTION

I.1. CONTEXT OF THE MISSION

- 1. The aggression by the Russian Federation against Ukraine which started on 24 February 2022 led to the most important influx of refugees in Europe since World War II. Within days, millions left the country, seeking safety in neighbouring countries, and beyond.
- 2. Following the onset of the crisis in Ukraine, the Special Representative of the Secretary General (SRSG) on Migration and Refugees convened, on 9 March 2022 1, an extraordinary online meeting of the Council of Europe (CoE) Network of Focal Points on Migration to obtain information about the civilian population fleeing Ukraine. The meeting provided an opportunity to highlight the need to protect persons in vulnerable situations from abuse, exploitation and trafficking. Further needs in terms of access to healthcare including adequate support for psychological assistance, access to education, linguistic integration and access to the labour market were also emphasised by the Focal Points. Next, the SRSG convened a meeting on 24 March 2022 of the Inter-secretarial Coordination Group of the CoE, in order to address the needs of the refugees as established by the Focal Points and to co-ordinate CoE's activities with the aim to provide adequate assistance on the ground, within the CoE's mandate, and in line with the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe 2021-2025 (Action Plan)². The SRSG organised an online meeting with representatives of international organisations such as the UNHCR, IOM UNICEF, OSCE/ODIHR, EU/FRA3. The main purpose of this meeting was to exchange information on the actions carried out by these international organisations in the context of the crisis in Ukraine 4 and to determine how best the CoE, within its mandate, can complement the ongoing efforts. The SRSG also exchanged with representatives of the civil society during the Spring Session of the Conference of INGOs on 5 April 2022.
- 3. Based on the outcomes of these meetings and in accordance with her mandate⁵, the SRSG decided to carry out fact-finding missions to those member states most affected by this sudden and unforeseen influx of refugees.
- 4. The martial law prohibiting men (18-60 years) from leaving Ukraine⁶ means that around 90% of those who have fled are women, children, the elderly and others in need of urgent assistance. The Action Plan is the best toolbox for the SRSG in her fact-finding missions and enables the CoE to respond to the needs of people fleeing Ukraine.

¹ Extraordinary meeting of the Network of Focal Points on Migration regarding the situation of people fleeing Ukraine - News (coe.int)

² Action plan on protecting vulnerable persons in the context of migration

³ Refugees fleeing Ukraine: exchange of information with international partners..

⁴ See in this context the <u>Ukraine Regional Refugee Response Plan (RRP)</u> providing a comprehensive response by UN agencies to support countries' efforts to protect and assist refugees coming from Ukraine and <u>EU/FRA report: EU-Ukrainian border check points: First field observations</u>

⁵ Mandate of the SRSG (coe.int)

⁶ See https://zakon.rada.gov.ua/laws/show/en/64/2022#Text

I.2. DATES AND DELEGATION

- 5. This report was prepared following the visit by the SRSG to the Slovak Republic between 2 and 4 May 2022 with a view to seeing first-hand the challenges on the ground and the Slovak authorities' response to them. It gives an overview of the situation of people from Ukraine in the Slovak Republic based on the observations of the SRSG team during the mission. The visit also aimed at assessing needs and whether the Council of Europe could provide adequate assistance, notably through the Action Plan. The primary focus therefore is on vulnerable persons. Major issues such as access to accommodation, access to healthcare, including psychological support, access to the labour market, which play significant roles for the protection and inclusion of these people in the long run, are also addressed.
- 6. Considering the heightened risk of trafficking⁷, the SRSG delegation included a member of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), Dr la Dadunashvili, to provide thematic expertise on this highly sensitive issue identified as a priority. SRSG advisers Anne Kayser and Mustafa Uludag assisted the SRSG, Leyla Kayacik, during the mission to the Slovak Republic.

I.3. MEETINGS AND SITES VISITED

- 7. In Bratislava the SRSG met with the State Secretary of the Ministry of the Interior, Mr Vendelín Leitner, who is, inter alia the National Co-ordinator on Trafficking in Human Beings and his delegation, including Mr. Ján Orlovský, Director of the Migration Office of the Slovak Republic; the State Secretary of the Ministry of Labour, Social Affairs and Family, Ms Sońa Gaborčáková; the Director General for Education of National Minorities and Life-Long Education Section of the Ministry of Education, Science, Research and Sport, Mr Kálmán Petocz, and the Director General of the Ministry of Foreign and European Affairs, Mr Juraj Podhorskŷ. The SRSG also had an opportunity to meet representatives of the Office of the Public Defender of Rights.
- 8. In view of the key role played by local authorities in the context of the current crisis, the SRSG met the Deputy Mayor of Bratislava City, Ms Lenka Antalová Plavuchová, and the Mayor of the Lamač district of Bratislava, Mr Lukáš Banackŷ.
- 9. The SRSG exchanged views with representatives of the UNHCR, UNICEF and IOM in Bratislava. The SRSG had meetings with the following NGOs: the Slovak Human Rights League, Mareena, People in Need, Caritas, the Slovak National Centre for Human Rights and the National Co-ordination Centre for Resolving the Issues of Violence against Children.
- 10. The SRSG also visited the "Support and Information Centre for Ukrainians in Bratislava City", one of the high-capacity assistance centres to help refugees from Ukraine. The Centre, situated on the premises of the temporary bus station on Bottova Street in Bratislava, is being run in co-operation with the state, non-governmental organisations and the private sector. Even though the establishment of such centres is a significant undertaking, the SRSG was informed that the Centre became operational in only nine days. The SRSG also noted that donations and networks of volunteers played a crucial role in getting it quickly up and running.

