GUIDE: Supporting Guardians of Unaccompanied Children

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Assessment of national capacity on the types of support provided to guardians of unaccompanied migrant children – Report

Slovakia

D4.1

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In memory of Mr Khalil Cambron (Eurochild), whose work and dedication greatly contributed to the creation of this report. Khalil led the early stages of research, bringing valuable insight to the process. He also developed key methodological tools and contributed to shaping the project's training content. His commitment to children's rights and inclusive policy development remains an inspiration.

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Executive summary

This report provides a comprehensive assessment of Slovakia's guardianship system and its capacity to support guardians of unaccompanied migrant children (UAM), with a specific focus on children with disabilities. The report forms part of the GUIDE project (Grant Agreement No. 101141170), co-funded by the EU, and is based on a literature review, stakeholder interviews, and focus groups conducted in 2024.

Part I – Policy and Legal Frameworks

Slovakia has a legally defined guardianship system for UAMs governed by several national laws (e.g., Act No. 305/2005 Coll., Family Act, Asylum Act), in alignment with international conventions such as the United Nations Convention on the Rights of the Child (UN CRC). A formal identification and guardianship procedure exists for UAMs, including court-appointed guardians, accommodation in Centres for Children and Families, and access to basic care and education.

However, the legislative framework lacks recognition of "separated children" and has not adapted in response to the war in Ukraine. In practice, delays in guardian appointments, weak oversight, and fragmented service provision prevail. Many children, particularly from Ukraine, remain outside the formal system due to legal gaps and procedural inconsistencies.

Part II: State of Play of Services for Guardians

Guardians in Slovakia, primarily from the Office of Labour, Social Affairs and Family (OLSaF), are overloaded, undertrained, and unsupported. Although legislation provides UAM with the same rights as Slovak children, services for them, particularly for children with disabilities, are inadequate, inconsistent, and largely non-functional in practice.

Key barriers include:

- No identification or tracking of disability status among UAMs.
- Limited access to early intervention, inclusive education, and psychological support.
- No specialised training or structured support for guardians, despite legal entitlement under §55 of Act No. 448/2008 Coll.
- Overreliance on NGOs, which operate on temporary, underfunded projects, without systemic integration or sustainability.

Part III: Key Findings from Capacity Assessment

The report identified the following critical challenges and limitations in Slovakia's guardianship system, based on stakeholder input and system review:

- Guardianship modality is limited to one rigid, state-administered form (OLSaF), with no alternative models (e.g., NGO or community-based guardians).
- Guardian appointment is delayed and inconsistent, particularly in high-pressure regions.

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- Guardians are underprepared, with no specialised training in trauma, disability, or supported decision-making.
- Monitoring and evaluation are absent; once appointed, guardian performance is not reviewed.
- Children with disabilities are invisible in the system, due to a lack of diagnosis, data, and targeted care.
- Coordination across sectors is missing; ministries operate in silos with no case management or central oversight.
- Support services are either non-existent or delivered in fragmented, unsustainable ways by NGOs.

Conclusion and Outlook

The Slovak guardianship system functions on a formal level but fails in practical execution, especially for UAMs with disabilities. Without investment in diversified guardianship models, mandatory training, and systemic support, the system remains unfit to respond to increasing needs.

Immediate Steps:

- Convene a national roundtable with key stakeholders to address urgent needs, especially regarding disability-sensitive care.
- Map existing gaps and practices through consultations.
- Establish cross-ministerial coordination.

Long-Term Steps:

- Develop diversified guardianship models beyond state institutions.
- Institutionalise mandatory training and supervision.
- Create a national monitoring and evaluation system.
- Ensure interdisciplinary, inclusive service planning and sustainable funding.

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Methodology

This report is an assessment of the capacity of the Slovak Republic on the types of support provided to guardians of unaccompanied migrant children developed by Tenenet, o.z. The report aims to focus on unaccompanied children with disabilities and their guardians while assessing the services available for them. It was produced in the framework of the GUIDE project, a project that develops a transnational action to strengthen the capacity of national guardianship systems and the support available for, competencies and visibility of guardians. The project is implemented in 5 countries namely: Bulgaria, Greece, Slovakia, Italy and Poland.

