

Country Report: Slovak Republic

- Updated in May 2006 by Barbora Kohutikova/PRO DONUM -

Introduction

Current situation in the country

Slovakia is still a transit country. The majority of refugees move further west as, due to the lack of protection, the Slovak asylum system is inadequate. The Asylum Act has constitutional status; however in practice, refugees in this country rarely find the protection they are entitled to under international law, as defined by the Geneva Convention. It is clear that the refugee status determination procedures are still unsatisfactory.

In the first six months of 2004, approximately 6,400 applications for asylum were made in Slovakia, the highest number in the country's history and representing an increase of 90 percent compared to the same period in 2003. However, Slovakia only granted asylum to two refugees (one of them being a Chechen woman) in the first six months of 2004. This is the lowest recognition rate in the European Union. The UN High Commissioner for Refugees (UNHCR) considers this number insufficient and rebuked the Slovak asylum policy, saying it was "unsatisfactory", not least because of the fact that in the neighbouring country of Austria 96 percent of Chechen asylum seekers are granted asylum, while in Slovakia only one Chechen asylum seeker was granted asylum over a six-month period.¹ The UNHCR is convinced that Slovakia could receive and integrate more refugees. During the year 2004 applied about 10 000 asylum seekers for asylum in Slovakia.

10 most common nationalities in the year 2004 :

India:	720
Russia:	621
Georgia:	275
Pakistan:	220
Bangladesh:	128
China:	124
Armenia:	87
Moldavia:	86
Afghanistan:	86
Turkey:	19

Unsatisfactory asylum procedures present a problem that is aggravated by insufficient protection against deportation. According to the Austrian NGO "Asyl in Not", chain deportations of Chechen refugees have been taking place from Slovakia to Russia via the Ukraine, a procedure violating international law for which bodies of the Slovak border police are responsible. The refugees concerned had no opportunity to apply for asylum.

¹ English text (original): "UNHCR is seriously concerned about the asylum system in this country. Even after Slovakia's entry to the EU, the country has failed to grant an appropriate number of (asylum) recognitions, especially given to the sharp increase in applications"... "UNHCR is convinced that Slovakia can accept and integrate more refugees." (quoted from "The Slovak Spectator" of September 13, 2004).

These shortcomings in the Slovak asylum system result in the majority of Chechen asylum seekers trying to flee to Austria, where the recognition rate for Chechens was about 96 per cent in 2004. The Austrian authorities have reacted by tightening border protection measures and with unlawful refoulements, as has been documented in several cases.

During the year 2005 just a small number of asylum seekers applied for asylum in Slovakia – just about 3600 applications. The number of unaccompanied minors was about 100. The statistics are not available yet. The reason why is the number of asylum seekers decreasing is because of the Dublin 2 regulation, because of the low number of given asylums in the past and because the borders are better protected. The field social workers are thinking that maybe the traffickers and asylum seekers are now choosing other ways to come to Europe or the asylum seekers do not enter to asylum procedure in Slovakia, they use Slovakia just as a transit way. Actually all reception and accommodation camps are quite empty now:

Accommodation camp Gabčíkovo: 150 a.s.

Reception camp Rohovce (for families and unaccompanied minors) : 40 a.s.

Accommodation camp Brezova pod Bradlom(for families and u. minors): 40 a.s.

Reception camp Adamov: 30 a.s.

In the midst of this asylum reception system, many areas of which can still be strongly criticised, Slovak NGOs are doing an important job that deserves great respect. Organisations such as Slovak Humanitarian Council and the Human Rights League are driven by highly qualified, mostly young legal experts and social workers. The reception situation for asylum seekers in this country cannot be assessed without underlining the work of NGOs. Without them, reception conditions would be much worse if provided by the state alone.

Latest figures for 2005

Asylum applications	11/2005: 3235 {2004:11395} {2003 10,360 (2002: 9,700)
Positive decisions (refugee status)	11
Negative decisions	698
Tolerations (stay of deportation)	unknown
Deportations	unknown
Dublin II accommodation facilities	0
Estimated number of refugees who have left the country during the procedure	2663

Statistic of asylum seekers in Slovakia – years 1992-2004

YEAR	Nr. Of applications	Given asylum	Rejected asylum	Stopped Asylum p.	In asylum procedure
1992	87	56	0	0	31
1993	96	39	20	25	43
1994	140	55	32	65	31
1995	359	68	57	190	75
1996	415	129	62	193	106
1997	645	65	84	539	63
1998	506	49	36	224	260
1999	1320	27	176	1034	343
2000	1556	11	123	1366	400
2001	8151	18	130	5247	3156
2002	9743	20	309	8053	4516
2003	10358	11	421	9788	4656
2004	11395	15	1592	11782	1681
11/2005	3235	11	698	2663	1545
Together	48006	574	3850	42037	1545