⁷ States must act urgently to protect refugees fleeing Ukraine from human trafficking - News (coe.int)

- 11. The SRSG was also told that it had been very difficult for those coming to Bratislava to obtain relevant information and assistance before the Centre was set up. Now that this Centre is operational, refugees have one-stop shop to access to all information and assistance in terms of health, legal, psychological and social support which was not previously the case. Officials from the Foreign Police Department and Migration Office were present in the Centre and there is a playground for children and a resting zone.
- 12. The centre provides humanitarian aid for immediate needs. It also enables people to rest, usually for one day, before they move on or are transferred to other regions and municipalities.
- 13. The Centre in Bratislava has the capacity to welcome to 2 500 people a day. The SRSG was informed that when the Centre is open for 24 hours, the welcoming capacity can be increased to 3 000. At the time of the visit, the Centre was providing services for around 700 people a day.
- 14. The SRSG was able to see that registration the process of those fleeing Russia's aggression against Ukraine can be completed very quickly as a result of the effective co-ordination and co-operation between state authorities, civil society organisations and volunteers.
- 15. The Head Co-ordinator of the Centre drew attention to the risk that, in the event of any future increase in the number of people coming to the Centre, it would only be possible to provide legal aid and other services would be suspended. The SRSG was also informed that the number of volunteers willing to offer help in the Centre has dropped significantly compared to the first phase of the crisis, when almost 100 volunteers were available on one shift. In this regard, it is important to prepare contingency plans, particularly in case the number of refugees increases and to ensure that the Centre is supported with enough personnel to keep it operating efficiently.
- 16. During her meeting with the Mayor of the Lamač District, the SRSG was able to visit an accommodation facility which has the capacity to house 34 persons in terms of immediate assistance. The Lamač District has so far preferred to concentrate its efforts into the provision of better accommodation rather than in schooling and educational facilities. After seeing the Lamač District's efforts to increase its accommodation capacity, the SRSG concluded that local authorities should receive more support in face of the challenges that lie ahead.
- 17. The SRSG also paid a visit to the Information Point at Bratislava Railway Station. There she was able to talk to women and children who had to flee their homes and who arrived after days of travelling in often very difficult circumstances.
- 18. The SRSG was not able to visit the accommodation camp in Gabčíkovo. She was told that four separate delegations from different international organisations had already visited the site and residents of the camp had started to complain about this sort of attention.
- 19. The support of the authorities, especially from the Ministry of Foreign and European Affairs, was much appreciated in the preparation and organisation of the SRSG's visit to Bratislava, which was carried out at very short notice.

II. ACCESS TO PROTECTION PROCEDURES

II.1. FIGURES AND DATA

- 20. As a neighbouring country to Ukraine as well as having a large Ukrainian diaspora, the Slovak Republic became a destination of choice for people fleeing the aggression in Ukraine. Before the aggression started in Ukraine, over 130 000 Ukrainians were living in the Slovak Republic⁸. Members of Ukrainian diaspora in the Slovak Republic provided those fleeing Ukraine with the most urgent assistance, namely in terms of accommodation.
- 21. At the time of the SRSG's visit, the number of people who had fled from Ukraine to the Slovak Republic was over 360 000⁹. Almost 90 percent of those arriving in the Slovak Republic were women and children¹⁰. According to the official data¹¹, almost one third of them were living in the capital Bratislava. Five large-capacity centres were operational across the country to provide assistance and information¹².
- 22. In the course of the SRSG's visit, numbers of daily arrivals in the Slovak Republic had decreased significantly compared to the initial figures which were often as high as 20 000 people per day. On certain days during the SRSG's visit, the numbers of those arriving in the Slovak Republic were almost the same as those returning to Ukraine. As of the end of April, over 72 000 people had been registered and been granted temporary protection in the Slovak Republic. At the time of the visit, around 180 related asylum applications had been received by the Slovak authorities.
- 23. The state authorities in the Slovak Republic stepped up their efforts and adapted to the fast-changing situation immediately after the initial influx of people. They also took immediate steps to enhance co-ordination of efforts and to ensure a systematic response.

II.2. LEGISLATIVE FRAMEWORK AND ACCESS TO TEMPORARY PROTECTION

24. The Slovak Republic declared a state of emergency on 26 February due to the mass influx of people fleeing Ukraine¹⁵. In response to this, the Slovak Republic quickly amended its existing asylum legislation and as a result has been granting a special form of protection – temporary protection status – to Ukrainian citizens and their relatives since 1 March.

⁸ The information was provided by the Slovak state authorities during the meetings.

⁹Situation Ukraine Refugee Situation (unhcr.org)

¹⁰ Document - Slovakia Operational Update (unhcr.org)

Ministry of the Interior, Slovak Republic, Government of the Slovak Republic website Ministerstvo vnútra Slovenskej republiky (minv.sk)
 Ministry of the Interior, Slovak Republic, Government of the Slovak Republic website Informácie pre

¹² Ministry of the Interior, Slovak Republic, Government of the Slovak Republic website <u>Informácie precudzincov, Ministerstvo vnútra SR - Polícia (minv.sk)</u>

¹³ The figures were communicated by the authorities during our meetings.

¹⁴ Situation Ukraine Refugee Situation (unhcr.org)

¹⁵ Ministry of the Interior, Slovak Republic, Government of the Slovak Republic website, https://minv.sk/?tlacove-spravy&sprava=pre-vojnu-na-ukrajine-je-vyhlasena-mimoriadna-situacia-ak-chcete-ukrajincom-pomoct-kontaktujte-ministerstvo-vnutra

- 25. The amendment to the Asylum Act, which came into effect as of 26 February, enabled the government to grant people fleeing Ukraine, even before a decision by the Council of the EU was announced/made ¹⁶, immediate assistance and protection ¹⁷. This temporary protection status will be available until 4 March 2023 ¹⁸.
- 26. According to information from the Ministry of the Interior of the Slovak Republic, all persons fleeing Ukraine are allowed to enter Slovakia. Even those without biometric passports are allowed to enter based on individual assessments¹⁹.
- 27. Under the visa-free regime between the Slovak Republic and Ukraine, holders of Ukrainian biometric passports may stay on the territory of the Slovak Republic for 90 days. Holders of non-biometric passports must however apply for temporary protection or asylum²⁰.
- 28. In order to be able to stay legally in the Slovak Republic for a longer period of time, people who have entered the Slovak Republic have 90 days to decide whether to apply for temporary refuge or for asylum. Applications for temporary refuge can be made in person at high-capacity registration centres or selected foreign police departments. (1) Citizens of Ukraine, (2) persons with international or equivalent national protection status in Ukraine, (3) family members of citizens of Ukraine and persons granted protection, and (4) non-Ukrainian foreigners with permanent residence and not able to return to their country or region of origin can apply for temporary protection²¹.
- 29. If people fleeing from Ukraine submit travel, ID or other required documents, they will be granted temporary refuge immediately upon registration. If they are not able to prove their identities or nationalities, their applications for temporary refuge will be processed within approximately 30 days. Access to healthcare will be available once applications for temporary refuge have been submitted even if the final decisions have not been issued within the 30-day period²².
- 30. If an application for temporary refuge is approved, a "tolerated stay" document marked "Dočasné Útočisko" is issued²³. Any person who has been granted temporary refuge can move freely around the Slovak Republic, travel to another EU country and even to Ukraine and return to the Slovak Republic at any time. The granting of temporary refuge gives the beneficiaries the right to work or study and access to healthcare.

