

Children's right to identity in Slovakia*

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* This factsheet has not been reviewed by a local contact.

1 Creation of identity

Birth registration:

- 100 % children under 5 were registered in Slovakia in 2021. ¹ Birth registrations are free of charge. A fee is required for copies (EUR 5). ²

Abandoned children and anonymous births:

- Recent statistics about abandonment in Slovakia are difficult to find, so is updated information about the operation of baby boxes, which appears to continue. Only a 2012 study on abandonment in 22 countries offers some probably outdated information: at the time, Slovakia had the highest number of children (aged 0-3) who were openly abandoned (4.9 per 1,000 live births) and 23 infants had been left in baby hatches between 2004 and 2010. ³ It is worth mentioning that, in Slovakia, it is possible to leave a child anonymously at a hospital. ⁴

Prevention of abandonment and support to families:

- A helpline regarding pregnancy and abortion is available. ⁵ Since 1 January 2023, a reform of the counselling system has been introduced in Slovakia, in order to make support more accessible and provide more efficient and comprehensive counselling services: "The reform aims to facilitate the provision of services that respond to the needs of children, pupils, and families. Inclusive teams will receive methodical support, and they will be able to consult their practicing colleagues, cooperating with professionals from various backgrounds, including the healthcare sector". ⁶ In January 2023, the [Network of counselling and prevention centres](#) comprised 160 centres in the country, where under-age mothers can receive professional counselling and specific help and support.
- The government and private entities developed projects to help parents and therefore prevent family separation, including projects aimed at the Roma community. A project initiated by the Association for Culture, Education and Communication (ACEC) called Mission 1000 has been undertaken in the area of Spišská Nová Ves: 11 specialised Roma Health Mediators, midwives, help mothers from marginalised communities during their pregnancy and after childbirth, therefore highlighting the crucial first 1,000 days from conception to the age of 2 years. ⁷ [Reyn Slovakia](#) has also developed projects: "Striving to provide children in Slovak marginalised Roma communities with an optimal environment for their development, upbringing, and education, REYN Slovakia supports parents to improve and streamline their parenting skills, their parental competencies, and stimulates child's development from birth". ⁸

- There are various financial aids available to families ⁹ and the National Strategy for the Development of Coordinated Early Intervention Services and Early Care 2022-2030 for children under seven years old was adopted in 2022. ¹⁰ In line with the latter, social-legal protection bodies for children and social guardianship fulfil preventive tasks, particularly in situations where the child's parents are divorced or unable to resolve problems or conflicts in the family. ¹¹

- The Strategy for Equality, Inclusion and Participation of Roma until 2030 (Stratégia rovnosti, inklúzie a participácie Rómov do roku 2030) was approved by the Government of the Slovak Republic on 7 April 2021. Its goals include child/pupil support and family care, in particular the implementation of programmes and support by early care actors in the marginalised Roma communities focusing on parenting skills and family literacy. ¹²

Roma communities:

- According to a 2020 report, ¹³ Slovakia is the country with the highest regional disparities in the European Union, Roma and children from disadvantaged families continue to be the groups most at risk of social exclusion and Slovakia continues to segregate Roma children and children with disabilities in education". ¹⁴

Potential considerations:

- *How does the government intend to prevent the anonymous abandonment of children?*
- *How will the government ensure that families with children with disabilities are better supported?*
- *How will the government better include children from Roma communities?*

2 Modification of identity

Family separation:

- According to UNICEF, ¹⁵ in 2019, over 14,123 children were living in alternative care, with 5,428 in residential care and 8,695 in formal family-based care. According to a 2022 Eurochild report, ¹⁶ "families and households should be supported by a minimum income scheme to ensure financial barriers do not prevent children from attending schools or being separated from their families due to housing deprivation. Early childhood education and care is crucial for healthy development of children as well as a form of prevention of early leaving from education. Family centres should be expanded and focus on enhancing parents' skills and on offering other support to keep families and children together".