The report builds on previous research and reports conducted in the framework of the GUIDE project, in particular, the capacity data analysis, implemented as a needs assessment and situational analysis, which supported the development and implementation of the training program and workshop for guardians. The capacity data analysis included an overview of the general context and legislative framework related to unaccompanied migrant children with disability, of the guardianship of unaccompanied migrant children with disability in the social sector and an evaluation of future trends and challenges.

This report is based on literature reviews and 18 extensive interviews, , focus group discussions were not conducted in Slovakia, particularly with children and guardians, as well as guardianship system personnel from both state and civil society organisations that provide services for unaccompanied children in each country, with a focus on unaccompanied children with disabilities. It includes an overview of the legal and policy frameworks related to the guardianship modalities and roles of guardians, a description of the state of play of services available for guardians and a qualitative analysis of those services.

This report and other project outputs build on a framework document developed at the GUIDE project inception, which guides partners work on the project. It shares several components with contemporary approaches to Early Childhood Interventions, such as Bronfenbrenner's socio-ecological model, an empowering and participative definition of children and disability, evidence-based support that is early, holistic, and continuous, and assessments and case management planning through transdisciplinary teams. It employs a systemic approach using the integrated child protection systems model.

The purpose of this report is to map existing guardianship system components and functions across the country, map the existing services provided to guardians and carers of unaccompanied migrant children and assess their availability, accessibility and efficiency. It aims to identify key gaps and challenges and provides initial recommendations for enhancing the guardianship system, especially in terms of supporting both guardians and children with disabilities, to ensure sustainable and effective outcomes. Following the assessment, roundtables will be organised in Slovakia with stakeholders, public authorities and guardians, to discuss the findings of the assessment and identify recommendations related to the gaps, challenges and best practices about national guardianship systems for unaccompanied minors. Assessment findings will be presented and analysed with the aim to create a list of actionable recommendations, on safe and appropriate guardianship for children with disabilities.

The target audience of the report includes project stakeholders, guardians, local organisations, local and national authorities, and the children for whom we all have a responsibility. It also targets EU project funders, and the broader community of donors, policymakers, and practitioners related to the subject matter.

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Part I. Overview of policy and legislative frameworks related to guardianship for unaccompanied migrant children

Unaccompanied minors have a marginalised position within Slovakia's migration policy. This is due to very low numbers of such children that the system manages to identify, as well as these children's lack of interest in remaining in Slovakia. For the vast majority, Slovakia is a transit country on their way to "Western Europe," typically Germany. Within state institutions, a strict system has been established for their identification and subsequent procedures aimed at providing the protection mandated by international agreements. The outbreak of the Russian war in Ukraine and the subsequent arrival of tens of thousands of refugees have pressured both migration policy and these institutions, challenging the state's current stance towards unaccompanied minors through its institutions and procedures.

The national procedures for unaccompanied migrant children (UAM) are formally established by a set of legal norms, including:

- Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship,
- Family Act No. 36/2005 Coll.,
- Act No. 404/2011 Coll. on Residence of Foreigners,
- Act No. 480/2002 Coll. on Asylum,
- Act No. 40/1993 Coll. on Slovak Citizenship.

The Slovak Republic is also obliged to comply with its commitments arising from international conventions. In this context, it is particularly important to highlight the Convention on the Rights of the Child, Article 22, which sets out the obligations of the State Parties with respect to a child who is considered a refugee under the applicable legal framework. In this regard, the primary concern in the case of a minor in Slovakia is their reunification with family[1].

An unaccompanied minor (hereinafter also referred to as UAM) is defined as a child who is not a citizen of the Slovak Republic and is present in the territory of the Slovak Republic without the accompaniment of a parent or another adult to whom the child could be entrusted for care. This definition is established by Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on Amendments and Supplements to Certain Acts (hereinafter referred to as the Act on Social and Legal Protection of Children). Slovak legislation and the system of social and legal protection do not recognise the term “separated child”, which can present practical issues, for instance, in the later identification of a child when this adult leaves the child.

[1] Kopinec, P. (2023). Práca so zraniteľnými deťmi a rodinami v humanitárnom prostredí. Univerzita Komenského v Bratislave. 2023. ISBN 978-80-2235786-9.