¹⁶ Council Directive 2001/55/EC of 20 July 2001, hereafter 'the Temporary Protection Directive'

¹⁷ Ministry of the Interior, Slovak Republic, Government of the Slovak Republic website, https://www.minv.sk/?tlacove-spravy&sprava=slovensko-od-1-marca-poskytuje-docasne-utocisko-obcanom-ukrajiny-a-ich-pribuznym-k-dispozicii-je-informacny-letak

¹⁸ Information for Ukrainians entering Slovak Republic, Slovak Republic government website, https://ua.gov.sk/en.html

¹⁹ SITUATION IN UKRAINE - INFORMATION AND ASSISTANCE, Ministry of the Interior of the Slovak republic (minv.sk)

²⁰ Information for Ukrainians entering Slovak Republic, Slovak Republic government website, https://ua.gov.sk/en.html

²¹ Information and Assistance - Situation in Ukraine - IOM Migration Information Centre

Ministry of the Interior of the Slovak Republic, Government of the Slovak Republic website, https://www.mic.iom.sk/en/news/758-info-

<u>ukraine.html?fbclid=lwAR0bOHJdvqQ4CQ1MBQPeVEVRwBjtGyDD8IXJBgymV61T9RFyx5t7RxX3cg0</u>

23 Information and assistance - situation in Ukraine, IOM Migration Information Centre, https://www.mic.iom.sk/en/news/758-info-

ukraine.html?fbclid=lwAR0bOHJdvgQ4CQ1MBQPeVEVRwBjtGyDD8IXJBgymV61T9RFyx5t7RxX3cg0

- 31. According to information from the Ministry of the Interior,²⁴ almost 72 000 individuals had applied for temporary protection in Slovakia as of the end of April. It is believed that some of them prefer to stay in Slovakia until the end of their 90-day period and have not yet decided whether to apply for temporary refuge in Slovakia.
- 32. Considering the influx of large numbers of people from Ukraine, applying for temporary refuge seems more appropriate for them than applying for asylum. Asylum procedures could take longer in administrative terms and access to the labour market is not allowed until asylum status is granted.
- 33. As the UNHCR highlighted ²⁵, the SRSG also noted a lack of comprehensive and systematic procedures for identification of persons with specific needs arriving from Ukraine. Having strong and comprehensive procedures to facilitate prompt identification of vulnerable groups with specific needs and prioritising them play a crucial role in providing adequate and necessary assistance in the protection process ²⁶.
- 34. The SRSG praised the efforts of the Slovak authorities in providing protection for those fleeing Ukraine and underlined the importance of providing relevant and adequate legal information and assistance to them, including in Ukrainian language, with the aid of qualified asylum law practitioners. The Slovak authorities should ensure that information and advice on temporary protection is provided by fully trained lawyers.
- 35. Taking into consideration the need to equip legal practitioners with necessary qualifications and skills, the Council of Europe has set up new online Asylum/Migration Help e-Desks²⁷ which aim to facilitate access by legal professionals and migration officials to information and training on effective handling of cases involving refugees and displaced persons, with a specific focus on refugees from Ukraine. These new e-Desks also complement the existing national HELP courses such as "Asylum and Human Rights", "Refugee and Migrant Children" and "Combating Trafficking in Human Beings". The new HELP e-Desk also exists in Slovak language with the most pertinent courses translated into Slovak. The state authorities should further disseminate information about HELP courses and encourage legal practitioners to follow them.

III. RECEPTION AND INCLUSION

III.1. ACCESS TO ACCOMMODATION

36. The average daily number of people crossing the border between Ukraine and the Slovak Republic on certain days reached almost 20 000 at the onset of the aggression. As one of the countries bordering Ukraine, the Slovak Republic managed to provide sufficient help with the aid of basic reception centres. The total capacity of these reception centres was around 50 000 and the reception conditions were described as "decent" 28.

²⁴ Ministry of the Interior of the Slovak Republic, Government of the Slovak Republic website, https://www.mic.iom.sk/en/news/758-info-ukraine.html?fbclid=lwAR0bOHJdvqQ4CQ1MBQPeVEVRwBitGyDD8IXJBgymV61T9RFyx5t7RxX3cg0

²⁵ Ukraine situation, flash Update No. 7, UNHCR https://data2.unhcr.org/en/documents/details/91900

²⁶ See case-law of the European Court of Human Rights on the obligation to take active steps to detect vulnerabilities at the earliest stage possible through effective vulnerability assessment procedures, and to ensure that individuals are informed about such procedures: ECtHR, *Rahimi v. Greece*, No. 8687/08, 5 April 2011; *Thimothawes v. Belgium*, No. 39061/11, 4 April 2017; *Abdi Mahamud v. Malta*, No. 56796/13, 3 May 2016 – Note CoE/FRA on the fundamental rights of refugees, asylum applicants and migrants at the European borders.