Family separation:

Despite the 2021 National Deinstitutionalisation Strategy,¹⁷ the report mentions that “the number of children separated from their families is not decreasing, and neither is the number of children in Child and Family Centres, despite the change in legislation that emphasises preventative and community work. Low involvement of local governments in the social protection of children also persists”.¹⁸ Furthermore, “the Coalition of Children Slovakia draws attention to the insufficient financing of early intervention services for children with disabilities, limited availability of services including crisis intervention services, and lack of support for children from socially disadvantaged communities”.¹⁹

Child marriage:

- Child marriages are prohibited. In exceptional cases, there may be exceptions for persons who are 16 years, but not yet 18, granted by a court order. However, marriages of girls under 16 are relatively frequent in Roma communities, although there is no available data.²⁰

Adoption:

- Slovakia is a Contracting State to the 1993 Convention on Inter-country Adoption. Recent data are difficult to find, but there seems to be very little inter-country adoptions in Slovakia (4 in 2014, latest available data).²¹

Surrogacy:

- Surrogacy is illegal in Slovakia. According to Article 82 of Slovakian Family Act (Act No 36/2005 Coll. on family and on amendments to certain acts), “the mother of the child is the woman who gave birth to the child and the system automatically registers the women who gave birth to the child as the mother of the child on the birth certificate of the child”.²² Despite the practice of surrogacy being prohibited, surrogates who are Slovakian are offering to carry children.²³

Humanitarian situation:

- There were 108,488 Ukrainian refugees in Slovakia in February 2023,²⁴ and three border crossing points from Ukraine to Slovakia, with no reported issues for stateless people, those at risk of statelessness, or undocumented people crossing the Slovak border, although some issues have been reported on the Ukrainian side.²⁵ Since February 2022, over one million people have crossed the borders into Slovakia from Ukraine, and around 100,000 registered for Temporary Protection in the country. With just over five million people residing in Slovakia before the beginning of the war, refugees now represent close to 2% of its population.²⁶ “Identification of the child and the person accompanying the child, as well as their relationship takes place directly at the border (...). In the case of the expressed will of the parent and the child, such a person may continue to travel with the child. The child's opinion is ascertained by interview. The parent's will is expressed in writing or by contact with the parent via telephone video call, as the most children are in constant contact with their parents through telephones and mobile applications. If the child is in the care of a relative or close person and that person requests custody from the court, the court will deal with the petition and decide, as a rule, designate the person as a guardian. In the Slovak Republic, it is not possible to entrust a child without parental care to families without a court decision and prior review of childcare conditions.

The Aliens Police or the Border Police shall contact the Department of Social and Legal Protection for Children and the Social Guardianship only if they find that the minor is not accompanied by a legal representative or other close person and is therefore in a life-threatening situation and the consequent need for immediate intervention by the Department of Social and Legal Protection for Children and the Social Guardianship (...). In the case that the minor child came to the territory of the Slovak Republic unaccompanied by a legal representative or another relative or close person (...), the child is placed in the Center for Children and Families, which provides comprehensive care for the child. At the same time, the court appoints a guardian for the child, the relevant Office of Labour, Social Affairs and Family, who represents the child in the acts, especially the legalization of the child's residence in the territory of the Slovak Republic through tolerated residence. (...) In the case of other relatives and close persons, (...), the bodies of social legal protection of children and social guardianship provide these persons with social counseling and assistance in order to file a petition with the competent court in the matter of appointing a guardian. In order to ensure urgent actions in the interest of the minor child, which cannot currently be performed by the parents, the competent court shall appoint a guardian, in particular to represent the parents in practical matters concerning e.g. health care for a (...) child, school visits, kindergarten, request for temporary refuge for a (...) child. Custody is decided by the competent court on the basis of the submitted application. In both cases, a guardian is appointed according to § 60 and 61 of The Family Act No. 36/200”.²⁷

Potential considerations:

- *How will the government continue to prevent unnecessary family separations and increase family-based care in order to preserve the children's identity in their family relations?*
- *How does the government ensure that the identity of children born from surrogacy is preserved?*
- *What are the government plans to continue protecting children from Ukraine, who have been separated from their parents and families?*

3 Falsification of identity

Sexual exploitation and trafficking:

- Statistics on the number of working children under the age of 15 in the Slovak Republic are unavailable. Humanium²⁸ mentions that girls from Slovakia are trafficked for the purpose of commercial sexual exploitation. The Ministry of Interior stated on 3 October 2023, that: “the amendment of the definition of the criminal offence of human trafficking stipulated in Article 179 of the Criminal Code introduced abduction as a new instrument and forced begging as a form of forced labour, and forced marriage as well as exploitation of criminal activities as new purposes”.²⁹ An Information Centre for Combating Human Trafficking and Crime Prevention was established³⁰ to provide assistance and support to victims of human trafficking.