A. Legal and structural conditions

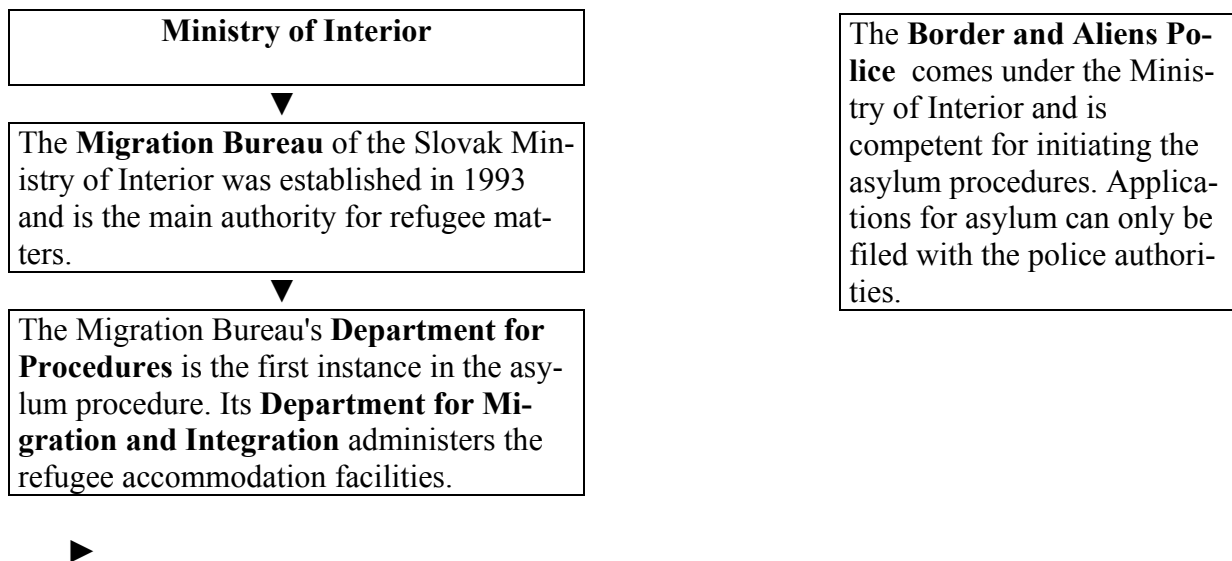
1. Ratifications

	Ratified	In force since	Status
Geneva Convention on Refugees	July 28, 1951	February 24, 1992	
European Convention on Human Rights	February 21, 1991	March 18, 1992	
UN Convention on the Rights of the Child	November 20, 1989	February 6, 1991	Status of law
UN Convention against Torture	November 26, 1987	September 1, 1994	Status of law

2. Legal basis

First Asylum Act	1990	First Asylum Act as a direct result of ratification of the Geneva Convention on Refugees, valid until 1995
Second Asylum Act	Adopted November 1995, in force since January 1996	
Current Asylum Act	Adopted 2002, in force since January 2003	Constitutional status
Amendment	since January 1, 2004	At same time Stay of Aliens Act
Constitution	Adopted 1992, in force since January 1993	Title to asylum Art. 53

3. Competences



The **Ministry of Labour, Social Affairs and Family** is soon expected to promote the foundation of a centre for unaccompanied children.

4. Societal context

Social assistance

Monthly social assistance for Slovak citizens amounts to 1,450 SKK (about €36). The Ministry of Labour, Social Affairs and Family sets the conditions for social assistance. Applications can be filed at the local social security offices.

The state provides all asylum seekers in reception or accommodation centres with accommodation, food and health care, which are free of charge, and provides spending money of 12 SKK (about €0.30) per day for adults and 8 SKK (about €0.20) per day for children. Asylum seekers who are not living in accommodation centres must meet their living expenses themselves. They are not entitled to social assistance in any form. The state only provides them with health care.

After refugee status has been granted, some of the rules are the same for refugees and Slovak citizens. There are state subsidies for disabled asylum seekers and newborn babies.

Unemployment benefit

The Ministry of Labour, Social Affairs and Family sets the conditions for financial support. The maximum amount for Slovak citizens is 9,120 SKK (about €228).

In 2004, asylum seekers were not allowed to take up work during the asylum procedure. However, it appears that in 2005 a positive change may be expected in this matter (see B.7b). After refugee status has been granted, asylum seekers will theoretically have access to the labour market, with the same rights and obligations as Slovak citizens who are registered at the labour office.

Public health

Slovak citizens receive free basic health care on the basis of monthly health insurance fees. For particular groups, insurance is paid for by the state: e.g. children, pensioners, parents on maternity leave, unemployed - if registered at the labour office. Unemployed recognised refugees are in the last group. After refugee status has been granted, recognised refugees receive free medical treatment on the basis of their health insurance. Here, the same principles apply as for Slovak citizens.

Asylum seekers are not insured. Health care is provided for them as part of basic health care. In the event that a crisis intervention, hospitalisation or special treatment is necessary, the costs are covered by the Migration Bureau²'s own state budget.

² The Migration Bureau is the first-instance asylum authority. The term "Migration Bureau" is used below.

Schooling

School attendance is free of charge and is compulsory until the age of 18. The same conditions apply for children of asylum seekers and recognised refugees. The children of asylum seekers attend the primary schools in Slovakia after they reach the basic knowledge of Slovak language. The Slovak language lessons are given twice in the week direct in the reception and accommodation camps, supported by Migration Office. If the parents agree, the child can always start to attend the primary school in September every year. The refugees children do not receive certificate as common Slovak children, they just receive a simple certificate that they passed/not passed the school year. In praxis, just a small number of asylum seekers children attend to primary or secondary education, because of the language barrier as well as because of the continuously efforts to escape from Slovakia.

The schoolbooks, pens and other school equipment is given mostly by NGO's, the Migration Office has no budget to support it.

After positive decision the refugee is put to the Integration Centre in the Middle part of Slovakia {Zvolen city}, where the Slovak language lessons are given on daily bases and the children are obliged to attend the primary or secondary schools.

5. Access to the asylum process: conditions of entry and making application

The application for asylum must be made at the Border or Aliens Police. The police must forward it to the Migration Bureau, which is competent for the first-instance refugee status determination procedure. If asylum seekers are rejected in first instance, they may appeal to the independent judiciary appeal committee, the second instance to decide on the refugee status. If asylum seekers are rejected in second instance as well, they can appeal to the Supreme Court, which is able to reverse the decision of the committee. NGOs provide free legal advice: the Slovak Helsinki Committee and the Goodwill Society, financed by the UNHCR.

The duration of asylum procedures varies. Usually, the first-instance procedure takes about three months. However, the majority of refugees leave Slovakia soon after arrival and proceed to other countries. These procedures are therefore closed after only a few weeks.

Protection from deportation during the ongoing asylum procedure

In Slovakia, asylum seekers are protected from deportation during the asylum procedure. This provision is complied with in all cases, according to the Slovak partners of the ICF. However, there is a "grey area" when it comes to applications for asylum made at the border. There are reports of refoulements to the Ukraine. In these cases, Slovak border guards ignored the request for protection of Chechen asylum seekers. The Austrian partner organisation "Asyl in Not" reports further deportations to Russia via the Ukraine.

Procedure for intercepted asylum seekers

Individuals who cross the border irregularly and then apply for asylum are brought to a reception centre for asylum seekers. If they do not apply for asylum they are detained. Asylum

seekers who leave the reception or accommodation centre during the procedure are - if intercepted by the police – either detained or brought back to an accommodation centre.

Individuals who enter the country without a passport and visa and then apply for asylum are brought to the refugee reception centre. The asylum procedure is initiated.