²⁷ New Council of Europe HELP e-Desks on asylum/migration for lawyers assisting people fleeing the war in Ukraine - All news (coe.int)

²⁸ Information And Assistance - Situation In Ukraine - IOM Migration Information Centre

- 37. The majority of those arriving in Slovakia from Ukraine, especially in the initial stage of the crisis, found shelter with relatives or friends. A civic-based initiative was also launched for those who were not able to stay with friends or relatives. A dedicated online platform for accommodation offers, called "KtopomôžeUkrajine"²⁹, has been set up. The main purpose here is to establish a pool of available accommodation and to bring together individuals willing to offer accommodation and those in need of it. Hotels can also propose rooms through the platform.
- 38. Although the initial influx abated somewhat during the SRSG's visit, access to accommodation mostly remained dependent on the willingness of individuals. The provision of accommodation on that basis is not sustainable in the long run. Monitoring of whether the accommodation concerned complies with required standards is necessary.
- 39. Municipalities have started granting subsidies to individuals who have provided people from Ukraine with accommodation following verification and processing of the required documents by the Ministry of the Interior³⁰. After the visit, the SRSG was informed that the Slovak Government decided to increase the allowances. Starting from July, the allowances will be 22 Euros per night for an adult and 11 Euros for a child. The Slovak Government has also decided to make the application process for allowances easier. Prior to this decision, the applicants were expected to send their applications each month separately. They can now submit one summary application for the following three months: namely July, August and September³¹.
- 40. The relative decline in the number of people entering Slovakia has given the Slovak authorities the impression that once the things start to return to normal in Ukraine, most of the people fleeing the fighting will return. However, in the event of another large influx of people fleeing to Slovakia from Ukraine, of the kind seen in the initial stages, the provision of accommodation on a voluntary basis will not be sufficient to absorb such numbers.
- 41. For these reasons, it is recommended that the state authorities in Slovakia work on sustainable solutions for the provision of accommodation.
- 42. The Council of Europe Development Bank, through its Migrant and Refugee Fund (MRF), approved grants worth almost €2.6 million to the country offices of the IOM in neighbouring countries to Ukraine, including the Slovak Republic³². The IOM Slovakia received a first grant of €150 000 from the Bank³³. The Bank, thus, supports the Slovak Republic's efforts to manage the crisis caused by the Russia's aggression against Ukraine.

III.2. ACCESS TO HEALTHCARE

43. As the number of people arriving in the Slovak Republic increased at the beginning of the aggression, access to healthcare became one of the most pressing issues for the state authorities.

²⁹ #KtoPomozeUkrajine

³⁰ Ministry of the Interior of the Slovak Republic, Government of the Slovak Republic website, <u>Hlásenie pobytu cudzincov (minv.sk)</u>

³¹ Rezort dopravy: Výška príspevku za ubytovanie odídenca sa strojnásobí (teraz.sk)

³² CEB approves additional €2.6 million to urgently assist refugees from Ukraine | CEB (coebank.org)

³³ CEB approves immediate support to IOM Slovakia for Ukrainian refugees and third-country nationals | CEB (coebank.org)

- 44. According to available information, there are three categories in terms of free provision of healthcare services in the Slovak Republic. If a person from Ukraine is passing through Slovakia and he/she travels to another country, this person is entitled to "acute and urgent healthcare". Those who have applied for temporary protection are entitled to "urgent and necessary indicated healthcare". In this case, the doctor's examination plays an important role. Those who obtained the temporary protection status are entitled to full healthcare³⁴.
- 45. The Ministry of Health determines the scope of the emergency healthcare. Thus, many people from Ukraine get medical help and treatment for common health problems such as circulatory system diseases. For example, more than 237 000 Euros were spent on the treatment of these diseases.
- 46. Special attention should be paid to provide relevant and accessible information regarding access to healthcare needs for those coming from Ukraine.

III.3. ACCESS TO THE LABOUR MARKET

- 47. People from Ukraine staying in Slovakia with temporary refugee status are able to work without needing further permits but are not allowed to run businesses³⁵. They may be employed under employment contracts or on the basis of agreements. If they earn at least the minimum wage, they are insured as employees under the public health insurance scheme. Those who earn less than the minimum wage (646 euros per month) are not entitled to public health insurance.
- 48. According to information provided during the SRSG's visit, almost 4 000 Ukrainians entered the labour market and recruitments were mostly in the service sector³⁶.
- 49. The SRSG was informed that the IOM Migration Information Centre has set up employment counselling which it is offering advice free of charge along with providing support for further education and retraining to people from Ukraine³⁷. In addition, there are web sites³⁸ advertising job vacancies. These sites should be monitored by the relevant state authorities to prevent the individuals concerned falling victim to trafficking or labour exploitation.
- 50. Employers should also be informed about how to employ people from Ukraine and the procedures to follow when hiring them and by doing so it will facilitate access to the labour market for those concerned.
- 51. In amending many laws to address the situation of people from Ukraine, the Slovak state authorities have eased the requirements concerning their employment and are not applying complicated procedures relating to the recognition of qualifications in the fields of education or healthcare. The flexibility in recognition of qualifications appears, however, to be confined solely to these two sectors. In this context, it is important to extend flexibility in recognition of qualifications to other sectors to enable more people from Ukraine to be employed.

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³⁴ https://ua.gov.sk/en.html

³⁵ IOM Migration Information Centre, Free Advice and Services for Non-EU Nationals, https://www.mic.iom.sk/en/en-bubles/321-employment-counselling.html

³⁶ The data was provided by the state authorities during the official meetings.

³⁷ Information and assistance - situation in Ukraine - IOM Migration information center

Web platforms: https://www.istp.sk/help-ukraine?sglocale=en,

https://www.profesia.sk/praca/profesia/O4281039, https://kariera.zoznam.sk/pracovne-ponuky/pomocukrajine, https://www.sluzbyzamestnanosti.gov.sk/pracovne-

ponuky?miestoVhodnePre=502504&pageNr=1&pozadovanyCudziJazyk=50320105,50320106&lang=ua, https://www.adeccojobsforukraine.com/

- 52. The SRSG was able to present the European Qualifications Passport for Refugees (EQPR)³⁹ to the Slovak authorities as a useful tool for the fair assessment of Ukrainian refugees' qualifications. Although the Slovak Republic is not participating in the EQPR, the tool can serve as a benchmark for national recognition centres currently responsible for recognising qualifications. The Slovak Republic is encouraged to become an official partner of the EQPR.
- 53. The Council of Europe Development Bank's loan of €150 million will go towards supporting job creation and small businesses throughout the Slovak and Czech Republic and to improve the public infrastructure⁴⁰. The SRSG noted that the financial assistance of the Bank could be used with a view to facilitate access to the labour market for the people from Ukraine.

