



ISS/IRC Country Situation

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SLOVAK REPUBLIC

Revised by local contacts

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ANALYSIS OF THE SITUATION

A. General situation

Slovakia is an East European country, which has been marked by the major events of the history of the 20th Century. After having joined the Czech State at the end of the First World War to form Czechoslovakia, the country then gained its independence on 1 January 1993, three years after the 1989 «Velvet Revolution», which put an end to the totalitarian communist regime imposed by the 1948 «Coup of Prague»¹. Since independence, the country has been a parliamentary democratic republic with a multi-party system. Its transition from a planned economy to a market economy has progressed well and its economic growth surpassed all expectations between 2001 and 2006. The country has been a part of the NATO and the European Union since 1 May 2004.

Basic statistical indicators about children have sharply improved over the last thirty years. In July 2021, the Slovak population amounted to around 5.4 million², of whom 18.7% are children aged 0-18³. The rate of infant mortality (less than 5 years old) amounted to 4.9% in 2021, compared to 18% in 1990. The majority of the population is ethnically Slovaks. Hungarians are the largest ethnic minority (8.5%), followed by the Roma (2%)⁴. Immigration to Slovakia is one of the lowest in the European Union.

Human rights are generally well respected throughout Slovakia, but according to the U.S. Department of State corruption is still a problem, especially in the areas of health and education and at the legal level⁵. Furthermore, poverty and social exclusion are highly prevalent among Roma communities and discrimination against Roma people still exists at various levels. This leads to harsh living conditions (such as lack of access to electricity, running water, or sewer systems) which affect children equally. School attendance of Roma children in “regular” schools is low⁶. Notwithstanding the Slovak government has adopted anti-discriminatory legislation in the past years, Roma children still attend special schools that are supposed to serve mentally disabled children. 80 % of these children do not present

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¹ CIA World Factbook, [Slovakia](#) [accessed in October 2021]

² Supra.

³ Eurostat, 2020, [Ratio of children and young people in the total population on 1 January by sex and age: Slovakia](#).

⁴ See note 3 [accessed in October 2021]

⁵ US Department, 2021, [2020 Country Reports on Human Rights Practices: Slovakia](#), p. 1, 27.

⁶ European Parliament, 2020, [“The social and employment situation of Roma communities in Slovakia”](#), p. 9.



any disability⁷. To tackle this situation, in April 2021, Slovakia adopted a strategy to improve the Roma situation by 2030 with a focus on five priority areas – education, housing, employment, healthcare and fight against anti-Roma racism and support of Roma participation⁸.

B. Children deprived of their family and alternative care options

Slovakia has seen significant economic growth in recent decades and has been catching up with the EU: the expenditure for social protection benefits in Slovakia has been slowly increasing over the years. Despite this, it is well under the EU average⁹. At the same time the impact of social transfers on poverty reduction is one of the lowest in the EU and it is progressively reducing. According to Caritas, childcare support is in practice inaccessible and unable to respond to the needs of vulnerable families and children¹⁰.

In an effort to improve the protection of the rights of children, the Slovak government adopted the **National Action Plan for Children for 2013–2017**, which represents the core framework for the protection of children’s rights in the absence of an integrated national human rights policy¹¹. Under this National Plan, that reflects the 2007 recommendations of the Committee on the Rights of the Child and which implementation has been monitored by the Committee for Children and Youth, emphasis was given to educate professionals working with children on the spirit and principles of the Convention on the Rights of the Child, including the principle of the best interests of the child. The Action Plan has also focused on training of judges, prosecutors and judicial staff¹². For the next period, 2018-2030, the Government decided against the elaboration of a new national plan for children but instead to integrate specific challenges related to children as part of the national priorities identified in the National Investment Plan of the Slovak Republic in order to avoid duplications of programs and projects¹³.

The **Ministry of Labour, Social Affairs and Family (MLSAF)** is the central governmental administration body for coordinating State policy in the child protection field, in cooperation with other State entities that have obligations based on special regulations towards the protection of the rights and legally protected interests of the child. It establishes professional standards and procedures in the provision of psychological assistance for children and their parents in order to prevent the breakup of families, the removal of children from their parents as well as to monitor the effectiveness of the latest reforms and developments undertaken in the country. It is also responsible for collecting data on social services¹⁴.

It is worth mentioning that the Slovak government is working towards the creation of legal conditions for a new system for the collection of data on social services, as part of the information system of social services, administered by the MLSAF. It is about providing up-to-date data for the needs of fact-finding in the field of social services, improving the process of medium-term planning for the development of social services and their related co-financing, at all levels of management, from local through regional to national levels. Recent amendments in the law on Social Services (Act No. 448/2008 Coll.) have introduced an e-tracking tool for social services (to be launched in 2021) that could support the mapping of the needs of the population¹⁵.

⁷ UNDP, Dugarova, E., Slay, B., Papa, J., & Marnie, S., 2017, Leaving No One Behind in Implementing the 2030 Agenda for Sustainable Development: Roma Inclusion in Europe, p. 20.

⁸ European Network of Legal experts in gender equality and non-discrimination, 2021, Country Report on non-discrimination: Slovakia, p.51 and Flash Report “The Slovak Government adopted the strategy for equality, inclusion and participation of Roma till 2030”.

⁹ Caritas Slovakia, 2019, Country Report 2019: Slovakia, Access to services by vulnerable groups: barriers, obstacles and good practices, p. 9. See also European Commission, 2020, Commission Staff Working Document - Country Report Slovakia, p. 3.

¹⁰ Idem, p. 9.

¹¹ National Action Plan for Children, 2013-2017.

¹² CRIN, 2014, Slovakia: Children’s rights references in the Universal Periodic Review, para. 30.

¹³ Information provided by the ISS local contact. For more details, see Report on the results achieved in the national priorities for the implementation of the 2030 Agenda.

¹⁴ CRC 2020, Annex 1 to the Sixth Periodic Report of the Slovak Republic on the Implementation of the Convention on the Rights of the Child, para 3.

¹⁵ See note 9 (European Commission), p. 58. See also note 14, para 3 & 15.



Sadly, the pandemic of Covid-19 had a negative impact on vulnerable families and children in alternative care in Slovakia. According to Eurochild, it is estimated that the number of children entering the alternative care system will grow in some countries, such as Slovakia, by as much as 30%¹⁶.

Support to families in need and prevention of unnecessary family separations

The social-economic situation of many families in Slovakia makes it difficult for the latter to satisfy the basic needs of their child. As reported by the European Commission's Country Report (2020), the risk of poverty or social exclusion in Slovakia is comparatively low compared to the rest of European Union countries, nonetheless it remains stable and shows no sign of abating, and some groups (in particular children from socially disadvantaged families, Roma, single-parent families and persons with disabilities) and regions are in a particularly vulnerable position¹⁷. There are indeed regional disparities in terms of access to quality education, healthcare, housing, and other essential services for disadvantaged groups¹⁸.

In 2017, it was noted that almost every fourth child in Slovakia was at risk of poverty or social exclusion¹⁹.

While the country provides a **Material Needs Allowance** and **Supplements and Minimum Subsistence** (material assistance is provided in the form of a material needs allowance and supplements which are provided in monetary, material or combined forms²⁰), it seems difficult to break the cycle of poverty as the socioeconomic disadvantages tend to be transmitted across generations to a greater extent as in all other EU countries: 94% of children at risk of poverty or social exclusion had parents with a low level of education, compared to an EU average of 65.6%²¹.