"Safe third country" rule

The "safe third country" rule is applied. A list of "safe third countries" exists, but it is not available to the public. This list was last updated in 2002. In particular cases it is possible to prove that the state concerned is not safe for the asylum seeker.

Generally, asylum seekers entering via a "safe third country" have access to the asylum procedure. However, they must be rejected as "manifestly unfounded" within 30 days. If the asylum seekers succeed in proving that the "safe third country" is not safe for them, the Regional court - as second instance - can annul the negative decision of the asylum authority.

6. Special procedures

The Border and Aliens Police are competent for border and airport procedures. Asylum seekers who have crossed the border illegally are brought to the police station where they can apply for asylum. However, according to information available to the NGO "Asyl in Not", there were 11 cases between June and August 2004 of the Border Police deporting Chechen asylum seekers back to the Ukraine and on to Russia.

There is no special airport procedure in the Slovak Republic. It is possible to apply for asylum directly at the airport where Border and Aliens Police officers are present. After the application has been made, the asylum seeker is brought to the police station and then to the reception centre.

7. Distribution³

Closed reception centres (quarantine)	Beds	Accommodation centres	Beds
Adamov	200	Gabcikovo	More than 700
Rohovce	140	Brezová pod Bradlom	90
Opatovská Nová Ves	180	Jazierce	250-300
Humenné – new reception and acc. Camp For unaccompanied minors	Open soon	Horné Orechové	50
		Liptovské Vlchy	200

³ See B.4 for details on the different accommodation facilities.

The reception centres Adamov and Rohovce are situated only a few kilometres away from the Austrian and Czech borders while the reception centre Opatovska Nova Ves is located in the area bordering with Hungary. Border proximity leads many asylum seekers to proceed to these countries after only a few days.

The Migration Bureau opened additional facility in 2005: Accommodation camp in Liptovské Vlchy, in the centre of Slovakia, should be a specialized camp for Dublin cases, but until now it's working like classical accommodation camp.

The new Reception centre for will be soon opened in Hummené, in the eastern part of the country. These centres are to be built in 2005, providing up to 500 places for individuals returned under Dublin II.

A specialized centre for unaccompanied minors was opened in 2005 in the eastern part of Slovakia in Horné Orechové in cooperation with Goodwill society and Ministry of Social Affairs. In the centre there are now about 5 separated children accommodated. The camp is working as well as reception and accommodation.. The fluctuation of minors is very high – they are always trying to escape from Slovakia.



Aside from the reception and accommodation centres, there are two detention centres for asylum seekers and other migrants: Medvedov and Secovce. Medvedov is situated in western part of the country (only 12 km from Gabčíkovo) and Secovce is situated in East part of Slovakia.

8. Dublin II

At present, asylum seekers in Dublin II procedures are accommodated together with asylum seekers in regular procedures and receive the same social benefits. As yet, no Dublin accommodation centres are in place, however two such centres should be established in 2005 (see 7). No Dublin accommodation centre was established until January 2006.

During the year 2005 just a small number of asylum seekers applied for asylum in Slovakia – just about 3600 applications. The number of asylum seekers in Slovak Republic in the year 2005 strongly decreased. According to the fact, that the reasons why the migrants escape from their countries of origin during last year hasn't changed, the lower number of asylum seekers and migrants coming to Slovakia is obvious because of the stricter protection of the borders and establishing of the Dublin2 regulation.

The field social workers are thinking that maybe the traffickers and asylum seekers are now choosing other ways to come to Europe or the asylum seekers do not enter to asylum procedure in Slovakia, they use Slovakia just as a transit way. Actually all reception and accommodation camps are quite empty now:

Accommodation camp Gabčíkovo: 150 a.s.

Reception camp Rohovce (for families and unaccompanied minors) : 40 a.s.

Accommodation camp Brezova pod Bradlom(for families and u. minors): 40 a.s.

Reception camp Adamov: 30 a.s.

The current situation could be affected also because of the strict border control from the Ukraine side and equivalent to the stricter requirement of readmission rule – it means reciprocal return of illegal migrants from the side of Slovak authorities. In 2006 the branch office of UNHCR is going to strengthen the Slovak-Ukraine boarder monitoring to assure that the migrants who wants to apply for asylum in Slovak Republic will have the right to do so by the respect of forbidding of their deportation – the principle of non-refoulement.

B. Details

1. Information (CD Art. 5)

Asylum seekers are only partially informed of their rights and obligations by the Migration Bureau; it is mainly NGOs that provide asylum seekers with information and counselling.

The Migration Bureau has published a fact sheet about the asylum procedure, reception conditions and possibilities of legal and social advice and counselling for asylum seekers (publication of November 2003). This fact sheet exists in 14 languages.⁴ Every asylum seeker should be given a fact sheet "in a language that one can assume that he/she will understand". The Migration Bureau and NGOs provide information verbally as well.

⁴ Slovak, Russian, Armenian, Chinese, Arabic, Persian, English, Urdu, Vietnamese, French, Romanian, Albanian, Serb, Bulgarian.

The Migration Bureau grants NGOs access to reception and accommodation facilities. In January 2004, every Slovak Humanitarian Council member of staff was issued a written access permit for the duration of one year, following a request in writing.

In practice, the Migration Bureau provides asylum seekers with information on the rules in the accommodation after they have been taken into quarantine in the closed reception centre. In most cases, the information is provided in English or Russian. There are no interpreters employed by the Migration Bureau, except for the hearing and for translating the notification. Also, asylum seekers receive the fact sheet on the asylum procedure, published by the Migration Bureau. They must then sign a document in Slovakian to confirm that they have understood the information on the asylum procedure and the rules in the accommodation facility.

2. Documentation (CD Art. 6)

Upon arrival at the reception centre, the Ministry issues an ID card to every asylum seeker over the age of 15. This card serves as proof of identity during the procedure and includes a photo as well as data on children under 15 years of age. Unaccompanied minor asylum seekers under the age of 15 are issued with their own ID card.

3. Legal advice, NGO access during the asylum procedure (CD Art. 14(6))

In the western part of Slovakia, the Slovak Humanitarian Council NGO and the Human Rights League provide social assistance and legal advice respectively. In the eastern part of the country, the Goodwill Society provides legal advice and social counselling at accommodation facilities. In the centre of Slovakia, the Men In Endanger /The Bjornson society does not exist anymore/ offers social assistance, but mainly for refugees who have already been recognised.