Potential consideration:

- *What efforts are being made to prevent and criminalise the falsification of identity in child trafficking and sexual exploitation and to respond to such situations?*



4 Preservation of identity and access to origins

Access to origins in adoption:

- In accordance with the Slovak legislation and the HCCH 1993 Adoption Convention the Centre is authorized to provide the adoptee with the information that are gather in his/her adoption file and part of the counseling and preparation of PaP's is focused on the searching for adoptee's origin.³¹ Adoptive parents – if they so choose – may provide the child with information about the biological family, if this is in the child's best interest and both age thresholds depend on the child's maturity.³² The The Centre and relevant Offices of Labour, Social Affairs and Family are responsible for preserving information regarding the child's origins.³³ Information is kept for 10 years at the Central Authority and without any limit at the National Archive.³⁴ The French Government³⁵ specifies that "any adoptee over the age of 18 and, at any time, his or her adoptive parents, may submit a request to the Centre for the Legal Protection of Children for information on the child's origins, it being specified that, during the placement and adoption procedure, the potential parents have already had access to information on the child's biological family".

Potential consideration:

- What efforts are being made to ensure that all information related to the child's name, nationality and family relations is being preserved after adoption and that all adoptees can access this information?*

5 Restoration of identity

Late registration of births:

- The Act No. 154/1994 Coll. on Civil Registers does not mention retroactive birth registration. Copies can be obtained by a spouse, child, or another person by a Slovak Court order.³⁶

Potential consideration:

- What could the State do to allow retroactive birth registration?*

Sources:

¹ UNICEF. Birth registration data. Percentage of children under age 5 whose births are registered and percentage of children under age 1 whose births are registered. 2023.

<https://data.unicef.org/resources/dataset/percentage-children-age-5-whose-births-registered-sex-place-residence-household-wealth-quintile/>.

² Slovensko (2021). Birth. Family and relationship.

https://www.slovensko.sk/en/life-situation/life-situation/_birth/

³ Browne, Kevin. Child abandonment and its prevention. Daphne Foundation. Institute of Work, Health & Organisations, University of Nottingham.

<https://bettercarenetwork.org/sites/default/files/attachments/Child%20Abandonment%20and%20Its%20Prevention.pdf>.

⁴ Yoshida, K. (2013). Japanese Baby Hatches and Unmarried Mothers/Children Born Out of Wedlock - A Comparison with German Babyklappen and American Safe Haven Laws. *Ars Vivendi Journal*, (5), 25-41. [https://www.ritsumei-arsvi.org/uploads/publications_en/22/Yosihida_Paper\(formatted\).pdf](https://www.ritsumei-arsvi.org/uploads/publications_en/22/Yosihida_Paper(formatted).pdf).

⁵ FindAHelpline. Helplines in Slovakia for pregnancy & abortion.

<https://findahelpline.com/sk/topics/pregnancy-abortion>.

⁶ European Commission. Eurydice. Slovakia: Reform of the counselling system. <https://eurydice.eacea.ec.europa.eu/news/slovakia-reform-counselling-system>.

⁷ European Public Health Alliance (2022). Mission 1000: Midwives help with antenatal care and care of babies in Slovakia. <https://epha.org/mission-1000-midwives-help-with-antenatal-care-and-care-of-babies-in-slovakia/>.

⁸ Romani Early Years Network. (2021). Tag: REYN Slovakia. Importance of activities with Roma parents in Slovakia. <https://www.reyn.eu/tag/reyn-slovakia/>.

⁹ Ministry of Labour, Social Affairs and Family (n.d.). Financial Support of Families with Children. <https://www.mpsvr.sk/en/family-social-assistance/financial-support-families-children/>.

¹⁰ Ministry of Labour, Social Affairs and Family (2022). National Strategy Development of Coordinated Timely Services Intervention and Early Care 2022-2030. <https://www.employment.gov.sk/files/slovensky/rodina-socialna-pomoc/socialne-sluzby/ostatne/narodna-strategia-rozvoja-koordinovanych-sluzieb-vcasnej-intervencie-ranej-starostlivosti.pdf>.

¹¹ Ministry of Labour, Social Affairs and Family (n.d.). Social and legal protection of children. <https://www.mpsvr.sk/en/family-social-assistance/social-legal-protection-children/>.

¹² European Commission. Eurydice (2023). Ongoing reforms and policy developments. <https://eurydice.eacea.ec.europa.eu/national-education-systems/slovakia/ongoing-reforms-and-policy-developments>.

¹³ Kneuer, M., Bönker, F., Malova, D. (2020). Sustainable Governance Indicators 2020. Slovakia Report. https://www.sgi-network.org/docs/2020/country/SGI2020_Slovakia.pdf.

¹⁴ Ibid.

¹⁵ UNICEF & Eurochild (2019). Better data for better child protection systems in Europe. <https://eurochild.org/uploads/2022/02/Slovakia.pdf>.