It has also been pointed out that many of the entities that should participate in fulfilling their duty to support vulnerable families (mainly municipalities) do not cooperate and that families do not receive sufficient support in case of difficulties²². In addition to this, individual policies in education, labour market policies, health care, housing and financial inclusion lack effective coordination and access to social and essential services is hampered by missing infrastructure²³.

The lack of childcare is another persisting problem in Slovakia, in particular in the most affected localities as well as the lack of strategic mapping and planning at the government level²⁴. Under the National Reform Programme of the Slovak Republic 2018 submitted to the European Commission²⁵, it was projected to expand the childcare facilities for children up to three years of age to help mothers return to the labour market. The national project "Family and Work" which focuses on balancing family and work life and on work opportunities for mothers with small children is another important instrument adopted by the Slovak government for increasing employment and income levels for women²⁶.

Several EU initiatives have been promoted in recent years to tackle inequality, poverty, and social exclusion, such as the **European Pillar of Social Rights** (Principle 11 deals with childcare and support to children).

In 2018, an amendment to the **Act on Social and Legal Protection of Children and Social Curatorship Act** (SLPCaSG) entered into force with the aim, inter alia, to increase and improve the availability of professional assistance to children and their families, and to strengthen the prevention of unnecessary family separations²⁷. For example, parents and caregivers are given the possibility to access to social counselling which aims to provide information on how to deal with situations, legal norms or specific assistance to vulnerable families as well as psychological services.

In order to support families, the government has introduced a system of long-term support for the procurement of rental flats intended for social housing through a combination of subsidies. Local governments can fully finance the

¹⁶ Eurochild, 2020, [Growing up in lockdown: Europe's children in the age of COVID-19](#), p. 7.

¹⁷ See note 9 (European Commission), p. 34.

¹⁸ European Roma Rights Centre, 2021, [Blighted Lives: Romani Children in State Care](#), p. 70.

¹⁹ Ibid, p. 70.

²⁰ See note 9 (European Commission), p. 9.

²¹ See note 18, p. 70.

²² Coalition for Children Slovakia, 2015, [Implementation of the Convention on the Rights of the Child in Slovakia – Complementary Report \(2007-2015\)](#), p. 28.

²³ See note 9 (European Commission), p. 34.

²⁴ See note 9 (European Commission), p. 33.

²⁵ European Commission, 2018, [National Reform Programme of Slovak Republic](#), p. 4.

²⁶ UN Human Rights Council, 2019, [Universal Periodic Review of Slovakia](#), para. 43, p.9.

²⁷ See note 14, p. 92.



acquisition of affordable rental housing and thus increase access to housing for specific vulnerable groups of population²⁸.

At present, the Slovak Republic presents several positive examples of parental education programmes for vulnerable children aimed at preventing unnecessary separations. These are mainly run by NGOs or by bottom-up initiatives, such as CESTA²⁹. Under this programme, services are provided to families, parents and children in a temporary or prolonged adverse life situation – material and social destitution – which they are unable to resolve by their own efforts. The NGO ‘Smile as a Gift’ runs courses on positive parent education through meetings of family councils or family group conferences, which involve a new approach to endangered families. The aim of these meetings (extended family and friends are invited) is to share responsibility for finding solutions for the concerned family to generate plans for the future of the child³⁰.

MIXáčik is another example of parental education service – it is a low-threshold familial centre supporting parental skills, designed for parents and children up to 6 years, mainly those circulating in high-risk and asocial environments. It is primarily designed for those mothers and fathers, and/or other relatives, who have communication problems in their social environments, or have been negatively influenced by various socio-pathological phenomena (i.e. alcoholism, drug dependence, cruelty and frequently neglect proper care for a child), or need other types of assistance. Its activities are aimed at the identification and contacting of the parents of children who are deemed less capable of managing the tasks of upbringing of, and care for, their children, whose parental skills are underdeveloped, who have become parents at a very young age, or who have many children³¹.

Family reintegration

Child protection professionals reported that the rate of return of children to their families is extremely low. In particular when Roma children enter into the care system, it is very unlikely for them to return to their families³².

Alternative (or Substitute) Care Options

Two are the core Acts that focus on child protection in Slovakia: namely, the **Family Act (Law N°305/2005 Rec)** and the **Social and Legal Protection of Children and Social Curatorship Act (2005)**. The Family act recognises three form of substitute care (art. 44): 1) placement with an individual other than the biological parent (« placement with a third party or substitute personal carer »); 2) foster care, or 3) institutional care. Substitute personal care and foster care are family forms of substitute care. The form of substitute care can only arise by a court decision and its content constitutes rights and obligations defined by law or court decision³³. The law also stipulates that the best interests of the child must always take precedence over court orders in the matter, and that a placement with a third party or in a foster family is preferable to a placement in an institution (section 54 of the Family Act, 2005). Institutional care is only possible in cases where the child’s upbringing is severely endangered, and where other measures have failed. However, the law explicitly prohibits the placement of children under the age of 6 years in institutions.

According to legislation, poverty and material conditions cannot serve as grounds for the removal of children from their families. However, those grounds are still reported to be the most common reason for child removal. This is validated by the recent Country Report on Slovakia (2020) prepared by the European Commission which confirms that child poverty (especially among Roma communities) and poor housing conditions are one of the most frequent reasons for removing Romani children from their biological families and placing them in long-term state care system³⁴. An estimated 63% of children placed in State care are of Roma origin³⁵. This Country Report also emphasises that “there is a lack of financial resources and of a clear and integrated approach addressing the increasing demand for healthcare and social services in long-term care”, but also that “access to quality healthcare, in particular primary care, remains relatively poor and uneven”³⁶.

²⁸ CRC, 2020, Sixth Periodic Report of the Slovak Republic on the Implementation of the Convention on the Rights of the Child, para. 54, p. 22.

²⁹ Council of Europe (COE), 2012, Child and youth participation in the Slovak Republic, p. 98-99.

³⁰ Ibid, p. 98-99.

³¹ See note 28, p. 98-99.

³² See note 18, p. 9.

³³ For more details, see the website of the Ministry of Labour, Social Affairs and Family, Slovakia, Professional Families

³⁴ See note 9 (European Commission), p. 5.

³⁵ See note 18, p. 14

³⁶ See note 9 (European Commission) p. 5.