All NGOs work in close cooperation with the UNHCR. Their core activities are financed by the UNHCR. NGOs closely monitor the conditions in reception and accommodation facilities and report on them.

There are two NGOs that offer legal advice: the Human Rights League and the Goodwill Society. The legal advisors have access to every individual in reception and accommodation centres as well as in detention pending deportation. This way, asylum seekers have access to specially trained and qualified lawyers.

All forms of legal advice and representation - including the lodging of an appeal - are free of charge.

4. Residence and freedom of movement (CD Art. 7)

During quarantine - which lasts 30 days - asylum seekers must not leave the reception facility. After this period, they are taken to an accommodation centre where they are allowed to leave the premises during the day. Permission by one of the centre's social workers is required if they want to leave the premises for a longer period. This does not pose a problem.

On the basis of a request in writing, the Ministry Migration Bureau decision maker may allow asylum seekers to find accommodation outside the centre. For this, it is a prerequisite that a Slovak citizen or migrant with a residence permit of indeterminate term must first sign an undertaking stating that he/she will pay for the asylum seeker's accommodation and all costs arising from his/her stay on Slovak territory. In this case, the Ministry Migration Bureau only pays for basic health care. However, the decision maker is not obliged to approve this kind of request.

Following a request in writing, the Ministry may also allow asylum seekers to find accommodation outside the centre if they are able to cover their maintenance expenses from their own resources. The Ministry guarantees basic health care.

In the event that an asylum seeker leaves the assigned place of stay (the reception centre) during quarantine, his/her spending money is reduced. This can have negative repercussions on the entire asylum procedure. The same applies to asylum seekers who leave the accommodation centre without permission for more than 24 hours.

5. Families (CD Art. 8)

In principle, the Migration Bureau maintains family unity in accommodation facilities. Families are accommodated in one or several rooms in a way that they do not have to share the living space with other asylum seekers. The legal basis states the following:

"When accommodating an alien in an asylum centre, the Ministry must take into consideration his/her age, health and family members as well as his/her religious, ethnic and national characteristics. Men must be accommodated separately from women and minors separately from adults, taking into consideration family ties." (Quoted after Act 480/2002 on Asylum, Article 39, paragraph 2)

There are no special accommodation units for families. However, the Rohovce reception centre is exclusively for mothers with children and unaccompanied minors and the Secovce facility for detention pending deportation was designed especially for families with children. Living space conditions are the same as in other accommodation facilities for asylum seekers.

These reception and detention centres, which are designed for mothers with children and unaccompanied minors, have playgrounds and a TV room in the building. NGOs regularly provide them with toys, books, crayons, etc.

6. Medical screening (CD Art. 9)

At the reception centre, every asylum seeker is put into obligatory quarantine. The duration of quarantine should not exceed 28 days but in practice it is often prolonged.

The first examination includes the taking of blood samples, lung X-rays and HIV, syphilis and hepatitis tests. These examinations are obligatory; without them, the asylum seeker cannot be discharged from quarantine. The doctor working at the reception centre carries out examinations; the asylum seekers are taken to a hospital - accompanied by Migration Bureau officers - for the X-ray.

7. Schooling and education of minors, access to employment, vocational training (CD Art. 10-12)

7a. Primary school (CD Art. 10)

Children of asylum seekers and unaccompanied minor refugees have access to local primary schools where Slovak pupils are also taught. These children are required to have a basic knowledge of the Slovak language. During their stay, asylum seekers can attend language classes at the accommodation facility, the costs for which are covered by the Ministry.

Before a child is admitted to the local primary school he/she must take several tests in order to be assigned to the right class. A child can be admitted to a regular secondary school if the school management agrees, and if the child has passed the same admission tests as Slovak children.

Slovak children start primary school at the age of six or seven. The same right applies to children of asylum seekers if they have a basic knowledge of the Slovak language. **Usually, unlike Slovak children, they do not receive marks. At the end of the school year, they only receive a certificate on the completion or non-completion of the respective class.** In the event that they do not complete a class they are required to repeat it.

At the accommodation facilities, language teachers or social workers help the children with their homework, although nobody is officially employed for this purpose.

School items are financed by NGOs. At the beginning of the school year in September, the school draws up a list of necessary school items for each class (pens, pencils, rulers, textbooks, paper, etc.). For the Rohovce, Gabčíkovo and Brezová pod Bradlom accommodation facilities it is the Slovak Humanitarian Council that provides them with these items. **Schools are state financed and attendance is free of charge.**

Exceptions:

Access to schooling depends on a basic knowledge of the Slovak language. Therefore, in practice, it may take a while until a child has access to regular and systematic teaching. In Slovakia, there are no special education classes.

There are no other educational opportunities except for nursery school at the accommodation and the possibility of attending language classes or the local school, as mentioned above. Sometimes, asylum seekers teach children at the accommodation facility.

There are no additional educational opportunities for minors in specific situations as provided by Article 10 of the Directive.

7b. Access to the labour market (CD Art. 11)

In the past, asylum seekers were excluded from the labour market. As of February 1, 2005, according to the amendment to the Asylum Act, asylum seekers have access to the labour market, if he/she has not received a valid decision within one year from the date he/she applied for asylum, with the exception of cases where an asylum application has been rejected as manifestly unfounded or inadmissible. (Act 480/2002 on Asylum, Art. 23, paragraph 6)

7c. Access to vocational training (CD Art. 12)

As asylum seekers are not allowed to work, they do not have any systematic access to vocational training during the asylum procedure. They do not receive it until they are recognised as refugees.

At the asylum centres, the Ministry must create conditions for cultural and sports activities and also for the acquisition of knowledge and skills that could be of use for the individual's future social status, as set out in the Asylum Act (Art. 39 (3)). However, in practice there are no regular classes held at the refugee accommodation facilities.

8. (Material) reception conditions

8a. Modalities of provision (CD Art. 13 / 14)

The state provides all asylum seekers living in reception or accommodation centres with free accommodation, food and health care as well as spending money (adults: 12 SKK per day (about €0.30), children: 8 SKK per day (about €0.20)), paid out in cash once a month. Asylum seekers living outside the accommodation facilities must pay for their own living expenses; only health care is guaranteed by the state. The Migration Bureau automatically provides all benefits.