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Guardianship: Under Slovak law, a guardian is a representative of a person who cannot act on their own behalf with legal effect and is appointed as a representative for a specific action or proceeding (e.g., a guardian for asylum proceedings). According to the Act on Social and Legal Protection of Children, the function of a guardian in relation to unaccompanied minors (UAM) is performed by the authority for social and legal protection of children (§22 paragraph 1 of the Act on Social and Legal Protection of Children). The court defines the scope of the guardian's rights and responsibilities to fulfil the purpose for which the guardian was appointed and to adequately protect the interests of the minor child (§61 paragraph 2 of the Family Act). The purpose of guardianship is not to replace the parent; the guardian typically interacts with the UAMS only when carrying out legal acts on behalf of the UAM.

Procedure following the identification of UAMs[2]:

- The child is intercepted (at the borders or elsewhere within the country) by the police (border police).
- Age assessment: if the child is under 18 years old (in case of doubts about the age of the foreigner, a medical age assessment must be conducted).
- The police report the child to the relevant Social and Legal Protection office (further also SLP) by the Office of Labour, Social Affairs and Family (OLSaF).
- If SLP determines that the child cannot be entrusted to the personal care of another individual or relative, they file a request for interim measures, based on which the UAM is placed in a facility for court-ordered care (Centre for Children and Families further also Centre).
- The court decides on the request within 24 hours (ideally).
- If the UAM does not have a legal representative, the court is obliged to appoint a guardian for the UAM immediately after placement in the home; in most cases (if another family member is not appointed by the court as guardian), SLP (i.e., the Office of Labor, Social Affairs and Family) in whose jurisdiction the Centre for Children and Families (Centre) is located, performs the guardian function.
- Upon admission to the Centre, the UAM undergoes care in the so-called adaptation phase (orientation in the new environment).
- During the adaptation phase, SLP in collaboration with Centre takes measures to protect the rights and legally protected interests of UAM, gathers opinions on all relevant aspects concerning them (needs and interests, reasons for leaving the country, entering the territory of the Slovak Republic, opinions on relocation, reunification with family, return to the country of origin, etc.).
- Measures in the interest of UM are carried out promptly, providing age-appropriate care, counselling, and implementing medical care, including quarantine when necessary.

[2] Mittelmanová, M. (2014). Politiky, prax a štatistiky o maloletých bez sprievodu a Slovenskej republike. Malá tematická štúdia Národného kontaktného bodu Európskej migračnej siete v Slovenskej republike. Bratislava, 2014. ISBN 978-80-89506-56-9. https://www.emn.sk/sk/publikacie/studie-a-policy-briefy-emn/item/287-politiky-prax-a-statistiky-o-maloletych-bez-sprievodu.html

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In case the UAM expresses a wish to apply for asylum (possibly even during their stay in the Centre for Children and Families):

- The legal representative or court-appointed guardian submits an asylum / subsidiary protection declaration.
- The legal representative informs the police unit in advance of the intention for UAM to apply for asylum, to arrange for an interpreter.
- On the agreed day, UAM, along with the guardian / custodian appears at the relevant police unit – a record of the statement and declaration by the foreigner requesting asylum / subsidiary protection is made.
- During all proceedings within the asylum procedure, the unaccompanied minor (UAM) remains in the Centre for Children and Families.
- All documents are sent to the Procedural Department of the migration office in Bratislava, to a specific employee – this employee is designated as the "decision-maker" and is responsible for issuing a decision.
- If necessary, the "decision-maker" may conduct further interviews with UAM, always in the presence of the guardian and interpreter.
- UAM, who is an asylum applicant, has a special status, as their asylum application cannot be rejected as manifestly unfounded. The asylum procedure lasts 90 days.

While the procedures are clearly established on paper, **implementation** is fragmented and under-resourced. Several key **weaknesses** include:

- Insufficient staffing and expertise in social and legal protection services, especially after the increased influx of children following the war in Ukraine.
- Guardians are often overburdened, sometimes responsible for 50–60 children, with only sporadic monitoring.
- No individualised follow-up for many children, particularly those from Ukraine, who are often treated as accompanied based on questionable power of attorney documents.
- High rate of runaways, with UAM leaving Centres often within 11–21 days, undermining the effectiveness of care[3].

Children in the Centre for Children and Families theoretically receive care equivalent to that of Slovak children, including healthcare and education. Access to specialised services, such as psychological care, trauma-informed support, and inclusive education, is limited. The language barrier, shortage of qualified staff, and lack of tailored programs for children with disabilities or war trauma further hinder access.