Professional teams – consisting of a social worker and a psychologist for each Office of Labour, Social Affairs and Family – were created. According to the Sixth Periodic Report submitted to the Committee of the Rights of the Child in 2020, a total of 46 professional teams were created to support substitute families, and 92 new job positions were created within these teams³⁷. These alternative family care teams offer help and support to facilitate substitute family care for substitute families, including foster carers. The aim is to work with substitute (and foster) parents when relationship-related problems arise and to facilitate the resolution of educational or family problems. In most cases, professional teams work with substitute families with relationship-related problems, whether they are relationships between substitute and biological parents, intergenerational problems, problems in child behaviour, communication problems

According to the latest State periodic report to the Committee on the Rights of the Child (2020) (Annex 2), it was reported that in the last years, the placement of children in various forms of substitute families has declined, whilst the number of transfers to another facility has increased³⁸. More details on the number of **children in various forms of childcare in Slovakia in the previous years** are displayed in the table below:³⁹

Number of children/year	2013		2014		2015		2016		2017		2018		2019			
Total number of children outside their own family	14,100		14,050		14,150		14,084		13,784		13,927		13,788			
of which	children in substitute families*		8,583	60.87%	8,743	62.22%	8,902	62.91%	8,799	62.48%	8,739	63.4%	8,640	62.04%	8,695	63.06
	children in professional families of children's home		1,394	9.89%	1,480	10.53%	1,453	10.27%	1,468	10.42%	1,373	9.96%	1,310	9.40%	1,370	9.94
	children in groups of facilities**		4,123	29.24%	3,827	27.24%	3,795	26.82%	3,817	27.1%	3,672	26.64%	3,977	28.56%	3,723	27

. * foster care, formal care by relatives, substitute personal care and guardianship

** children's home, social services home and reeducation facility

All information on alternative care measures is now recorded in the **KIDS information system**. The KIDS information system collects disaggregated data with the exception of ethnic origin. The KIDS information system aims at monitoring indicators related to the number of cases of individuals and families for which measures of social and legal protection of children and social guardianship were implemented⁴⁰.

Kinship care:

Kinship care is promoted by the social and legal protection of children and social guardianship body. If the child cannot be cared for by the parents, formal care by relatives or persons close to the child (the so-called “substitute personal care”) takes precedence over other alternative care options⁴¹. One of the elements that the Court must consider in determining the best interests of the child is the preservation of the family environment and the preservation of relationships. The aim of substitute personal care is to solve the child’s situation on educational measures that are time-limited (maximum 6 months) and can be repeated if it is shown that changing the educational measure or repeating will improve the child’s situation⁴².

The body of social and legal protection of children and social guardianship continuously monitors the performance of substitute personal care and must report to the court at least every **six months** on the quality of childcare in substitute, including whether parents are able to care for the minor child⁴³.

Foster care:

³⁷ See note 28, para. 57, p. 23.

³⁸ CRC, 2020, Annex 2 to the Sixth Periodic Report of the Slovak Republic on the Implementation of the Convention on the Rights of the Child, p. 17.

³⁹ See note 28, p. 2.

⁴⁰ See note 28, p. 3.

⁴¹ See note 14, para 86D, p. 47.

⁴² See note 13, para 90.

⁴³ See note 14, para 91, p. 49.



Foster care has been included in the Family Act of 2005. Art. 48 states that a foster parent can only be a natural person with permanent residence in the territory of the Slovak Republic; with legal capacity for legal acts in full scope and personal prerequisites (particularly relating to health, personality and morals). The candidate needs to be inscribed in a list of applicants for foster care, subject to a special regulation. Further the candidate needs to prove that he/she is able to guarantee care in the best interests of the child, based on his or her life style and that of the persons living with him or her in the household⁴⁴.

From the 1st of January 2009, the Slovak legislation establishes that any child less than six years of age be placed exclusively into foster care (unless the child's state of health makes it impossible) rather than being placed in residential care settings, no later than four weeks after admission into the child protection system.⁴⁵

The process of placing a child with a foster carer is initiated only if two basic conditions are met: parents do not or cannot provide personal care for the child and the child cannot be entrusted to substitute personal care (formal kinship care by the child's relatives or a close person).

Children entrusted to foster care receive assistance and social counselling through various bodies (i.e. the body of social and legal protection of children and social guardianship; the Centre for International Legal Protection of Children and Youth; a municipality, or an accredited entity) and the competent authorities have to continuously monitor the performance of foster care and report to the court at least every **six months** on the quality of foster care⁴⁶. Foster parents can now also turn to the new professional teams mentioned in the previous section to receive additional professional assistance. The law has also expanded the capabilities of NGOs working in Slovakia, predominately in the area of substitute family care. For example, the citizens' association Návrat cooperates with State administrative authorities, mainly in the area of preparing adoption applicants and prospective foster parents and in the area of mediating adoption and foster care.

According to the 3rd-5th Periodic Report to the CRC Committee (2020), Slovakia does not have a system for "professional" foster care and all foster care takes the form of a private relationship between the child and the foster parents regulated by the law.

This is compensated by a system of "professional families" who take care of children under six years old as these children are not allowed under Slovak law to be placed in institutional care⁴⁷. Professional families are an interim solution providing children with a family environment for temporary period until a final or long-term solution is found in the form of family care. This form of care is not legally binding, but a parent and a child can freely decide if they want to stay in a relationship or not. Its aims is therefore not to create a long-term relationship or placement with a child but to create the conditions for his/her return to the biological family or his/her placement in a more permanent form of substitutional care (foster care or adoption) . In this way, children with ordered institutional care do not have to grow up in a collective facility. The child's legal status does not change when placed in a professional family as the child remains in institutional care. However, empirical data show that some children remain with the professional families until they reach the adulthood⁴⁸. A professional parent is an employee of an institution who cares for a child placed in care of the institution by the court in his/her household (his/her own house or flat)⁴⁹. All "professional families" must undertake a training before being eligible to care for a child⁵⁰.

A Centre for Children and Families (see below) carries out the court 's residence order in:

⁴⁴ Art. 48, of the Act 36/2005 Coll on the Family. Available at https://www.upsvr.gov.sk/socialne-veci-a-rodina/rodina/opatrenia-socialnopravnej-ochrany-deti-a-socialnej-kurately/socialno-pravna-ochrana-deti/nahradna-starostlivost/pestunska-starostlivost.html?page_id=1210&lang=en.

⁴⁵ Art. 51 the Social and Legal Protection of Children and Social Curatorship Act (2005).

⁴⁶ See note 14, para. 108-109.

⁴⁷ CRC, 2013, Combined third, fourth, fifth Periodic Report of the Slovak Republic, [CRC/C/SVK/3-5](#), para 96, p. 31. For more details on the form of "professional families, see also the website of the Ministry of Labour, Social Affairs and Family, Slovakia, [Professional Families](#).

⁴⁸ See note 44.

⁴⁹ See note 47.

⁵⁰ Art. 43.



- a) a professional surrogate family setting providing care to a specified number of children and young adults in a family house or flat provided by the centre or in a family house or flat of which the professional surrogate parent is the owner, co-owner, tenant or co-tenant,
- b) individually arranged groups set up in a family house, flat or in another building of the centre with separate meals, economy and allocated budget, in a specified number of self-organised groups and with a specified number of children and young adults in a self-organised group.

In order to encourage the foster care system, a system of financial incentives has been introduced. Under domestic law (Act No. 627/2005 Coll. on allowances for the support of substitute childcare), the foster family is provided with several types of allowances, including a one-off allowance for a child when he or she is entrusted to substitute care, a one-off allowance for a child on cessation of substitute care, a repeated allowance for a child entrusted to substitute care, a repeated allowance to a substitute parent and a special re-allowance to a substitute parent⁵¹.

The current statistical indicators by the Central Office of Labour, Social Affairs and Family suggest a constantly increasing trend in a number of children and young adults placed in professional families. In 2010, there were 986 children and young adults, in 2013 there were 1,394 children and young adults, and in 2016 there were 1,468 children and young adults placed in professional families⁵². As of 31 December 2020, there were 662 professional families in the centers for children and families, which cared for a total 1,426 children and young adults⁵³.