Asylum seekers are not entitled to benefits in cash exceeding the spending money, with one exception: if a child is born at the accommodation centre, the mother receives financial assistance of 3,000 SKK (about €75). The social workers at the centre buy basic baby equipment.

NGOs bear the expenses for such needs the Migration Bureau or the asylum seekers themselves cannot meet (vitamins, baby food, special medical needs, sports equipment, books, magazines, etc.). NGOs monitor the reception and accommodation standards, and conditions at all centres in Slovakia.

The Migration Bureau provides asylum seekers with vouchers for the canteen. The quality of material reception conditions does not depend on the status of the individual or his/her duration of stay. All benefits mentioned above are provided during the entire asylum procedure. When the rejection of an application for asylum becomes final, asylum seekers must leave the country within 15 days. They are no longer entitled to benefits.

Asylum seekers may increase their spending money through voluntary work at the accommodation. Travel expenses are only reimbursed if the trip was to a hearing or an appointment at the Migration Bureau or at the premises of an NGO.

8b. Facilities / Living conditions⁵

Accommodation in the reception centre is obligatory. Accommodation at the accommodation centre is voluntary; it is possible to apply for a long-term permission for external accommodation (see B.4).

The largest accommodation centre in the western part of Slovakia is Gabčíkovo, where more than 600 asylum seekers were accommodated in three large buildings at the time of the ICF visit.⁶ Their capacity being exhausted, four or five asylum seekers share rooms. When capacity is not fully exhausted, two asylum seekers share rooms. Families have one or two separate rooms to themselves. Single mothers with children have one room each for themselves and their child.

Living conditions are similar at other accommodation centres (maximum capacity 250-300 asylum seekers).

Two of the reception centres are located in the western part of the country (maximum: 200 asylum seekers) and one is situated in the eastern part of Slovakia (maximum: 250-300 asylum seekers). In 2005, two additional reception centres will be opened.

At the Rohovce reception centre, which specialises in families with children and unaccompanied minors, living conditions are better than in other centres since it has well-trained staff and opportunities for leisure activities (TV room, library, playground).

The Adamov reception centre, located in the western part of Slovakia, is a centre for adults. The majority of residents are single male asylum seekers. Here, living conditions are very bad. The rooms are poorly furnished and the walls mouldy. There is no hot water, library or TV room. When the centre is overcrowded, as many as eight asylum seekers are accommodated in tiny "Formica" cells.

The duration of stay at these centres differ strongly from each other. As mentioned above, the proximity of the border centres to Austria and the Czech Republic (except for Opatovska

⁵ These are only a few examples (facilities visited). This chapter does not cover the accommodation situation as a whole in one country but compares the wide differences in accommodation standards. The preface gives an explanation and reasons for this fact.

⁶ At the beginning of February 2005 there are less than 250 asylum seekers accommodated there.

Nova Ves, which is situated at the border to Hungary) leads many asylum seekers to leave the accommodation after only a few days and continue fleeing to the neighbouring states. In most cases, the duration of stay is several weeks or months, the longest duration of stay was almost two years.

The closest villages are easy to reach. The Migration Bureau covers travel expenses for trips to Bratislava, for hearings or interviews.

All of the centres are state-led (Migration Bureau of the Ministry of Interior). The buildings are the property of or rented by the Migration Bureau. Some of them used to be hotels, summer camps or the property of the army.

Rooms where families are accommodated can be locked from inside by the residents. Single asylum seekers must apply for a key to the director of the facility; it is up to his discretion as to whether or not they receive a key. At some of the centres, there are sanitary facilities in each room, at others, toilets are located in the corridor of each level. Washing-rooms may be used free of charge but at some centres there are hot water problems. At the largest accommodation facility (Gabcikovo) hot water is limited to particular hours of the day.

At some facilities there are washing machines (donated by fellow citizens). At others, there are no washing machines. Either the staff of the accommodation facilities does the washing of bed linen, or it is brought to the local laundry. Asylum seekers do the washing of their own clothes individually in the washing-rooms. Once a month, the Migration Bureau supplies them with a hygiene package, which includes washing powder. Each facility employs cleaning ladies. Asylum seekers clean their own rooms. As mentioned above, asylum seekers can increase their spending money by helping with the upkeep of the facility.

At each centre, there is a public phone; asylum seekers have to pay for their own calls. Dietary habits are only partially respected. Due to the high number of Muslim asylum seekers, the cooking of pork is prohibited in all accommodation and detention centre canteens. During the Muslim fasting month of Ramadan, asylum seekers receive the equivalent of their daily food in cash and may cook their own food in the facility's large kitchen.

Child care is offered at all of the accommodation and some of the reception centres. It is offered partly by the Migration Bureau and partly by NGOs. Sports activities are promoted with the help of NGOs and private donors. The Migration Bureau finances language classes. NGOs have set up libraries, sewing rooms, etc. and regularly organise leisure activities.

Security services at all centres are organised by private companies on the Migration Bureau's instructions.

Access to all accommodation facilities is strictly prohibited to externals if they are not explicitly authorised to enter by the Migration Bureau. As stipulated in the Asylum Act: "Nobody may access the asylum facility without authorisation by the Ministry. The Ministry shall only authorise the UNHCR, a lawyer or other representative of the asylum seeker vested with power of attorney and the security guards to access a reception centre designed for quarantine measures." (Quoted after Act 480/2002 on Asylum, Art. 40 (1/2). Slovak Humanitarian Council social workers and other NGO staff have free access to the accommodation centres following authorisation in writing. Asylum seekers accommodated in these centres may visit each other at any time and without restrictions.

One of the facilities visited by the ICF delegation is the Rohovce reception centre for unaccompanied minors and families. The centre has 150 places; at the time of visit, 104 asylum seekers were accommodated there. The first impression a visitor has is of the massive gate and the visibly armed security guards at the entrance. On the premises, the security guards would even position themselves next to children playing in the garden in front of the building. The building itself had been renovated recently and seemed clean and friendly. Minors and adults are free to move around the building and the premises. There is a table tennis table in the corridor, the Slovak Humanitarian Council's office is nicely furnished, and the dining-hall is pleasant. A nurse is present in her examination room from 8 a.m. to noon each day.