[3] Fico, M. (2017). Úteky maloletých bez sprievodu. Bratislava, IVPR, 2017. https://www.ceit.sk/IVPR/images/IVPR/vyskum/2017/Fico/ivpr_mbs_interna_verzia2_net.pdf

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Slovakia has a structured legal framework for unaccompanied minors, but in practice, implementation is inconsistent and underdeveloped. The system functions better in emergency response (e.g., initial accommodation) but fails in long-term protection, monitoring, and integration. This discrepancy between legislation and practice is particularly visible in the treatment of Ukrainian children, many of whom remain invisible to the formal protection system, despite being highly vulnerable.

The war in Ukraine did not lead to significant legislative changes in Slovakia regarding the protection of unaccompanied or separated children. The existing legal framework remained unchanged, and no substantial adaptations were made to address the specific needs of Ukrainian children arriving in large numbers after February 2022. The lack of recognition of separated children, continued absence of inclusive education measures, and ad hoc guardianship practices indicate a policy and legislative stagnation, despite the humanitarian crisis.

In this context, it should be emphasised that **guardianship**, as understood by Slovak legislation concerning UAM, is **an administrative body**, and its execution is ensured through the OLSaF offices (social and legal protection authority). The guardian is obliged to act in the best interest of the child. The court defines the scope of the guardian's rights and obligations to fulfil the purpose for which the guardian was appointed and to sufficiently protect the interests of the minor child[4].

For UAM, the court promptly appoints a guardian immediately after executing a preliminary injunction. The practice shows inconsistency. It happens that the appointment of a guardian does not occur immediately after placement (by court order) but only after some time (upon the proposal of the local OLSaF office and subsequent court decision). Even before the outbreak of the war in Ukraine, it was common in practice that the appointment of a guardian took an unreasonably long time (e.g., 30 days). Decisions regarding guardianship are governed by the Family Act and the Civil Code. After the outbreak of the war in Ukraine, the situation has become more complicated, with problems reported mainly in districts with a high proportion of foreigners or displaced persons from Ukraine.

[4] Fajnorová, K., Števulová, Z. (2009). Právne postavenie a možnosti integrácie maloletých cudzincov bez sprievodu v Slovenskej republike. Liga za ľudské práva, Bratislava 2009. https://www.hrl.sk/assets/files/obsah/76-docl_13059_461448225.pdf

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Part II. State of play on services for guardians of unaccompanied migrant children

In Slovakia, services for unaccompanied migrant children are basic and **insufficiently adapted to the real needs**, especially in the case of disabilities. Slovak legislation does not have a specific definition of disability. The Ministry of Labour, Social Affairs, and Family, on its website, further defines disability as any mental, physical, temporary, long-term, or permanent disorder or handicap that prevents persons with disabilities from adapting to the normal demands of life. It can be physical, psychological, or a combination of both.[5] In practice, disability is primarily viewed from a medical perspective, where the law defines a person with a disability as someone who is long-term physically or mentally disadvantaged, with a severe disability being one that involves a limitation of physical, sensory, or mental capabilities of at least 50%. Medical assessments are carried out by physicians, and compensation matters fall under the jurisdiction of the Ministry of Labour, Social Affairs, and Family[6]. It can also be stated that the notion persists that disability should be addressed through invalidity benefits, social allowances, and support payments.

There is a lack of discussion about potential solutions, available compensatory aids, the need for barrier-free environmental adaptations, or the possibility of retraining in relation to future employment[7]. As noted in the report by the Platform for Families of Children with Disabilities[8], the situation of children with health disabilities and their families in Slovakia has worsened even more after the COVID-19 pandemic. Access to assistance from various institutions has become more complex in this area. Waiting lists to access services and diagnostics have grown longer, and fewer pupils were able to follow online learning than their non-disabled peers. Independent analyses confirm these concerns, showing that the government does not provide adequate support to these families.