Residential care:

The residential care system for children in Slovakia has improved significantly in many respects: children's homes have been transformed from large-scale facilities into smaller units and children under six years old must be placed, as previously mentioned, only in foster families or foster care.

The process of de-institutionalization (DI) of placing children in institutions continues to be one of the main priorities of the Slovak Government and it has been slowly being phased out in favor of foster care. This process officially started with the adoption of the 'Strategy for the De-institutionalization of the System of Social Services and Alternative Care in the Slovak Republic' (the "DI Strategy") in November 2011. The DI Strategy was later followed by the 'National Action Plan for the transition from institutional to community-based care in the social services system 2012–2015' and the 'National Action Plan for the transition from institutional to community-based care in the social services system 2016 – 2020' (the "DI Action Plans")⁵⁴.

As to the figures of children in residential care, in 2016, 37.4% of children in alternative care were placed in residential care⁵⁵. However, during the past recent years the number of children placed in children's home has seen a constant rise, and regrettably the occupancy level still oscillates between 98.56% (2013) and 93.26% (2019)⁵⁶. The latest official available data show that on 31 December 2018 there were a total of 94 children's homes with a capacity of 4,969 places housing 4,495 minor children under 18 years of age and 252 young adults over 18 years of age. Since 2013, the capacity of children's homes has increased by 100 places (approximately by 2%). Among all these figures, it is positive to see that according to the official data the average length of stay of a child in an children's home shows a decline – albeit slow – in the last years: whilst on 31 December 2013 the average length of stay was 4.58 years, at the end of 2019 it was 3.61 years⁵⁷.

With the significant changes introduced in 2018 to **Act No. 305/2005 Coll. on the social and legal protection of children and social guardianship** the type of measures in support of the child and his or her family were expanded,

⁵¹ See note 14, para. 108-109.

⁵² Moravkova Silvia, 2018, Identification of the benefit of care about children in professional families in the Slovak Republic.

⁵³ Information provided by the ISS local contact (at the Slovak Ministry of Labour, Social Affairs and Family).

⁵⁴ Lerch, Véronique and Nordenmark Severinsson, Anna (2019). "Target Group Discussion Paper on Children in Alternative Care", Feasibility Study for a Child Guarantee (FSCG), Brussels: European Commission, p. 61.

⁵⁵ Idem, p. 19.

⁵⁶ See note 38, pp. 13-14.

⁵⁷ See note 38, p. 13; see also: <https://www.employment.gov.sk/sk/ministerstvo/vyskum-oblasti-prace-socialnych-veci-institut-socialnej-politiky/spravy-socialnej-situacii-obyvateľstva/rok-2020.html> (only in Slovak).



also in light of the continued efforts to advance with the DI process⁵⁸. It is now possible to choose and apply new measures depending on the situation of the child, while fully abiding by the domestic legal provisions on the need of choosing the institutional care as last resort. As of 1 January 2019, new types of facilities (i.e. **Centres for Children and Families**) were established to replace the existing children's homes, crisis centres and resocialisation centres with the aim of providing additional forms of professional assistance services for vulnerable children and high-risk families⁵⁹.

The new **Centres for Children and Families** can be set up for several purposes to comply with the measures imposed by the Court (urgent measures, educational measures or measures to prevent the occurrence and recurrence of critical situations of the child in the natural family/alternative care setting or of child trafficking as well as any type of abuses). As explained by ISS local contact, the Centres create conditions to employ professional methods of work with the child and the parents/carers (e.g. skills training related to providing care for a child with special needs), who are required to stay and live in the centre for a certain period of time.

Furthermore, these new facilities offer, inter alia, the possibility of the so-called voluntary stay of children and children with parents⁶⁰. Finally, the principles of equal treatment and non-discrimination should be the guiding principles in any action taken by professionals who are constantly trained to apply these principles⁶¹.

Despite the legal prohibition of institutionalisation of children under 6 years of age, the latter contains an exception for children with disabilities. In fact, these children can be institutionalised regardless of their age.⁶²

In 2019 there were 639 children who were assessed as requiring institutional form of alternative care due to their disability. This number seems quite constant, since in 2018 there were 763 children; in 2017 there were 755 children younger 6 years of age assessed as requiring institutional care, whereas in 2016 and 2015 there were respectively 814 and 815 children with severe disabilities placed in children's home. In 2012, when the legal prohibition of institutionalising children younger than 6 years of age came into force, there were 696 children⁶³.

On a positive note, the Slovak governments has worked in the last years in increasing the participation of children in residential care pursuant to the latest Concluding Recommendations of the CRC (2016)⁶⁴. Children in the Centres for Children and Families must be involved in the decision-making process and should express their opinion, especially in the direction of co-decision about themselves, activities, running and intentions of a professional substitute family. Besides, several child-friendly mechanisms (such as Ombudswoman, the Commissioner for Children, the Commissioner for Persons with Disabilities, the Slovak National Centre for Human Rights, the prosecutor, the judge, the body of social and legal protection of children and families, self-help groups, peer groups) for the children placed in institutional care have been established, whose role is, inter alia, hearing children and resolving children's complaints⁶⁵. Moreover, the Centres for Children and Families (CCF) actively use various criteria in the selection procedures for employees, such as knowledge of the language of the national minority, ethnicity in order to facilitate the communication with the child⁶⁶.

Leaving care

The facilities where children live offer a comprehensive assistance and support to young care leavers, in terms of practical training and psychological support. The social work plan to prepare care leavers to independent life is drawn up at least one year before the child reaches the age of majority. According to the sixth periodic report of the Committee "To facilitate the gaining of independence for a child or young adult, facilities cooperate with state and

⁵⁸ See note 14, para 92, p. 49.

⁵⁹ See note 28, para. 50, p. 20.

⁶⁰ See note 14, para 92, p. 49.

⁶¹ See note 14, para 51, p. 20.

⁶² European Union Agency for Fundamental Rights (FRA), 2018, From institutions to community living: drivers and barriers of deinstitutionalisation, Case study report: Slovakia, p. 43.

⁶³ See note 54, p. 13.

⁶⁴ CRC, Concluding Observations on the combined third to fifth periodic reports of Slovakia, CRC/C/SVK/CO/3-5, para. 19, p. 5.

⁶⁵ See note 14, 2020, para. 91. Although, according to the ISS local expert, the child's disability alone cannot be a reason for placing a child in an institution.

⁶⁶ See note 13, 2020, para. 91.



non-state institutions and prepare and complete various programmes, career workshops for students graduating from secondary/higher education, which prepare them for competition procedures, writing a CV, etc. Also programmes focused on financial literacy, but also independence in communication with various institutions and organizations”⁶⁷. Care leavers receive an allowance by the facility centre which can be paid in kind, in financial form or in a combined form as well as housing support in the form of sublease or supported housing in facilities designed for this. They also receive support in the possibility of acquiring their own property. Recently the government has introduced a new support tool: a contribution from the municipality. The municipality, as well as the facility, provide an allowance for independence to those young adults who are entitled to an allowance to facilitate independence in the centre, in the amount of 30% of this allowance⁶⁸.