IV. PERSONS IN VULNERABLE SITUATIONS

IV.1. CHILDREN

IV.1.1. Unaccompanied children and guardianship

- 54. Given that children made up a significant percentage of those fleeing to Slovakia⁴¹, the identification, registration and placement of unaccompanied and separated children became a particularly challenging task for the relevant Slovak state authorities.
- 55. The identification and registration of unaccompanied children in Slovakia had been a key concern at the beginning of the crisis due to the rapid influx of people. Civil society organisations and volunteers who were very active at the border in the first days were not well equipped for the immediate identification or registration of unaccompanied children.
- 56. Some NGOs reported a few cases where teenagers were allowed to cross the border without having legal guardians or being accompanied by parents. The SRSG was told that this was in part because Ukrainian domestic law gives those aged 16 to 18 years the right to travel outside Ukraine, without parental consent⁴².
- 57. There were also reports of Ukrainian family members living in the Slovak Republic waiting at the border to unite with children whose parents had informed the families that their children were coming to Slovakia. In such cases, it was very difficult to determine the family relationship between the children arriving and those waiting for them at the border.
- 58. According to information from the Ministry of Labour, Social Affairs and Family, the number of unaccompanied children identified as having crossed the border was around 180 at the time of the SRSG's visit43. The SRSG was also informed that most of these children had been assigned guardianship in Ukraine before travelling to the Slovak Republic.

³⁹ European Qualifications Passport for Refugees (EQPR) (coe.int)

⁴⁰ New CEB loan to SG Equipment Finance to modernise public infrastructure and support job creation in Czech Republic and Slovak Republic | CEB (coebank.org)

⁴¹ Situation Ukraine Refugee Situation (unhcr.org)

⁴² Civil Code of Ukraine, article 313.

⁴³ The information was provided by the Ministry of Labour, Social Affairs and Family during the meeting.

- 59. The relevant state authorities follow a strict procedure in line with Slovak domestic law regarding the protection of unaccompanied children. Unaccompanied children entering Slovakia come under the protection of the Ministry of Labour, Social Affairs and Family. As soon as an unaccompanied child is identified, the Ministry, in liaison with other relevant authorities, co-ordinates the placement of the child in a selected facility. Even though the capacity of these selected facilities may be sufficient for the current number of unaccompanied children in Slovakia, alternative protection and care should be made available. Temporary fostering or other community-based care under the supervision of the state may be the most suitable solution and offer greater protection for children displaced without their parents.
- 60. The best interests of the child and recently adopted Council of Europe standards on prioritising family-based care⁴⁴ should always be taken into consideration by the state authorities when devising new approaches towards unaccompanied children. During her visit, the SRSG was able to draw attention to the recommendation on an effective guardianship system⁴⁵.
 - IV.1.2. Protection of children from sexual abuse and sexual exploitation
- 61. UNICEF works closely with child protection authorities and NGOs in the Slovak Republic to prevent sexual abuse and exploitation of displaced children. UNICEF also organised sessions on child friendly communication skills and prevention of sexual exploitation of children for border guards⁴⁶. During the visit, the SRSG was informed that UNICEF developed a partnership with the Bratislava City Municipality to strengthen capacities of local police officers and front-line social services professionals on child sensitive information and prevention of trafficking.
- 62. As the Lanzarote Committee had pointed out in the context of its (evaluation and compliance procedures) with respect to children affected by the refugee crisis related to the conflict in Syria (2017), the SRSG also noted that no strong mechanisms have been put in place for data collection with a specific focus on children displaced by the fighting in Ukraine who are victims or presumed victims of sexual abuse and sexual exploitation⁴⁷. The lack of data collection mechanisms makes prevention efforts much more difficult. The SRSG noted however that brochures related to the prevention of human trafficking were distributed very widely, also on the website of small villages.
- 63. In this regard, it is important to bear in mind that the checklist⁴⁸ recently adopted by the Lanzarote Committee, contains effective measures that states can make use of for the prevention of sexual abuse and sexual exploitation.

⁴⁴ See guidance on <u>Family-Based Care for Unaccompanied and Separated Children</u>

⁴⁵ Recommendation on effective guardianship for unaccompanied and separated children in the context of migration (2019).

⁴⁶ ECARO Refugee Response Humanitarian Situation Report, 26 April 2022 | UNICEF

⁴⁷ See recommandations of the Lanzarote Committee: Recommandation 7, Recommandation 15, Recommandation 31, Recommandation 32

⁴⁸ CHECKLIST - Protection of children affected by the refugee crisis from sexual exploitation and sexual abuse

IV.1.3. Access to education

- 64. The Slovak Republic responded quickly to the educational needs of children fleeing Ukraine through various initiatives. In particular, the relevant state authorities made amendments to the legislation to facilitate access to education for those fleeing the fighting in Ukraine. Moreover, the Ministry of Education, Science, Research and Sport issued guidance to school heads and local authorities to enable Ukrainian children to attend school without delay. As a result of these initiatives, we were informed during the visit that 6 500 Ukrainian children, mostly of primary level, had integrated the Slovak schooling system by April⁴⁹.
- 65. On the other hand, children with temporary protection are not concerned by compulsory schooling 50. Under current Slovak legislation, schooling is only compulsory for those children with permanent residence. It is not compulsory for Ukrainian children since they have temporary residence. Ukrainian children are not therefore officially admitted to schools but only enrolled.
- 66. It is important to remember that even before the current crisis, there were not enough places for Slovak children in primary schools or kindergartens. It was not easy for Slovak parents to enrol their children in these facilities. Considering this urgent need to increase capacity at primary school and kindergarten level, securing a place for children from Ukraine is even more difficult.
- 67. In her meeting at the Ministry of Education, Science, Research and Sport⁵¹ the SRSG was informed that a grant of €4 million will be allocated to municipalities to narrow the gap between existing demand and capacities at kindergarten level.
- 68. However, the allocation of financial resources will not be enough to solve the existing problem. It was reported that the existing standards for opening kindergartens are high and municipalities have been facing many difficulties in complying with them. Reviewing these standards could help to increase the number of kindergartens. The SRSG was also informed that communication was already ongoing between the Ministry of Education, Science, Research and Sport and the Ministry of Health about reviewing the standards.
- 69. Once more kindergartens become available, they will need to be supported by kindergarten teachers. The Ministry of Education, Science, Research and Sport should start by increasing the number of kindergarten teachers. The Council of Europe Education Department could provide guidelines and pedagogical support to increase the Slovak authorities' capacities the level of kindergarten education⁵².