The positive appearance of the accommodation almost draws attention away from two essential deficiencies, both having to do with the children's mental health. First of all, the strong presence of armed security guards must be criticised. There is no plausible explanation for this situation, which certainly worries and possibly re-traumatises the minors. Secondly, no psychological care is guaranteed at the Rohovce centre – this gives cause to serious concern, especially at a centre where unaccompanied minors and mothers with children from Chechnya are accommodated.⁷

8c. Sociocultural environment

It is possible to have social contacts with individuals who are not accommodated in the same centre. Asylum seekers at accommodation facilities may move around freely or visit other cities and places if they have written permission.

Atmospheres differ from each other, depending on the location of the centres: in the western part of Slovakia, the public is rather friendly and helpful towards asylum seekers; in the eastern part of the country, public opinion is more against refugee centres.

Government statements depend on the attitude of each political party. Some top politicians pursue a populist policy against "illegal immigrants" while others recognise the high potential of refugees and migrants for society.

There are civil society activities: in close cooperation with NGOs and together with asylum seekers, pupils in particular have developed a number of sporting activities. Before Christmas, students and children collect presents for the refugee children living in the centres. The largest event takes place on June 20th each year on the occasion of World Refugee Day: there are sports activities, bands, food, etc. This event is organised by the UNHCR in cooperation with NGOs and local citizens.

8d. Staff (CD Art. 14(5))

Only some of the Migration Bureau staff is trained. Social workers and accommodation facility directors should have a university degree. In practice, this does not apply to many of the

⁷ See 11c.

staff members. The UNHCR and the Slovak Humanitarian Council organise seminars, workshops and coordination meetings to impart professional competence and to exchange experience. Special communication training has also been held. However, the educational level of staff is rather low. Migration Bureau staff members are at least familiar with the basics of asylum law.

Social workers at the accommodation centres carry out a variety of tasks: they provide direct social care for the asylum seekers and are responsible, at the same time, for all administrative and office tasks. Those social workers of the Migration Bureau who work at the centres on a daily basis are overburdened with paper work that is why the majority of social counselling is carried out by NGO social counsellors. Volunteers are therefore often asked to help, especially in organising leisure activities.

8e. Exceptions, detention (CD Art. 14(8) and 16)

ICF visited the Medvedov centre for detention pending deportation and gained the following impressions:

The Medvedov detention facility is located in the Southern part of Slovakia, about 70 kilometres away from Bratislava (12 km away from Gabčíkovo), near the Hungarian borders. It consists of five buildings: the police administration building, the detention facility for men, the detention facility for women, the isolation institution and the Migration Bureau building. There are two areas for detainee leisure activities. The facility is run by the Slovak Aliens and Border Police.

The majority of detainees at the Medvedov facility are asylum seekers. The ICF delegation met with the warden and his deputy who explained, among other things, the legal prerequisites for imposing detention and for the living conditions. In most cases, the reason for detention is the lack of travel documents. Individuals are detained if they enter Slovakia illegally or are illegally staying on the country's territory. Further reasons for detention are: securing the deportation procedure or the attempt to illegally enter the territory of a neighbouring state from the Slovak Republic. Also detained are persons who were sent back to Slovakia due to Dublin II and who do not wish to continue the asylum procedure.

Detention must not last longer than 180 days. The decision as to whether or not the individual concerned will be detained is taken by the competent police officer who first establishes contact with him/her. The warden can release a detainee during these 180 days if he assumes that deportation will not be carried out within the scheduled time limit. This scope is used.

It is the obligation of the police station that detains an individual to inform him/her, in a language that he/she understands, of the reasons for detention and the possibility of appealing against the arrest warrant. It is possible for every detainee in deportation custody to lodge an appeal to the regional court against the arrest warrant. The detainee is notified in writing of the initiation of the asylum procedure before he/she is committed to prison. Also, the competent embassy is notified. **Asylum seekers cannot be deported during the asylum procedure.**

According to the warden, there were a total of 505 detainees in Medvedov in 2003; 186 of them had actually been taken out of the country (including those who returned voluntarily). When the ICF delegation visited in May 2004, there were no families or unaccompanied minors detained in Medvedov.

In Slovakia, there is no time limit for the filing of a follow-up application after a negative termination of the asylum procedure. There is no time limit for making the asylum application in deportation custody either.

Since the beginning of 2004, detainees applying for asylum have no longer been transferred to open accommodation centres.

At Medvedov, the capacity is 152 beds (112 for men, 40 for women). During the ICF visit, capacity was not exhausted and there were only 6 female detainees.

Detained asylum seekers may move around freely in the corridor; the cells are not locked. Each level has a "common room" with a satellite TV. The cells are equipped with an electric light, a table, chairs, beds and cupboards. **Under the new legislation, detainees must pay for accommodation, food and transport. The authorities provide clothing. Jewellery and beauty care are prohibited.**

Detainees may buy additional food and other items if they have money. A detention centre staff member is available specifically for this purpose. Asylum seekers may contact NGOs, aid organisations and the UNHCR during the procedure.

The IOM and NGOs such as the Human Rights League pay regular visits to the detention centre. Once a month, a public prosecutor examines the social conditions and whether the legal provisions are being complied with. No church or religious community representative has visited the detention centre since it opened.

Detainees may receive visitors once every three weeks for 30 minutes. The warden may allow visitors more often and appears to do so occasionally.

An examination room is available, with a female and a male doctor present for a total of 12 hours a day. Two nurses also work there. Basic health care is always available, the costs for which are paid by the state. Patients are transferred to the hospital if they are seriously ill. Toilets are located in the corridor and may be used without restrictions. One of the doctors says she treats about 7-10 patients a day.

Two yards are available for detainees to take a walk. One of them is surrounded by a fence, the other one is situated between the buildings. Soccer balls are provided by the authorities. There are no state-employed social workers; most of the work is done by NGOs. Detainees have their meals together in the dining-hall, eating in the cells is prohibited. The detainees are entitled to eight hours of sleep and one hour of walking time per day. They may receive or send mail and complain about prison conditions to the authorities. They may receive newspapers or magazines at their own expense.