In addition, the Centre for Children and Families’ competences for the provision of social counselling to young adults after the end of substitute care (including foster care) have been extended, thus significantly expanding possibilities of providing professional assistance to care leavers after the end of any form of substitute care⁶⁹.

According to the latest official available data (2020), the number of children leaving children's homes due to reaching the age of majority decreased, compared to the previous period the State had to report to the CRC⁷⁰.

As a last remark, during the Covid-19 pandemic, it was noted in the study carried out by Eurochild (2020) that the government’s support was inadequate as it did not introduce special measures to address the needs of young people ageing out of care. Mental health problems and depression caused by uncertainty increased among young people, and yet no adequate support was provided⁷¹.

ISS/IRC COMMENTS

ISS/IRC welcomes the efforts made by the Slovak government to improve the situation of vulnerable children and families at risk of separation by amending domestic legislation that provides support for community services and contributes to identifying families with children at social risk and expanding the different types of assistance.

With regard to alternative care options, ISS/IRC congratulates Slovakia for enhancing the foster care system thanks to a system of financial incentives, and it welcomes the introduction of the figure of professional families that provides a family-type interim placement until a more permanent solution is found. In addition, ISS/IRC looks favourably at the efforts made by the Slovak government to support care leavers to independent living and ensure that they have access to basic services after aging out of the alternative care system.

Nonetheless, ISS/IRC is concerned that such services are not available throughout the country and efforts should be continued to prevent unnecessary separation regardless the geographical location of vulnerable families and to further support those families by targeted and specialised support (such as financial allowances as well as further development and deployment of family counselling centres to socially disadvantaged areas).

Despite some positive experiences, the country should expand the programmes to promote positive parenthood, education, family networks development, partnerships, etc. Such programmes could help build the abilities and self-respect of the parent, assure their long-term employability, and improve the child’s development and welfare.

In addition, there is a need for more preventive measures that avoid placement of children alternative care and especially in institutions. Empirical evidence suggests that more than half of children in institutions would return to their families if those families received adequate support⁷². The country should increase financial resources to the DI

⁶⁷ See note 28, para 56, p. 23.

⁶⁸ See note 14, para 105.

⁶⁹ See note 14, para 91.

⁷⁰ See note 14, p. 17.

⁷¹ See note 16, p. 8.

⁷² See note 52, p. 30-31.



process with a specific focus on children with disabilities, and accelerate implementation of DI plans and measures, but also pay significantly more attention to social work and family/psychological counselling as preventive measures that can limit alternative care to children in actual need of care.

It is positive to see the actions undertaken by the Slovak government to improve the quality of care of residential centres and create more child-friendly centres, the process of pursuing individualised care and of building a system that meets international quality criteria. However, the labelling of children in care is problematic and a derogatory discourse about Roma children still persists to a significant extent, as illustrated by Caritas Slovakia⁷³.

Further, specific efforts must be provided to reduce the proportion of Roma children and children with disabilities placed in institutions, since they still represent a majority. With this end in view, the Committee on the Rights of the Child recommended carrying out awareness-raising and educational activities in order to eliminate negative stereotypes in society about Roma children and increase their chances of being adopted by families within the country, and also to “prioritize the hiring of Roma professionals and the use of the Roma language in addition to Slovak in children’s homes, maintaining the ethnic identity of individual children and increasing cultural sensitivity towards all children in children’s homes”⁷⁴. While the positive change in the way Roma population is perceived is a difficult task, it is one that is essential for the overall interests of the child protection and alternative care system. Less discrimination against them and more help can contribute to preventing family breakdowns thereby reducing the number of children entering alternative care.

With specific reference to children with disabilities, paradoxically, the law does not protect the most vulnerable children as they can and are institutionalised regardless of their age, thus creating the basis for their long-term institutionalisation. Thus, regardless of the progresses just mentioned in the context of DI, slow progresses have been made regarding children with disabilities. In addition to that, after gaining maturity these children usually go to social services institutions where their conditions largely deteriorate, thus creating a long-term/lifelong segregation. In its Concluding Observations on the initial report of Slovakia the UN Committee on the Rights of Persons with Disabilities (date) expressed its deep concern “about the number of children with disabilities living in institutions, especially those with intellectual disabilities” and urged Slovakia “to prevent any new placement of children with disabilities in institutions, and to introduce an action plan with a clear timetable for its implementation and budget allocations to ensure the full deinstitutionalization of children with disabilities from all residential services and their transition from institutions into the community”⁷⁵. Similarly, the UN Committee on the Rights of the Child in its latest 2020 Concluding Observations regarding Slovakia expressly recommended that the Government to amend the domestic law⁷⁶ to prohibit the institutionalisation of children with disabilities under the age of 6 and to prioritise family and community care and fully commit to the implementation of the “deinstitutionalisation policy” to ensure that children with disabilities no longer live in segregated institutional settings⁷⁷.

Finally, it has also been pointed out by some researchers⁷⁸ that despite the financial and infrastructural transformation process initiated, there has been no real change or only minimal change to staffing and conceptual approaches within the care system. It is therefore essential to ensure systematic training of professionals working in the residential and foster care systems in order to create a real shift towards a human rights’ child-centered regulations and policies in the care system.

⁷³ See note 9 (Caritas).

⁷⁴ See note 64, para. 19 (b), 35 (g) & 37(f).

⁷⁵ Committee on the Rights of Persons with Disabilities, 2016, Concluding Observations to the Initial Report of Slovakia, [CRPD/C/SVK/CO/1](#), paras. 23 and 24, p. 3. See also para. 63 and 64, p. 7.

⁷⁶ Act no. 305/2005 Coll., on social and legal protection of children and on social guardianship.

⁷⁷ See note 64, para. 37 (c) and (d).

⁷⁸ Scottish Journal Residential Child Care, 2015, “Closer to children and families: Benefits and costs of improvements to children’s residential care in Slovakia”



C. Adoption

The Slovak Republic is both a country of origin and a receiving country, but remains more a country of origin. Thus, it is in the latter's perspective that its adoption system is analysed below.

Moreover, the Republic of Slovakia only cooperates with other Contracting States to the 1993 Hague Convention. In this spirit, bilateral agreements aiming at establishing a framework for co-operation in intercountry adoption have been concluded with the following receiving countries: Andorra (2014), Belgium (2018), France (2015), Italy (2003, renewed in 2019), The Netherlands (2020, currently suspended due to the decision of the Dutch government), Monaco (2009), Portugal (2014), Republic of Malta (2014), San Marino (2015), Sweden (2009 – however there is no current active cooperation with Sweden)⁷⁹.

Nota Bene: The Republic of Slovakia has not changed its procedures during to the Covid-19 pandemic.