IV.1.4. Linguistic support

70. Being aware of the impact of the language barrier on access to education and the further integration of children into Slovak society, the Slovak state authorities made the necessary changes to the Education Law for the Slovak national language to be taught under the school curriculum and during normal school hours across the whole education system⁵³.

⁴⁹ The information was provided by the Ministry of Education, Science, Research and Sport during the meeting.

⁵⁰ Website of the Ministry of Education, Science, Research and Sport Vybranú stránku nie je možné zobraziť Ministerstvo školstva, vedy, výskumu a športu Slovenskej republiky (minedu sk)

[|] Ministerstvo školstva, vedy, výskumu a športu Slovenskej republiky (minedu.sk)

51 Vybranú stránku nie je možné zobraziť | Ministerstvo školstva, vedy, výskumu a športu Slovenskej republiky (minedu.sk)

⁵² Better Education for Better Democracies (coe.int)

^{53 22860.}pdf (minedu.sk)

- 71. Before the amendment of the Education Law, it was not possible to teach the Slovak language as a foreign language during school hours and those who wanted to learn the language had to take language courses after school. With this change in legislation, children from Ukraine have the opportunity to learn the Slovak language more easily.
- 72. It is important to point out that the Council of Europe Education Department has developed a specific website offering dedicated support for the linguistic integration of refugees from Ukraine⁵⁴. The Council of Europe project on Linguistic Integration of Adult Migrants (LIAM) has developed new tools adapted to the specific challenges faced by children who fled Ukraine⁵⁵. They are designed to support member states in their efforts to respond to the challenges faced by those providing language support to children arriving from Ukraine. The SRSG encourages the Slovak authorities to make full use of the available guidelines for policy makers and the Council of Europe can support the authorities as well as practitioners, working in the area of language education for children.

IV.1.5. Psychological support

- 73. The Ministry of Education, Science, Research and Sport has set up "intervention teams" to be sent to schools to determine needs for psychological support. The SRSG was told that the relevant group includes 10 Ukrainian-speaking psychologists to help Ukrainian children in schools⁵⁶.
- 74. Psychological support with the aid of experts should be a priority for the Slovak authorities. It should also be accessible for Ukrainian children in the school system. Providing psychological support to Ukrainian children will lessen the impact of the trauma they have experienced but will also help curb the any rising tensions between Ukrainian and Slovak children. The SRSG also highlighted that since professional psychologists work in psychologically demanding conditions they need to be trained and to be supported with relevant expertise.
- 75. In this context, the Council of Europe can support stakeholders with the provision of psychological or trauma assistance. It can support the teams of psychologists, psychiatrists, social workers, educators, and migration specialists in conducting emergency interventions with health and social services staff working on psycho-social support and trauma rehabilitation. In co-ordination with the state authorities, the Council of Europe can develop capacity-building activities, specific protocols, online seminars, factsheets and checklists for relevant professionals in multiple languages, including Ukrainian.

⁵⁴ <u>Linguistic Integration of Adult Migrants homepage (coe.int)</u>; see also the <u>ECML website on dedicated support for the (linguistic) integration of refugees from Ukraine (coe.int)</u>

⁵⁵ Language support to children (coe.int)

⁵⁶ The information was provided by the Ministry of Education, Science, Research and Sport during the meeting.

IV.2. WOMEN

IV.2.1. Protection from violence and abuse

- 76. The SRSG was informed about a case which might constitute violence against women. NGOs reported that a woman had not felt safe in her accommodation and had asked for it to be changed. We were told that the woman had found her accommodation through the online initiative, "KtopomôžeUkrajine" Even though the SRSG did not hear many reports of violence against women, risk assessment of private accommodation should be conducted by the relevant authorities to prevent violence against women.
- 77. The number of cases involving experience of conflict violence reported by women arriving in Slovakia appeared also to be low. It was also reported that psychological first aid had been provided to these women by the Slovak Red Cross and that the Ministry of Justice had been operating a national helpline for women who had reported experiencing conflict-zone violence⁵⁸. In this respect, there is a need to train people who have been providing psychological first aid on such trauma.
- 78. During the SRSG's meetings, no cases of sexual violence had been reported. On the other hand, it was reported that the law enforcement agencies were not sufficiently well equipped to identify cases of sexual violence, including rape⁵⁹. Training of relevant staff is necessary to enable them to identify and respond to such cases appropriately.
- 79. In light of the above, the Council of Europe is currently exploring ways of making available all relevant tools and expertise in this field, in order to facilitate the documentation of the above-mentioned human rights violations and to provide the necessary socio-medical support to victims.
- 80. The Council of Europe stands ready to carry out capacity building activities on addressing gender-based violence, in conjunction with international organisations such as the UNHCR.
 - IV.2.2. Access to Sexual and Reproductive health and rights
- 81. Act No. 73/1986 Coll. of the Slovak National Council⁶⁰ on artificial termination of pregnancy (Act) regulates access tosexual and reproductive rights. The Act allows for termination of pregnancy upon the written request of the pregnant woman and within 12 weeks of gestation. Furthermore, the Decree No. 74/1986 Coll. of the Ministry of Health of the Slovak Socialist Republic⁶¹, implementing the above mentioned Act No. 73/1986 regulates these rights in practice, including for foreigners. According to this Decree, termination of pregnancy upon written request is only allowed for foreign women with residence permits or from countries which the Slovak Republic has an agreement with.
- 82. Under this current legislation, those women from Ukraine, victims of sexual violence, including rape who have applied for temporary protection in the Slovak Republic have access tosexual and reproductive rights. There is however a need to ensure effective access to sexual and reproductive health and rights⁶².

⁵⁷ #KtoPomozeUkrajine</sup>

⁵⁸ Information And Assistance - Situation In Ukraine - IOM Migration Information Centre

⁵⁹ The information was provided by the NGOs during the meeting.