Only 10% of children with disabilities have access to Early Childhood Intervention services:

- Only 9,4% of children with disabilities are included in kindergartens, and 12,34% of school children are diagnosed as having special needs (4th highest in the EU)

[5] MPSVR SR: Zdravotné postihnutie. https://www.employment.gov.sk/sk/rodina-socialna-pomoc/tazke-zdravotne-postihnutie/kontaktne-miesto-prava-osob-so-zdravotnym-postihnutim/zdravotne-postihnutie.html

[6] Slovensko.sk: Zdravotné postihnutie a podpora sociálneho začlenenia FO do spoločnosti. https://www.slovensko.sk/sk/zivotne-situacie/zivotna-situacia/_zdravotne-postihnutie-a-podpor/

[7] Repková K. – Sedláková, D.: Zdravotné postihnutie - vybrané fakty, čísla a výskumné zistenia v medzinárodnom a národnom kontexte. Kancelária Svetovej zdravotníckej organizácie na Slovensku Bratislava, 2012. ISBN: 978-80-970993-9-8. https://www.employment.gov.sk/files/slovensky/ministerstvo/poradne-organy/ludske-prava-narodnostne-mensiny-rodovu-rovnost-sr/vybor-osoby-so-zdravotnym-postihnutim/zdravotne-postihnutie-vybrane-fakty-cisla-a-vyskumne-zstenia-v-medzinarodnom-a-narodnom-kontexte.pdf

[8] Platform of families with children with disabilities. (march 2023). Rapid situation analysis and needs assessment of Ukrainian Children with disabilities and their families in Slovakia. Bratislava, 2023. https://www.platformarodin.sk/app/uploads/2023/06/Rapid-Situation-Analysis-and-Needs-Assement-of-UA-Children-with-Disabilities-and-their-Families-in-SK.pdf

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- 5,6% of Slovak children are educated in special schools (the highest educational segregation at the EU level)

- Less than half of schools' needs for special assistants were met by the government in 2022.

There is also no systemic focus on UAMs with disabilities, despite their heightened vulnerability. The state's failure to create inclusive, multidisciplinary, and trauma-informed services results in an environment where NGOs partially fill gaps, but the most vulnerable children remain invisible and underserved. Despite the state's failure to create inclusive, multidisciplinary, and trauma-informed services, NGOs partially fill existing gaps in service provision, offering limited support such as language courses, leisure activities, and occasional psychological assistance. However, this support is neither systemic nor sustainable. Many NGOs operated temporary, donor-dependent projects in response to the humanitarian crisis caused by the full-scale war in Ukraine, often funded through emergency mechanisms intended for short-term relief. These funding streams were largely terminated after one to two years, even though the displacement and associated vulnerabilities persisted.

As a result, no durable solutions were institutionalised, and services either ceased or continued at reduced capacity without stable financing. This discontinuity has disproportionately affected the most vulnerable children, including unaccompanied minors with disabilities, whose complex and ongoing needs require sustained, structured, and multidisciplinary care frameworks that go beyond emergency relief logic. The service provision for unaccompanied migrant children (UAM) in Slovakia is defined by a formal system that theoretically ensures equal access to healthcare, education, and social support as for Slovak children. However, practical implementation is limited, fragmented, and underfunded. The situation is particularly critical for children with disabilities, for whom no dedicated or comprehensive services exist.

The living conditions in the Centre for Children and Families (Centre) are designed for UAMs to meet all their needs (e.g., leisure activities, a classroom, a prayer room, a gym, a playground, etc.), just like for Slovak children. Each child is assigned a caregiver who creates an individual educational plan for him/her.

The main issues with the functioning of the Centre include insufficient financial support and the lack of regular visits by a specialised psychologist. To address these issues, the Centre closely collaborates with various non-governmental organisations (NGOs) that have projects to assist and support UAM (such as language courses and various leisure activities).

UAM in the Centre are provided with full healthcare services through public health insurance, just like children with Slovak citizenship.

If a UAM applies for asylum, they are placed in a facility run by the Migration Office and lose their entitlement to public health insurance. They must undergo new initial examinations and quarantine. According to the asylum law, they are only provided with emergency care or appropriate care if they are victims of abuse, neglect, exploitation, torture, or cruel, inhuman, and degrading treatment, or if they have suffered due to armed conflict. However, UAMs are not generally guided towards asylum procedures based on current guidelines.

Regarding education, the relevant laws apply to UAMs just as they do to Slovak citizens (compulsory schooling, free education in kindergartens, primary, and secondary schools in Slovakia), considering educational needs, and prohibiting discrimination and segregation. Learning the Slovak language is not

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mandatory; it is offered to UAMs who express a desire to stay in Slovakia. However, there is often a lack of resources for courses taught by qualified teachers. NGOs help in this regard as well.