¹⁶ Eurochild (2022). (In)visible children - Eurochild 2022 report on children in need across Europe.

<https://bettercarenetwork.org/sites/default/files/2023-02/invisible-children-eurochild-2022-report-on-children-in-need-across-europe.pdf>.

¹⁷ Ministry of Labour, Social Affairs and Family (2021) National Strategy of Deinstitutionalisation System of Social Services and Substitute Care. <https://www.employment.gov.sk/files/slovensky/rodina-socialna-pomoc/socialne-sluzby/narodna-strategia-deinstitucionalizacie-systemu-socialnych-sluzieb-nahradnej-starostlivosti-2021.pdf>.

¹⁸ Eurochild (2022). *Supra* 16.

¹⁹ Ibid.

²⁰ Girls Not Brides (n.d.). Slovakia. <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/slovakia/#:~:text=Ethnicity%3A%20It%20has%20been%20reported,parents%2Fguardians%20for%20financial%20gain>.

²¹ HCCH. Annual adoption statistics for States of origin: Slovakia. <https://assets.hcch.net/docs/d6dc3e40-1e5b-4651-88c8-85b2c878b00c.pdf>.

²² Jezova, D. (Dr) (n.d.), Surrogacy in Slovakia. <https://www.jezova.sk/en/nahradne-materstvo.html>.

²³ Find Surrogate Mother.

<https://www.findsurrogatemother.com/surrogate-mothers/slovakia>.

²⁴ UNICEF (2023). Slovakia: Humanitarian Response for Children and Refugee Families Outside of Ukraine - One Year of UNICEF Response (24 February 2022 - 24 February 2023).

<https://reliefweb.int/report/slovakia/slovakia-humanitarian-response-children-and-refugee-families-outside-ukraine-one-year-unicef-response-24-february-2022-24-february-2023>.

²⁵ European network on Statelessness (2022). Slovakia: Information for stateless people and those at risk of statelessness fleeing Ukraine, European network on Statelessness,

https://www.statelessness.eu/sites/default/files/2022-05/ENS_Country_briefing-Slovakia.pdf.

²⁶ UNICEF (n.d.). UNICEF Emergency Response Office in Slovakia.

<https://www.unicef.org/eca/unicef-emergency-response-office-slovakia>.

²⁷ UNICEF & Eurochild (n.d.). Policy & Legal review for children in alternative care & unaccompanied and separated children from Ukraine arriving in: Slovakia. <https://eurochild.org/uploads/2022/05/Slovakia-SK-country-profile-for-Alt-Care-and-UASC-for-Ukrainian-children.pdf>.

²⁸ Humanium (n.d.). Children of Slovakia. Realizing Children's Rights in Slovakia. <https://www.humanium.org/en/slovakia/>.



²⁹ Ministry of Interior (n.d.). Current situation in the field of combating Trafficking in Human Beings in Slovakia. <https://www.minv.sk/?current-situation-in-the-field-of-combating-trafficking-in-human-beings-in-slovakia>.

³⁰ Ministry of Interior (n.d.). Information Centre for Combating Trafficking in Human Beings and for Crime Prevention. <https://www.minv.sk/?information-centre-for-combating-trafficking-in-human-beings-and-for-crime-prevention>.

³¹ HCCH. Questionnaire on the practical operation of the 1993 adoption convention Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021. <https://assets.hcch.net/docs/Oa46d20a-6944-4170-b540-0267d1949aac.pdf>.

³² European Union Agency for Fundamental Rights (2017). Mapping minimum age requirements concerning the rights of the child in the EU. <https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements-concerning-rights-child-eu/accessing-adoption-files-and-information-biological-family>.

³³ HCCH. Supra 31.

³⁴ HCCH. Country Profile. 2016. <https://assets.hcch.net/docs/eeee1195-f250-4889-b3f4-3883ac5d29c0.pdf>.

³⁵ France Diplomatie. Adopter à l'étranger. Slovaquie. <https://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/le-processus-de-l-adoption-internationale/le-choix-du-pays-d-origine/pays-a-adoption/article/adoption-en-slovaquie#:~:text=La%20loi%20n%202022,d%C3%A9marche%20individuelle%20ont%20d%C3%A9sormais%20prohib%C3%A9es>.

³⁶ Consortium for Street Children. (2020). Slovak Republic. <https://www.streetchildren.org/legal-atlas/map/slovak-republic/legal-identity/can-a-child-obtain-retroactive-or-replacement-birth-registration-documents>.