⁶⁰ Slovak Republic's Abortion Provisions - Center for Reproductive Rights

⁶¹ Slovak Republic's Abortion Provisions - Center for Reproductive Rights

⁶² See para 68 of Recommendation CM/Rec(2022)17 of the Committee of Ministers to member States on protecting the rights of migrant, refugee and asylum-seeking women and girls Result details (coe.int)

IV.3. OTHER GROUPS

IV.3.1. Roma

- 83. Caritas reported that a number of groups of Roma fleeing the Ukraine had crossed the Slovak border and that some had faced some difficulties with the border police⁶³. The SRSG was informed that some of the groups had moved on into Germany after transiting Slovakia. It was also reported that some Roma crossing the Slovak border had not been allowed to take the bus that came to transport people from the border area in the initial weeks of the crisis. However, no further information was available as to whether these cases were reported to the relevant state authorities or followed up.
- 84. Moreover, at the time of the visit, there was no available data on how many Roma have applied for temporary protection or how many Roma children have access to education. Clear and accessible data on Roma children is crucial to determine their needs.
- 85. It was also alleged that Roma coming to Slovakia from Ukraine had been kept in the Gabčíkovo accommodation camp and that their number was around 600⁶⁴.. In this context, the SRSG reminded the ECRI's statement⁶⁵ adopted at its 88th plenary meeting as well as the statement by the Commissioner of Human Rights ⁶⁶, calling for effective investigations about claims of unjustified differential treatment of Roma and others from Ukraine and for adequate protection of them irrespective of their national or ethnic origin, citizenship, skin colour, religion.

IV.3.2. Persons with disabilities

- 86. Ukrainians with disabilities have also been forced to leave their country. Out of 2.7 million people with disabilities, some⁶⁷, mostly children, were in Slovakia. In Ukraine, these children were living institutions.
- 87. Providing accommodation for these children is a difficult challenge for the Slovak state authorities. First of all, the children cannot be housed in the same facilities as those allocated to unaccompanied children and others. Special care must be provided for them. Secondly, the Slovak state authorities do not have enough well-trained personnel to take care of these children. This issue was specifically raised by the State Secretary of the Ministry of Labour, Social Affairs and Family regarding possible assistance by other member states.

⁶³ The information was provided during the meeting with Caritas Slovakia, <u>Caritas Slovakia | Slovenská katolícka charita</u>

⁶⁴ The information was provided by the Office of the Public Defender.

⁶⁵ See ECRI's statement: https://rm.coe.int/sta-ukraine-2022-367-eng-2754-0600-6278-1/1680a618fa

⁶⁶ The statement by the Commissioner of Human Rights: <u>Let us fight discrimination and prejudices against</u> Roma fleeing the war in Ukraine

⁶⁷ See <u>Ukraine: 2.7m People With Disabilities 'Trapped and Abandoned,' Warns UN (businessinsider.com)</u>

IV.3.3. Non-Ukrainians

- 88. According to the EU's Temporary Directive, non-Ukrainian nationals and beneficiaries of international protection, including stateless persons, legally residing in Ukraine before 24 February can apply for temporary protection. As of 17 March, the temporary protection in the Slovak Republic is also provided to non-Ukrainian citizens when they obtain international protection or equivalent national protection granted on the territory of Ukraine before 24 February. It can also be granted to their family members or when non-Ukrainians have a permanent residence in Ukraine granted before 24 February and who cannot return to their country or region of origin under safe and stable conditions⁶⁸.
- 89. At the border with the Slovak Republic, non-Ukrainian nationals need to prove they hold a residence permit in Ukraine. If they are not able to do so, they have to apply for asylum, which takes longer to get compared to the temporary refuge. Being able to enter the Slovak Republic does not allow non-Ukrainians to move freely within the EU and they need to find out entry conditions according to their nationality. At the time of the visit, the SRSG heard claims that most of the non-Ukrainians were living in the Gabčíkovo accommodation camp. The SRSG noted that there is a need to gather more data on non-Ukrainians and to make it readily available, not only to determine their situation in detail, but to make tracing easier.

V. TRAFFICKING IN HUMAN BEINGS

- 90. Immediately after the aggression of the Russian Federation against Ukraine, the number of people fleeing to the Slovak Republic had been high. The daily average number of people crossing the border between Ukraine and the Slovak Republic had reached almost 20 000. Council of Europe bodies reacted swiftly by calling on states to act urgently to protect refugees fleeing Ukraine from human trafficking⁶⁹.
- 91. Amidst this first wave of people fleeing to the Slovak Republic, civil society organisations and volunteers quickly mobilised towards the border area to offer them necessary support and assistance. Slovak society acted swiftly in providing assistance to the people concerned in the border area. The Slovak Government stepped in following the intervention of civil society organisations and volunteers.
- 92. Due to the huge influx at the Slovak border, the risk of trafficking in human beings increased significantly at the beginning of the crisis.

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⁶⁸Information for persons who do not have Ukrainian citizenship - Z Ukrajiny na Slovensko (ukraineslovakia.sk) ⁶⁹ The Secretary General on the occasion of International Women's Day on 8 March, calling for the special protection of women and girls; the Commissioner for Human Rights following her visit to border countries; and the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) in a statement on 17 March.

- 93. During the first weeks of the crisis, some suspicious movements of people were reported at the border area by the civil society organisations. According to the information they provided, a few men waiting in their cars were spotted trying to take Ukrainians in their cars without allowing them to register at the border. Since the civil society organisations were not able to complement the role of law enforcement authorities on the ground, measures to detect, prevent and combat human trafficking had not been fully effective or dissuasive. Moreover, the civil society organisations did not have enough human resources to detect all suspicious incidents that might have constituted human trafficking and report them to the relevant authorities. The only option available to the civil society organisations was to encourage people to register at the border area. The state authorities subsequently increased their presence and took measures to prevent these people from being taken away without first being registered. They also widely disseminated information leaflets to protect women and children from trafficking.
- 94. During her meetings, the SRSG was informed that security measures had been taken around high-capacity support centres in order to prevent residents falling victim to trafficking. During her visit to the Centre in Bratislava, it was reported that suspicious job advertisements for women from Ukraine posted on visible places around the Centre had been removed by the police and that an investigation would be launched.
- 95. The relevant authorities preferred to keep the data confidential even though they devote a lot of time and attention to the topic. According to media reports, the National Unit for Combating Illegal Migration has investigated 15 cases of suspected human trafficking⁷⁰ The collection of data on human trafficking and access to it should be ensured by the relevant authorities in Slovakia. Analysis of data should also be strengthened⁷¹.
- 96. The Council of Europe's anti-trafficking body, GRETA, published <u>a new guidance note</u>, explaining what needs to be done to detect potential victims and traffickers and to provide assistance. The guidance note serves as a toolbox to put in place immediate measures for prevention of trafficking.
- 97. Furthermore, the Council of Europe stands ready to help the Slovak authorities, in cooperation with other international organisations, in their fight against human trafficking by offering targeted trainings to border officials and officials from law enforcement bodies amongst others. The HELP online course on combatting trafficking in human beings is now available in Slovakian⁷².