Living conditions in the isolation building are different: detained asylum seekers who, according to the authorities, behave "aggressively", can be isolated. Isolation is also for detainees who pose a risk for other detainees' health or who shall be forced to obey the prison rules. The isolation cell can only be opened from outside. The toilet in the isolation building is located in another room and can only be used upon request.

The Medvedov authorities have not yet been confronted with public criticism of their detention facility. They assume that the public opinion towards their prison is positive.

The ICF delegation's impressions were contradictory. Access to toilets and showers is not restricted - which is quite positive in comparison with other detention facilities visited. Health care, the level of furnishing, special rooms for women and the fact that satellite TV programmes can be received are just as positive. The fact that no serious complaints have been voiced about the food is also good.

To a certain extent, security guards seem to be quite sensitive. They seem to understand that the detainees are not criminals and that asylum seekers should not be detained.

On the other hand, it was generally noticed that there is no professional psychological counselling, care or treatment. Also, there is no independent person available - as a mediator - to solve conflicts and to communicate the detainees' wishes to the security staff, many of whom do not speak any foreign languages. This deficit cannot be compensated by NGOs' visits.

The lack of leisure activities is another shortcoming. The establishment of a psycho-social service would be beneficial. According to the warden, the Commission on the Prevention of Torture visited Medvedov in 2002 and came to similar conclusions.

Another deficit is the fact that Slovak legislation does not stipulate a time limit for the detention of "problematic" detainees in isolation.

The Slovak Humanitarian Council has been visiting a detention centre on a regular basis (once a week) since October 2004. The organisation carries out a social project and provides social assistance to the detainees.

9. Health care (CD Art. 15)

Basic health care is provided by the Migration Bureau, with the costs covered by the state. Urgent care includes more or less all measures asylum seekers need to recover: hospitalisation, surgery, a stay at rehabilitation hospitals, medicine and, in urgent cases, dental treatment.

Furthermore, NGOs offer presentations on topics such as dental hygiene or consignments (of vitamins, contraceptives, etc.).

There is a sick-room at each centre. Individuals with chronic illnesses (such as tuberculosis) are taken to a hospital or rehabilitation hospitals. In addition, each centre has a contract with a

doctor who is present once a week, and employs a full-time nurse who is present every day. In urgent cases it is possible to call a doctor, otherwise the nurse will call the ambulance service.

Every asylum seeker is issued with a health certificate by the accommodation centre's first-aid station. Interpreters are not available to doctors or nurses. Social workers and asylum seekers interpret, if necessary.

10. Withdrawal and reduction (CD Art. 16)

10a. Procedure

Those affected by the withdrawal or reduction of material reception conditions are informed verbally and in writing. Asylum seekers' reception conditions can only be reduced *after* a decision on their asylum procedure (application is rejected as unfounded, application is rejected as "manifestly unfounded"⁸, procedure is discontinued).

Reception conditions can only be withdrawn *during* the asylum procedure in one case: if asylum seekers leave a closed reception centre, their spending money is sanctioned, i.e. reduced.

10b. Form

The only measure employed is the withdrawal of spending money. In Slovakia, access to urgent medical care is guaranteed in all cases.

⁸ The Ministry shall reject an application for asylum as "manifestly unfounded" if

- the application is based on reasons such as search for work or better living conditions,
- the asylum seeker deceives the authorities about his/her identity or the authenticity of his/her documents during the examination,
- the asylum seeker deliberately gives wrong information during the asylum procedure,
- the asylum seeker deliberately falsifies or destroys his/her travel documents or any other document needed for the asylum procedure, in order to assume a wrong identity or to hinder the procedure by doing so,
- the asylum seeker deliberately fails to state that he/she has already applied for asylum in one or more states, especially if he/she states a wrong identity,
- the asylum seeker makes the application with the intention to evade an imminent deportation without having applied for asylum earlier,
- the asylum seeker violates the obligation to cooperate, especially when he/she does not appear for examination without good cause,
- the asylum seeker comes to Slovakia from a country considered a "safe country of origin", except for the case that this country cannot be considered safe in his/her particular case.

The Ministry shall also reject an application as "manifestly unfounded" if it is a follow-up application and the applicant submits the same facts as in the previous procedure.

11. Persons with special needs (CD Art. 17)

Under the Asylum Act, the Ministry "shall provide suitable reception conditions for unaccompanied minors, families with children and persons with a special need for care at the asylum centres. When accommodating an asylum seeker in an asylum centre, the Ministry must take into consideration his/her age, health and family relations as well as his/her religious, ethnic and national characteristics. Men must be accommodated separately from women and minors separately from adults, taking into consideration family ties." (Quoted after Act 480/2002 on Asylum, Art. 39 (2))

One of the reception centres and one of the accommodation centres (Rohovce and Brezova pod Bradlom) specialise in groups with special needs: minors, unaccompanied minors, disabled or elderly persons, pregnant women and single parents with minor children. The Migration Bureau's Department for Migration and Integration decides on accommodation at these special facilities.

Special assistance for disabled persons is financed by NGOs. The Migration Bureau's only contribution is necessary health care. NGOs give financial assistance to pregnant women as well, except for necessary health care and hospital stays. Families with newborn babies receive financial assistance from the state.

11a. Minors (CD Art. 18)

The minor states his/her age when applying for asylum; to present, age is not determined using medical procedures. However, the 2005 amendment is designed to make this possible.

There are no special rehabilitation services for minors who have been victims of abuse, neglect, exploitation, torture or cruel, inhuman or degrading treatment or minors who have suffered from armed conflicts. Should psychological or psychiatric care be necessary in such cases, NGOs - cooperating with the Migration Bureau - send minors to specialists; in most cases, therapy is paid for by the NGOs.

Minors must be accommodated in an environment suitable to the needs of children. As mentioned above, there are special reception and accommodation centres for persons with special needs.

11b. Unaccompanied minors (CD Art. 19)

Unaccompanied minors are defined as asylum seekers between 0 and 18 years of age who were separated from their parents or legal representatives. Under the Asylum Act, minors are a vulnerable group in a particular situation. During the asylum procedure, they are assigned special accommodation and care.

A guardian is appointed for unaccompanied minors as soon as they have been identified as such by the border police. It is the responsibility of the guardian to act in the best interests of the child and to take the necessary measures that can lead to a lasting solution. This includes

the search for family members, applying for asylum, family reunification in a third country or in the country of origin, and voluntary return. In practice however, asylum procedures are carried out for nearly every unaccompanied minor in Slovakia.