THEMES	INFORMATION
CENTRAL/ COMPETENT AUTHORITY	<p>Centrum pre medzinárodnoprávnú ochranu detí a mládeže (The Centre for the International Legal Protection of Children and Youth) (hereinafter "CIPC")</p> <p>Špitálska 8 P.O.Box 57 814 99 Bratislava Slovak Republic</p> <p>Tel.: +421 2 2045 8200; +421 2 2045 8201 Email: info@cipc.gov.sk Website: http://www.cipc.gov.sk</p> <p><u>Contact Person:</u></p> <p>Edita Pfundtner Tel.: +421 2 2045 8205 Email: edita.pfundtner@cipc.gov.sk languages of communication: Slovak, Hungarian, Czech, English</p> <p style="text-align: right;"><i>Source:</i> HCCH Authorities.</p>
FULL/ SIMPLE ADOPTION	<p>Only full adoption exists in the Slovak Republic. Simple adoption is not permitted. An adoption establishes the same relationship between the adoptive parent and the adopted child as it is between the biological parents and their children.</p> <p style="text-align: right;"><i>Source:</i> HCCH Country Profile, Art 97 of the Act. 36/2005 Coll on the Family .</p>
SUBSIDIARITY PRINCIPLE	<p>Statistics show that domestic adoption is more developed than intercountry adoption (see below).</p> <p>At the procedural level, once a child has been declared adoptable by a Slovak court, he is included in the register of children in need of alternative protection. Act No. 305/2005 specifies the need to respect the principle of subsidiarity and provides for a six-month period during which the designated Offices of Labour, Social Affairs and Family and accredited bodies should make an effort to find a suitable substitute family for the child. An adoptive family is preferably sought in the administrative region of the child's residence, and subsequently, if necessary, across the Slovak territory. If it proves impossible to establish personal contact between the child and a</p>

⁷⁹ The Centre for the International Legal Protection of Children and Youth, [2020 Annual Activity Report](#), p. 23-24.

	<p>prospective adoptive parent residing in the country, the local Offices of Labour, Social Affairs and Family confirm in each individual case that it was not possible to place the child in a family in the country of origin and thus the intercountry adoption is in the best interest of the child. Subsequently, a file is opened for an intercountry adoption, and is submitted to the CIPC, which tries to find a suitable family for the child within the list of applicants from abroad.</p> <p><i>Source: Second Periodic Report of the Slovak Republic; Act N° 305/2005, art. 4 letter b; Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</i></p>
<p>CHILD ADOPTABILITY</p>	<p>The authority responsible for declaring the adoptability of a child is Slovak district court.</p> <p>The court decides that the child is adoptable, if one of the following situations occurs:</p> <ol style="list-style-type: none"> a) the parents of the child have not shown true interest in the child during a period of at least six months, particularly they have not visited him, have not regularly and voluntarily fulfilled their maintenance obligation towards the child and they have not made any effort to adjust their family and social conditions in such way so that they can take over the care of the minor child, if no serious obstacle has prevented them from doing so, b) the parents of the child have not shown any interest in the child during a period of at least two months right after the birth of the child, if no serious obstacle has prevented them from doing so, c) the mother has requested for a secret childbirth and has not shown any interest in the child for at least two months after the birth of the child, d) the parents of the child have given prior consent to the adoption with no regard to any specific adopters. <p>Only minors may be adopted, if adoption is in their best interests. Almost all children likely to be adopted by foreign families are of Roma origin, usually between 3 and 5 years old or have a slight health problem or a delay in psychomotor development.</p> <p>Adoptable children suitable for intercountry adoption are registered by the CIPC, which also keeps a list of prospective adoptive parents (PAPs).</p> <p>Once a child is declared adoptable, he/she will receive a "general preparation" which consists of psychological and social counselling. At this stage, the child is acknowledged of a possibility of being adopted, what adoption is, what are the consequences of adoption, etc.</p> <p><i>Source: French MAJ; Family Act, arts 44-45, Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</i></p>
<p>SPECIAL NEEDS CHILDREN</p>	<p>Significant number of adoptable children are children with special needs. According to the CIPC, there are three categories of children with special needs:</p> <ol style="list-style-type: none"> 1. all children with some handicap or other health problems (mostly ADHD, FAS, children of drug addicted mothers); 2. children older than 6 years of age; 3. groups of siblings. <p>The CIPC may prepare an "information list" of the child with special needs providing information of the age, health status and personality of the child. Afterwards this "information list" is forwarded by the CIPC to partner receiving countries with a request for help in searching for a suitable family for the child.</p>



	<p><i>Source: HCCH Country Profile; Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</i></p>
<p>PROSPECTIVE ADOPTIVE PARENTS</p>	<p>Prospective adoptive parents must be at least 18 years old and be in possession of their full legal rights. As to the age difference between the adopted child and his adoptive parents, Slovak law recommends simply that it be adequate. According to the French MAI and to the responses given to the HCCH Questionnaire prepared for the Special Commission meeting in 2021, it seems that, the Slovak authorities are reluctant to accept applicants for adoption who are older than 50 years. According to the information received by CIPC, applications from all applicants are accepted regardless the age of applicants, but the Commission in charge of the matching procedure will also take into consideration, among other criteria, the age of applicants. Finally, an age difference between the adopter and the child corresponding, according to Slovak case law, to the usual difference between parents and children in a biological family is required.</p> <p>Prospective adoptive parents must be permanent residents of a Contracting State to the 1993 Hague Convention.</p> <p>Married heterosexual couples may adopt a child. Exceptionally, a single person may adopt a child, if otherwise the requirements are met that the adoption is in the best interest of the child. A referendum in February 2015 on adoption by same-sex couples failed due to a very low turnout, thus not providing any resolution on this issue and leaving the ban intact.</p> <p style="text-align: right;"><i>Sources: HCCH Country Profile ; French MAI ; ‘Slovakia Referendum on Gay-Adoption Ban Fails’, The Wall Street Journal, 8 February 2015, http://www.wsj.com/articles/slovakia-referendum-on-gay-adoption-ban-fails-1423355269.</i></p>
<p>CONSENTS</p>	<p>The consent of the child’s biological parents is compulsory. A minor parent has the same right to give the consent as an adult parent. The local social authorities inform the parents/tutors about the consequences of an adoption. The consent must be given at the court.</p> <p>The consent of the biological parents is not required if:</p> <ol style="list-style-type: none"> a) the parents of the child have not shown true interest in the child during a period of at least six months, particularly they have not visited him, have not regularly and voluntarily fulfilled their maintenance obligation towards the child and they have not made any effort to adjust their family and social conditions in such way so that they can take over the care of the minor child, if no serious obstacle has prevented them from doing so, b) the parents of the child have not shown any interest in the child during a period of at least two months right after the birth of the child, if no serious obstacle has prevented them from doing so, c) the mother has requested for a secret childbirth and has not shown any interest in the child for at least two months after the birth of the child, d) the parents of the child have given prior consent to the adoption with no regard to any specific adopters, e) the parents have died, are not known, have been deprived of parental responsibility, have been deprived of their legal capacity or are unable to assess the consequences of the adoption. <p>In abovementioned case the consent is given by the legal guardian of the child.</p> <p>If the minor is able to assess the impact of the adoption, his or her consent is also required (no age requirement).</p> <p>The consent of the Ministry of Labour, Social Affairs and Family of the Slovak Republic or of a public authority designated by the latter (currently the CIPC) is also required.</p>