VI. CONCLUSION AND RECOMMENDATIONS

98. Exemplary efforts have been made by the Slovak authorities in co-ordination with civil society organisations, volunteers, the private sector and local authorities to provide those fleeing Ukraine with immediate and basic necessities and other forms of support. Slovak society as a whole mobilised itself very quickly in response to this sudden influx. Access to the country was ensured from the first day of the crisis and arrangements for the reception of the refugees were well managed.

⁷⁰ https://www.noviny.sk/krimi/669161-podozrenia-na-obchodovanie-s-ludmi-zeny-z-ukrajiny-su-vystavene-mnohym-rizikam

⁷¹ GRETA issues Guidance Note on addressing the risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis - News (coe.int)

⁷² HELP Course on Combatting Trafficking in Human Beings: Council of Europe HELP (coe.int)

- 99. The prompt provision of temporary protection by the Slovak Republic also helped people from Ukraine to settle easily and to rapidly gain access to many services.
- 100. The massive influx of people from Ukraine into the Slovak Republic caused many unforeseen and unprecedented challenges. Sustainable measures are now necessary in many areas and the response of the state authorities should be made more systematic, as the refugees still cannot go back to their country.
- 101. This report does not aim to provide a full picture of the situation of those fleeing to Slovakia nor does it try to provide a comprehensive analysis of all policy considerations in the Slovak Republic. Its main purpose is to identify some areas in which the CoE can assist, upon the request of the Slovak Republic, in order for the state authorities to deal with existing challenges. What is needed most at this stage is safety, dignity for those fleeing the fighting as well as effective inclusion measures for them. Within the framework of the Action Plan and in close cooperation with international organisations, know-how and expertise can be tapped to provide tailor-made and technical expertise to competent entities. The CoE therefore suggests the following:
 - Supporting the relevant authorities in developing a more comprehensive and systematic vulnerability assessment procedure and in equipping professionals and lawyers involved in the registration process with necessary knowledge and skills relating to safeguard for persons with special needs.
 - 2. Providing the competent authorities/institutions with the necessary assistance to bring their practice in line with the standards of the Council of Europe relating to the identification and reception of unaccompanied children and the appointment of guardians for unaccompanied children and arranging appropriate training for the personnel of these competent authorities/institutions in contact with unaccompanied children.
 - 3. Supporting all stakeholders providing psychological or trauma assistance and enabling speedy detection of war trauma, especially amongst children from Ukraine, strengthening teams/pools of psychologists, psychiatrists, social workers and educators seeking to conduct emergency interventions with health and social services staff working on psycho-social support and trauma rehabilitation.
 - 4. Assisting the relevant authorities in implementing Council of Europe standards and guidance with regard to the fight against trafficking in human beings, the identification of the victims and the protection from abuse, including children, women's safety in reception facilities and sexual violence, in co-ordination with other international organisations, in particular with the UNHCR, on these issues through joint training programmes and events.
 - 5. Exploring ways in co-ordination with the competent international organisations to help the relevant authorities in housing disabled children in special purpose-built facilities and in organising comprehensive training for staff to be employed in such facilities.
 - 6. Supporting participation of the Slovak Republic in the European Qualification Passport for Refugees (EQPR) to facilitate access to labour market.

VII. APPENDIX: PROGRAMME OF THE VISIT

Monday 2 May			
10.00 – 11:00	Meeting with NGOs: CARITAS (Ms Alexandra Mruk Papaianopol), Slovak Human Rights League (Ms Natália Zikmundová), Mareena (Ms Marta Králiková), People in Need (Ms Andrea Najvirtová)		
11:45 – 12:30	Meeting with UNHCR		
13.30 – 14.15	Meeting with Mr Vendelín Leitner, the State Secretary and his delegation including Mr Ján Orlovský, Director of the Migration Office of the Slovak Republic, Ministry of the Interior of the Slovak Republic		
14.45 – 15.15	Meeting with Mr Juraj Podhorský, the Director General, Section Ministry of Foreign and European Affairs of the Slovak Republic		
15.45 – 16.45	Meeting with Ms Silvia Porubänová, Executive Director, Slovak National Centre for Human Rights		
17.00 – 18.00	Meeting with Ms Mária Vargová, Director, National Co-ordination Centre for Resolving the Issues of Violence against Children		
19:00-20:00	Meeting with IOM Head of Office		
Tuesday 3 May			
09.30 - 10.30	Visit of the Support and Information Centre for Ukrainians in Bratislava City		
10.50 – 12.30	Visit of the District of Bratislava – Lamač Meeting with the representatives		
	of the District of Bratislava – Lamač		
12.45 – 14.00			
12.45 - 14.00 14.30 - 15.30	of the District of Bratislava – Lamač Meeting at the Ministry of Education, Science, Research and Sport of the		
	of the District of Bratislava – Lamač Meeting at the Ministry of Education, Science, Research and Sport of the Slovak Republic		
14.30 – 15.30	of the District of Bratislava – Lamač Meeting at the Ministry of Education, Science, Research and Sport of the Slovak Republic Meeting with representatives of the Office of the Public Defender Meeting with UNICEF		
14.30 – 15.30 16.00 – 17.00	of the District of Bratislava – Lamač Meeting at the Ministry of Education, Science, Research and Sport of the Slovak Republic Meeting with representatives of the Office of the Public Defender Meeting with UNICEF		