The guardian, who is appointed for every unaccompanied minor for the duration of the asylum procedure, is the minor's legal representative during the procedure and is a Slovak Humanitarian Council member of staff. Unaccompanied minors are accommodated at the special facilities of Rohovce and Brezova pod Bradlom. Legal advice and representation are provided in cooperation with a legal aid NGO, the Slovak Helsinki Committee.

During the asylum procedure, these minors receive special care in the framework of the "Unaccompanied Minors and Procedural Guardianship" project that was initiated by the Slovak Humanitarian Council in cooperation with the Migration Bureau and the UNHCR.

11c. Victims of torture and violence (CD Art. 20)

The "necessary treatment" provided by the Migration Bureau is insufficient. **The state does not organise any special programmes for the treatment of victims of torture and violence.** Any special treatment necessary is financed by NGOs. Based on an interview with the asylum seeker, NGOs decide whether or not he/she could be a victim of torture and violence and assign him/her to a therapist.

When visiting the Rohovce accommodation facility, which is designed for unaccompanied minors and families, the ICF staff talked to some of the children and youths between 4 and 16 years of age. Most of them had arrived from Chechnya only two weeks before. Some of them appeared to the delegation to be severely traumatised.

The doctor working at the Rohovce centre confirmed that mental health care is regarded as additional treatment. When asked about regular visits of a psychologist, he answered: "Work is the best therapy." This statement indicates the status of therapeutic aid for traumatised children at the Rohovce centre.

Care of traumatised individuals must not be left in the hands of NGO colleagues alone. The social workers and legal advisors, although undoubtedly very committed and competent, are not trained in this field. While they are doing their best to support traumatised individuals, they are not able to give adequate aid as stipulated by the Directive. Also, they should not be the only ones responsible for the decision as to whether or not an asylum seeker needs therapy.

12. Training staff of authorities and organisations (CD Art. 24)

At present, authorities and organisations' members of staff do not receive any special training. However, there are regular meetings to discuss current developments. There were also joint meetings with colleagues from the Czech asylum authorities.

C. Actions needed

The fact that asylum seekers are held in deportation custody during the asylum procedure is one of the main problems. Here, Slovakia follows a European trend, which results in the prevention of fair procedures. The warden at Medvedov uses his competences to mitigate the situation, an example described above, but this positive behaviour remains inherent in the system.

NGOs show good practice in the area of social care. They are highly competent and extremely committed in their work. These organisations should definitely be strengthened and their resources supported. At the same time, it is important to mention that the state must take over the responsibility for important areas of the reception conditions for asylum seekers. NGOs must not save the authorities work and responsibilities that they are competent for under the Directive.

Chapter II

General provisions on reception conditions

Art. 10 Schooling and education of minors

10(2) The Slovak Republic does not comply with the provision of the Directive to not postpone access to the education system for more than three months since, in Slovakia, access to education depends on the knowledge of the Slovak language. In almost all cases, the knowledge of Slovak is not good enough after three months, which means that access to the education system is delayed even longer. There is an absolute need for action in order to comply with the provision of the Directive.

10(3) The Directive stipulates that the member state may offer "other education arrangements" if access to the education system is not possible due to the specific situation of the minor. In Slovakia, no "other education arrangement" is offered; there is regular school, and - at the accommodation facility - a nursery school and language classes (see above). Occasionally, children are taught by asylum seekers themselves at the centres.

Art. 11 Employment

Until the end of 2004, asylum seekers generally did not have access to the labour market. They may be granted the right to labour from 2005 onwards, if no decision has been given on their application for asylum after one year. This would be in line with the Directive.

Art. 12 Vocational training

The need for action in the area of vocational training is directly related to the general labour ban for asylum seekers. Only recognised refugees have access to vocational training. No organised vocational training is offered for asylum seekers whose asylum procedure is not yet closed.

However, the Asylum Act states that the Ministry of the Interior is responsible for making sure that there are sufficient cultural and sporting activities on offer at the accommodation centres for asylum seekers to gain practical and intellectual skills designed to help improve their social status in future.

Chapter IV

Provisions for persons with special needs

Art. 18 Minors

The Directive urges member states to consider the best interests of the child as a matter of priority. They shall offer rehabilitation services, appropriate mental health care and qualified counselling for minors who have been victims of abuse, neglect, exploitation, torture, cruel, inhuman or degrading treatment or who have suffered from armed conflicts.

There is an urgent need for action. This point of the Directive has not been implemented. There are no rehabilitation services for the above-mentioned minors. If psychological or psychiatric care is necessary, NGOs send the minor affected to a competent specialist. NGOs cover almost the entire costs.

Art. 19 Unaccompanied minors

Art. 19 (4) The Directive provides that those working with unaccompanied minors shall have received or will receive adequate training and shall be bound by the confidentiality principle in relation to any information they obtain in the course of their work.

At present, there is no guardian system or programme for the temporary care of unaccompanied minors that would do justice to the "Separated Children in Europe Programme: Statement of Good Practice". However, there is a model for special accommodation of UMs, developed by the UNHCR on the occasion of the inter-ministerial committee, which is a cause for hope. The situation of unaccompanied minor asylum seekers must be closely observed in future.

Art. 20 Victims of torture and violence

The Directive stipulates that member states shall ensure that - "if necessary" - persons who have been subjected to torture, rape or other serious acts of violence receive the necessary treatment for damage caused by the aforementioned acts.

There is an extremely urgent need for action. The migration authority does not offer necessary treatment. There are no special programmes for victims of torture and violence. The decision to send an asylum seeker to a therapist is in the hands of NGO staff alone. If they feel it necessary, they may send the individual to a therapist and bear the costs. However, this is the full responsibility of the state and must not be left to legal advisors or to social workers.

Chapter VI Actions to improve the efficiency of the reception system

Art. 24 Staff and resources

The Directive provides that authorities and organisations implementing this Directive shall have received the necessary basic training.

In the view of the ICF member organisations, the Slovak Humanitarian Council and the Slovak Helsinki Committee, this provision is not being complied with. At present, the competent authorities and organisations do not receive any special training or further training.