To conclude, there are several limitations present in the current system:

- Lack of specialised staff (e.g., psychologists),
- Insufficient financial and operational capacities,
- High staff turnover and insufficient professional supervision,
- Inadequate trauma-informed or individualised interventions.

UAMs have the legal right to education under the same rules as Slovak children. However, Ukrainian children with temporary protection are still exempt from compulsory schooling, and systematic integration tools (e.g., adaptation classes, language support, school assistants) are lacking. Effective from 1 September 2025, the compulsory education framework for children of Ukrainian displaced persons will be amended to introduce mandatory pre-primary and primary education for children aged 5 to 16 years. In relation to the inclusion of UAMs with disabilities, a catalogue of support measures has been developed to facilitate their integration into the school environment. However, there are practical concerns regarding the readiness of schools in Slovakia to adequately respond to this situation. Many schools refuse children with special needs due to a lack of capacity or expertise—this affects both Slovak and Ukrainian children. Besides, bullying and exclusion are reported issues in schools[9].

Despite existing legal guarantees of equal treatment, there is no specific focus on unaccompanied children with disabilities in the Slovak care system. The official system does not track disability status among migrant children; no registry or structured data exists. No specialised care centres for children with combined war trauma and disability have been created, despite recommendations to do so. Early intervention services are extremely limited. As it was mentioned above, only 10 of the Slovak children with disabilities receive early support; for Ukrainian children, access is even more restricted. Diagnostics and therapies for Ukrainian children with disabilities are often unavailable, or language and qualification barriers prevent Ukrainian professionals from offering support. NGOs provide limited ad hoc support but lack financial and personnel resources to scale services or ensure continuity.

Training and tools

When it comes to the skills of individuals who meet unaccompanied minors, it requires necessary qualifications that these individuals must fulfil. As mentioned earlier, given the financially deprived segment and the demanding nature of the role, there is a significant problem of high turnover in this area. The responsibility for the quality of work within the guardianship of UAM lies with the central office of the OLSaF.

Since the outbreak of the war in Ukraine, the activity of international organisations has significantly increased due to the emergency. These organisations have also offered a wide range of **education and training** for individuals who meet UAMs or separated children (UNHCR, UNICEF, IOM). Additionally, with

[9] ŠŠI (2022/2023). Stav vzdelávania žiakov – odídencov z Ukrajiny. ŠSI, Bratislava, 2023. https://www.ssi.sk/wp-content/uploads/2023/08/vzdelavanie_ziakov_odidencov_z_Ukrajiny_2_cast.pdf

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the support of UNICEF, the Innovation Centre was established at the Faculty of Education of Comenius University, which responded to the educational needs of humanitarian workers and social welfare workers by providing accredited training[10].

As mentioned earlier, practical experience shows that even available training and specific skill workshops do not guarantee that all workers will apply an adequate approach to these children in practice. The language barrier remains a problem in practice, as does the overall communication culture with clients at the relevant workplaces. In this regard, a comprehensive approach to organisations and institutions meeting separated children would be necessary.

Civil society organisations have long been helping to address the problems and insufficient capacities in caring for unaccompanied minors. Following the outbreak of the war in Ukraine, it was primarily civil society that was on the front lines, helping refugees from Ukraine. Only later did the state begin to support this assistance, primarily from European financial sources. From discussions with stakeholders, it is evident that they continue to represent significant components of aid for UAMs or separated children more broadly.

From the perspective of social and legal protection, they represent both relief and reinforcement of the limited capacities of state authorities. On the other hand, the state has created several financial schemes through which extensive assistance could be provided in various areas. However, the change in government following the parliamentary elections in 2023 also signifies a shift in policy towards civil society. In addition to the limitation of financial resources, civil society currently faces uncertainty due to planned changes in the legislative conditions governing its operations. In practice, all of this has led to a reduction in the number of employees and often to the limitation or complete elimination of services provided to persons with temporary asylum status, including separated children with special needs.

Children with disabilities, including unaccompanied or separated migrant children, formally have the right to the same services as Slovak children under Slovak law (e.g. Act No. 305/2005 Coll., Act No. 448/2008 Coll.). However, in practice:

- The needs of children with disabilities are neither systematically identified nor adequately addressed in the context of migration.
- Disability is not recorded during the registration process for UAM.
- There is no specialised care centre for migrant children with combined disabilities and war trauma, despite repeated expert recommendations.