<p>PROCEDURE</p>	<p>PAP's File Prospective adoptive parents must prepare a complete file that includes numerous administrative documents. For a complete list of such documents, see the HCCH Country Profile coupled with the response to the HCCH Questionnaire 2021. Furthermore, the Slovak Authorities have specific demands in relation to the contents of the application files that they receive, and that they wish for data to be included and submitted about the couple's story, possibly their medical history and the extended family's environment. If this information does not appear in the social report, it is important to mention it in their motivation letter.</p> <p>The report on PAPs cannot be older than 6 months before received by the CIPC and it must be valid in accordance with the legal prescriptions of the receiving state. When the report expires, a new report should be sent by the receiving state. Otherwise, the report (while being still valid according to legal prescriptions of the receiving state) must be updated once a year, or whenever any important change in the life of PAPs occurs.</p> <p style="text-align: right;"><i>Sources:</i> Second Periodic Report of the Slovak Republic to the Committee on the Rights of the Child; French MAI; Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</p>
<p>MATCHING</p>	<p>The matching procedure is divided into two steps. A team of experts is responsible for the pre-selection of the most suitable PAP's for the particular child. The commission specifies the order of the most suitable PAP's.</p> <p>The CIPC keeps a register of adoptable children, as well as a list of prospective adoptive parents. It proceeds with the matching on the basis of these lists, and then sends the child's file to the family it has selected for him.</p> <p>The applicants are obliged to inform the CIPC about the acceptance or refusal of the proposed child within six weeks.</p> <p>If after having studied the file, the applicants refuse the child, the CIPC shall assess the justification of their refusal on the basis of their explanation and the opinion of the Central Authority or the accredited body of the receiving state. In this case and if the reasons for the refusal seem justified, the CIPC may make a second proposal of a child. Failing this, the applicant's file will be returned.</p> <p>In the event of the acceptance of the child by the applicants, prospective adoptive parents must transmit to the CIPC the name of their attorney who will represent them before the competent Slovak court as well as the power of attorney that they will have signed.</p> <p>Only after the matching and obtaining agreements according the Article 17 of the Convention the PAPs may travel to Slovakia and meet the child.</p> <p>After the matching decision is made and consents under Article 17 of the Convention are given - that means the specific PAPs are already known and the competent authorities agreed that the adoption may proceed – the child is given the second part of his/her preparation to the adoption, the so-called “specific preparation”. At this stage, the bodies responsible for the preparation of the child have already more detailed information about the PAPs (like information about their home environment, their photographs, DVD record, etc.) and they provide the child with this</p>

	<p>information in appropriate way. The preparation is done preferably by a psychologist of the children's home, where the child is placed.</p> <p>The PAPs have to come to the children's home, where the child is placed, meet the child and then, usually after first few days, they have to take over the care of the child and take the child in their rented apartment in Slovakia. The period of socialisation with the child – called interaction – lasts 14 days (if the child is less than three years old at the time of the adopters' arrival to Slovakia) or 21 days (if it involves a group of siblings (or 2 children adopted simultaneously) or children over 3 years of age) and takes place before the date set for the court hearing. At this stage, the PAPs cannot leave Slovakia with the child at any circumstances. The family must be accompanied by an interpreter when they visit the children's home.</p> <p style="text-align: right;"><i>Source: HCCH Country Profile ; French MAI.</i></p>
<p>PROBATIONARY PERIOD</p>	<p>The applicants must file the application for the placement of the child with a view to adoption in the home of the adoptive parents. This is, initially, a pre-adoption placement court order, through which the judge authorises the child's departure with PAPs for the period of his pre-adoption placement. The child must be in the care of the future adoptive parents for at least nine months before the decision on final adoption can be made by the court.</p> <p>The attorney informs the adoptive parents of the date set for the court hearing and the CIPC grants them the authorization for their meeting with the child in the respective children's home and specifies the modalities of this meeting.</p> <p>The integration of the child in the new family environment in receiving state shall be monitored by the means of social reports on the child. The frequency of the social reports depends on the agreement between the Central Authorities, but usually is as follows:</p> <ol style="list-style-type: none"> a) the first report shall be delivered no later than one month after the child's arrival in the receiving state, b) the second and all subsequent reports shall be delivered regularly once every three months until the relevant court in the Slovak Republic gives a decision on adoption of the child.. <p style="text-align: right;"><i>Source: HCCH Country Profile ; French MAI</i></p>
<p>ADOPTION DECISION</p>	<p>Under the bilateral agreements concluded with the receiving countries, the final adoption proceedings take place at the competent court in Slovakia</p> <p>The applicants shall file the application for the final adoption no later than 18 months from the placement of the child in their pre-adoptive care.</p> <p>In accordance with the Slovak legislation, the adoption shall be revoked only on the basis of petition filed by the adoptee or adopter/s, but also without such a petition, no later than 6 months after its entry into force if the adoption is not in the best interest of the child.</p> <p style="text-align: right;"><i>Source: HCCH Country Profile ; French MAI; Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</i></p>
<p>NATIONALITY</p>	<p>The Slovak Republic recognises dual nationality. The child therefore keeps his Slovak nationality.</p> <p style="text-align: right;"><i>Source: HCCH Country Profile ; French MAI.</i></p>



<p>INTRAFAMILY ADOPTION</p>	<p>There are no specific guidelines or procedures for intrafamily adoptions.</p> <p>According to the Slovak law, it is not possible to adopt child by another biological family member (siblings or grandparents of the child). However Slovak law recognizes these situations with the institute of alternative personal care, which entails entrusting a child into the personal care of a natural person other than parents.</p> <p><i>Source:</i> HCCH Country Profile; Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</p>
<p>QUOTES</p>	<p>If necessary, and in accordance with the number of adoptable children, the CIPC sets a maximum number of files, which may be received from the other Contracting Parties. Since it generally receives many more files from prospective adoptive parents than it requires to meet the needs of adoptable children in the country, it regularly makes use of this option.</p> <p>However, according to the recent responses to the HCCH questionnaire prepared for the Special Commission meeting in 2021, the CIPC does not place any limit on the number of PAPs' files which are accepted from receiving States.</p> <p><i>Source:</i> Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</p>
<p>POST-ADOPTION FOLLOW-UP</p>	<p>Slovakia has a system of post-adoption reports to ensure the protection of children against trafficking, abductions, or sale. The frequency of the social reports after the judgement on irrevocable adoption becomes final depends on the agreement between the Central Authorities, but usually an annual report (until the child reaches the age of ten) or biannual report (after the child reaches the age of ten) is requested. According to the HCCH country profile, the CIPC, as state of origin, requires the post-adoption reports until the adoptee reaches adult age.</p> <p>Sources: Second Periodic Report of the Slovak Republic to the Committee on the Rights of the Child; Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</p>
<p>SEARCH OF ORIGINS</p>	<p>The local social authorities and local registry offices are the authorities responsible for keeping the adoption files and documentations.</p> <p>The documentation is kept at the CIPC for 10 years; at the National Archive without any time limit.</p> <p><i>Source:</i> HCCH Country Profile.</p>
<p>ADOPTION COSTS</p>	<p>According to the Slovak law the entire process of intercountry adoption is free of charge, including the court proceedings. Additionally, the CIPC provides free assistance in the whole process of the intercountry adoption, while the offices of labour, social affairs and family and children's homes provide social consultation services free of charge.</p> <p>The adoptive parents are only accountable for the costs of the services provided by the attorney and the interpreter as well as for their accommodation during their stay in Slovakia. According to the French OAA "Destinées", the translation and legalization fee amount to €3 870.</p> <p><i>Source:</i> French MAI; Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</p>