Guardians and carers do not receive any mandatory or specialised training on supported decision-making, working with disabilities, or trauma-informed care. Although §55 of Act No. 448/2008 Coll. on Social Services allows for assistance to guardians (including counselling and decision-making support), this provision is not implemented in practice. There are no national standards or protocols requiring or regulating special competence for working with children with disabilities. We must admit that services exist formally on paper, but concretely fail to function for this group:

[10] PdF UK: Inovačné centrum - Vzdelávanie. https://www.fedu.uniba.sk/sucasti/ustavy/ustav-socialnych-studii/inovacne-centrum/vzdelavanie/

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- Access to early intervention services is extremely low: only about 10% of Slovak children in need receive them, and Ukrainian or migrant children have even worse access. A lack of paediatric and specialised care, and an insufficient complementary health care and health aids were recognised during the rapid assessment analysis.

- Diagnosis and therapy services for migrant children are scarce. Language barriers, lack of interpreters, and failure to recognise Ukrainian professionals' qualifications further block access.

- There is a lack of disability-adapted early childhood and formal education capacities. Excluding children from formal education often causes previously schooled children to regress, worsens the carers' and children's social isolation, and excludes many carers from the labour market. Regular schools very often reject children with special needs, including Ukrainian children, due to a lack of support staff or diagnostic tools. Besides, there are continuing complaints of bullying of Ukrainian students by classmates as well as by teachers.

NGOs (e.g. Slovak Humanitarian Council, Platform of Families with Children with Disabilities, etc.) and civil society fill some gaps with project-based, limited-scale services, including interpretation, medical escort, and informal counselling. But these are under the current conditions in Slovakia:

- Underfunded

- Unsustainable

- Geographically uneven

- Not systematically integrated

There is no integrated coordination mechanism or responsible body that plans or oversees services for children with disabilities in the migration context. Responsibilities are fragmented across several ministries, as follows:

- Ministry of Labour, Social Affairs, and Family (social services, guardianship)

- Ministry of Interior (residence status, migration)

- Ministry of Health (diagnostics)

- Ministry of Education (school inclusion)

There is no shared data infrastructure, no central case management, and no monitoring or evaluation tools for the disability-related needs of UAM. No evaluations or reports specifically address how children with disabilities are cared for within the migrant system.

To conclude, in Slovakia, the special needs of children with disabilities, particularly among unaccompanied or separated migrant children, are not addressed systematically or adequately. Existing legal frameworks allow for inclusive services, but in practice, implementation is minimal or absent. Guardians and carers receive no additional training, and services are not planned, coordinated, or monitored in a structured way. As a result, the most vulnerable children are systematically neglected, with NGOs providing limited, temporary relief, rather than long-term, state-guaranteed support.

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Part III. Assessment: Qualitative analysis of the state of play

Slovakia's guardianship system for unaccompanied minors suffers from capacity constraints, a lack of specialisation, inadequate monitoring, and missing support structures. These gaps leave many children without meaningful protection and expose them to further risks. The current model is not sustainable or scalable, and systemic reforms are necessary to ensure rights-based, child-centred guardianship.

I. Main issues and gaps identified

a) Limited guardianship modalities

Slovakia recognises only one modality of guardianship for unaccompanied minors – through the state administrative body (Office of Labour, Social Affairs and Family – OLSaF). Alternative models (e.g., trained individuals or NGOs) are not formally developed or supported. This creates a rigid and overstretched system unable to flexibly respond to increased needs (e.g., during the Ukraine crisis).

b) Delays and inconsistencies in guardian appointment

Although the law requires the immediate appointment of a guardian, court procedures are often delayed, especially in districts with a high number of foreign children. Guardians are sometimes appointed weeks after placement, which violates the child's right to representation and protection during the most vulnerable period.

c) Overburdened and undertrained guardians

Guardians from OLSaF are severely overloaded, often managing 50–60 children, which prevents meaningful individual contact or monitoring. They lack specialised training, particularly in:

- Trauma-informed care,
- Disability support,
- Supported decision-making methods,
- Cultural sensitivity.

d) Weak monitoring and enforcement

There is no system for regular monitoring of guardianship performance. Once appointed, guardians are not supervised or evaluated, and the child's situation may remain unchecked unless a formal complaint is filed.

e) Children "falling through the cracks"

A significant number of separated children from Ukraine are not treated as UAMs due to the presence of an accompanying adult. These adults become guardians by default, often without assessment of their

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suitability. The state does not monitor how guardianship is performed, and many children become untraceable due to unreported relocations.