<p>ACCREDITED BODIES</p>	<p>No accredited bodies are used. The CIPC as the Central Authority performs the functions according the Articles 6 - 9 and 14 - 21 of the Convention.</p> <p>Private adoption is strictly forbidden in Slovakia and no application can be made directly to a local institution (crèche, orphanage, central authority...)</p> <p style="text-align: right;">Sources: French MAI; Slovak response to the QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021.</p>
<p>STATISTICS</p>	<p>Only a few children are annually placed in the pre-adoptive care or adopted abroad.</p> <p>In 2018, two children were adopted to Netherlands, two children to Monaco and one child to Malta. In 2019, only 3 children were adopted (one to the Netherlands and two to San Marino), whereas in 2020 only 2 Slovak children were adopted (one to France and one to San Marino).</p> <p>In 2020, the CIPC received 6 new applications, 1 from Belgium, 3 from Malta and 2 from Italy. The total number of intercountry adoption applications at the end of 2020 were 23: Belgium (1), Malta (10), France (3), Italy (2), Monaco (3), Portugal (1), San Marino (3). In the same year, only 2 children were placed pre-adoptive care by a Slovak court.</p> <p style="text-align: right;">Sources: CIPC's 2020 Annual Activity Report; CIPC's 2019 Annual Activity Report; HCCH Statistics; Intercountry adoption: New home, new life', The Slovak Spectator, 12 August 2013.</p>

ISS/IRC COMMENTS

ISS/IRC notes with satisfaction that, in 2001, the Slovak Republic ratified the 1993 Hague Convention on Intercountry Adoption and that the main international adoption standards, particularly the double principle of subsidiarity, appear to be rather well respected in law and in practice. Hence, most adoptions processed in Slovakia are domestic. Because Slovak children are more likely to be adopted domestically, intercountry adoption levels are fairly low.

ISS/IRC also welcomes the initiative of stipulating bilateral agreements with other contracting States by thus increasing the guarantees that an intercountry adoption would be in the best interest of the child and respectful of the rights of children, biological and adoptive parents. It is also pleased with the thorough preparation of adoptable children in two steps that the Republic of Slovak has in place as well as the reversed flows for children with disabilities. Moreover, it notes with appreciation the right of the child to express his/her views has been reflected in several adopted provisions including regarding adoption.

Finally, ISS/IRC appreciates the decision of preserving the information of adopted children without time limit facilitating in this way possible future searches for origins

However, despite the reassurance by the Slovak Central Authority to act on the basis of the principle of non-discrimination, it seems that Roma children are still subjected to discrimination in the course of the adoption procedure, and that it is extremely difficult to find a family for them in the Slovak Republic. Hence, additional work needs to be done to combat stereotypes that surround the adoption of these children and to promote their care at national level. Greater efforts also need to be made to ensure that Roma children are not being exclusively placed in institutions and that they are able to benefit from family-type alternative care options like foster care and adoption.

Furthermore, while it is positive that the country foresees a probationary period, the length of 9-12 months might be an issue given that the child could find him or herself in a situation of legal limbo. In light of such long period, it would be important to clarify the safeguards in place to ensure the child's well-being and harmonious integration in his/her new family (e.g. regular visits of social worker/psychologist, communication between States in case the pre-adoption order takes place in the receiving State) and to foresee protocols/rules to prevent and address difficulties during this period.



LEGISLATION

A. International and regional Instruments

INTERNATIONAL INSTRUMENTS	Signature (S) / Ratification (R) / Accession (A) / In Force (F)
United Nations Convention on the Rights of the Child (1989)	28 May 1993 (r)*
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	25 June 2004 (r)
Optional Protocol to the Convention on the Rights of the Child on a communications procedure	28 February 2012 (s)
Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993)	6 June 2001 (r) 1 October 2001 (f)
Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996)	21 September 2001 (r) 1st January 2002 (f)
2005 The Council of Europe Convention on Action against Trafficking in Human Beings	19 May 2006 (s) 27 March 2007 (r) 1st February 2008 (f)

* Czechoslovakia had signed and ratified the Convention on 30 September 1990 and 7 January 1991, respectively, with the following declaration in respect of article 7(1): "In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife on one hand and the donor on the other hand remain unknown to each other, the non-communication of a natural parent's name or natural parents' names to the child is not in contradiction with this provision".

B. Country legislation

LAW/REGULATION	Language
Act No. 36/2005 Coll. on the family and on the amendment of some laws as amended	In Slovak only
Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship	In Slovak only
Decree of the Ministry of Labor, Social Affairs and Family of the Slovak Republic no. 103/2018 Coll., which implements some provisions of Act No. 305/2005 Coll. on the social legal protection of	In Slovak only



children and on social guardianship and on the amendment of certain laws as amended	
Act No. 160/2015 Coll. Civil Dispute Code	In Slovak only
Act. No. 161/2015 Coll. Civil Non-dispute Code	In Slovak only
Act No. 97/1963 Coll. on Private and Private International Law and Procedure, as amended	In Slovak only
Act No. 300/2005 Coll. Criminal Code, as amended.	In Slovak only
Act No. 18/2018 on Personal Data Protection	In Slovak only

APPENDICES

A. Documents in the framework of the Committee on the Rights of the Child

Convention on the Rights of the Child

- Sixth Periodic Report: Slovak Republic, CRC/C/SVK/6, 2020
- Annex 1 to the Sixth Periodic Report of the Slovak Republic on the Implementation of the Convention on the Rights of the Child
- Annex 2 to the Sixth Periodic Report of the Slovak Republic on the Implementation of the Convention on the Rights of the Child
- Second Periodic Report: Slovak Republic, CRC/C/SVK/2, 21 September 2006
- Concluding Observations, [CRC/C/SVK/CO/3-5](#), 20 July 2016

Source: Committee on the Rights of the Child – including documents related to former sessions of the Committee: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=SVK&Lang=EN

B. Documents in the framework of the Committee on the Rights of Persons with Disabilities

Committee on the Rights of Persons with Disabilities

- Concluding Observations, [CRPD/C/SVK/CO/1](#), 16 May 2016

Source: Committee on the Rights of Persons with Disabilities – including documents related to former sessions of the Committee: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=SVK&Lang=EN

C. Other sources of information

- ❖ **U.S. Department of State**
http://travel.state.gov/family/adoption/country/country_446.html
Information on the adoption procedure.
- ❖ **Mission de l'adoption internationale (France)**
http://www.diplomatie.gouv.fr/fr/les-francais-etranger_1296/conseils-aux-familles_3104/adoption-internationale_2605/pays-origine_3233/fiches-pays_3895/slovaquie_38901.html



Information on the adoption procedure.

❖ **Questionnaire on the implementation of the 1993 Hague Convention**

http://www.hcch.net/upload/adop2005_sk.pdf

Replies of the Slovak Republic.

❖ **UNICEF National Committee**

<http://www.unicef.sk/>

❖ **National Action Plan for Children 2013-2017**

<https://www.employment.gov.sk/files/slovensky/ministerstvo/konzultacne-organy/rada-vlady-sr-ludske-prava-narodnostne-mensiny-rodovu-rovnost/vybor-deti-mladez/napd-eng.pdf>

❖ **Caritas Slovakia**

<https://www.caritas.org/where-caritas-work/europe/slovakia/>

Information on Roma children in Slovakia.