II. Lack of Structured Support for Guardians

a) Absence of structured support systems for guardians

Guardians, primarily appointed from the Office of Labour, Social Affairs and Family (OLSaF), do not receive systematic support in their roles. There is no national framework for planning, coordinating, or financing support services aimed at guardians, despite their legal obligations to act in the best interests of the child.

b) No specialised support for guardians of children with disabilities

There are no dedicated support mechanisms, training, or tools to help guardians care for unaccompanied children with disabilities. In practice:

- Disabilities are often not identified or recorded.
- Guardians lack training in disability rights, supported decision-making, or interdisciplinary care coordination.
- There are no networks or referral pathways for guardians to access therapeutic, educational, or adaptive services for children with special needs.

c) Legal entitlement to support is not implemented

§55 of Act No. 448/2008 Coll. on Social Services allows for assistance in the execution of guardianship rights and obligations (e.g., counselling, legal and practical support). However, this provision is not implemented in practice. No publicly funded service structures are in place to operationalise this legal right.

d) Lack of coordination and responsibility sharing

Support for guardians is not planned or coordinated across institutions. Ministries responsible for social affairs, education, health, and interior operate in silos, and no one is tasked with comprehensive case management or cross-sectoral service planning for guardianship cases, including those involving children with disabilities.

e) No monitoring, supervision, or evaluation of guardianship quality

Once guardians are appointed, there is no regular monitoring or supervision of their performance. Guardians are not evaluated, nor is there any formal complaint mechanism that could trigger review or intervention. This creates a situation where serious neglect or unfitness can remain undetected.

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III. Key Findings from Qualitative Analysis

- Guardianship without support leads to ineffective protection. The Slovak model treats guardianship as a formal administrative function, but fails to back it with capacity-building, mentoring, or resources. Especially in cases involving children with complex needs (e.g., disability, trauma, separation), this approach leaves both children and guardians without the necessary tools for effective protection and development.

- Specialisation is essential for high-vulnerability cases. Not all guardianship cases are equal. Children with disabilities require guardians who are trained in supported decision-making, inclusive education, and access to health or rehabilitation services. Slovakia's system does not recognise or support this specialisation, leaving guardians unprepared and children underserved.

- Systemic support cannot be replaced by NGOs. While NGOs provide critical assistance, they cannot substitute for structured public systems. The reliance on non-state actors for guardian support is insecure, uncoordinated, and geographically limited, particularly problematic for children with disabilities who require continuity and interdisciplinary care.

IV. Anticipated Future Trends

a) Migration and Demographic Outlook:

- Resurgence of migration from third countries, such as Afghanistan and Syria. This migration wave relatively subsided in the second half of 2023.

- Increase in labour migration, influenced by legislative easing for migrant workers and the current labour market conditions, including Slovakia's historically low unemployment rate and high demand for labour.

- Extension of temporary asylum status for people fleeing the war in Ukraine.

b) Projected Developments for Children with Disabilities:

- Legislative stagnation is anticipated. Slovakia is unlikely to proactively reform its guardianship system or introduce specific legal mechanisms addressing children with disabilities in migration contexts.

- Social services are expected to deteriorate further, particularly for migrant children under temporary protection, due to fragmentation and lack of long-term policy planning.

- Local initiatives may provide limited improvements, but without state-level legislative and financial backing, these will not structurally change the national picture.

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Conclusions

Effectiveness of the current guardianship system

The current guardianship system in Slovakia is formally established but functionally weak, particularly in addressing the complex and individualised needs of unaccompanied migrant children with disabilities. The model is based on state-appointed guardians from OLSaF, but:

- Guardians are overburdened, undertrained, and unsupported.
- Children with disabilities are not systematically identified, and their specific needs are largely unmet.
- Services exist mostly on paper, with limited real-world accessibility, especially outside major cities.

The system lacks specialisation, monitoring, coordination, and adaptive tools, making it ineffective in addressing intersectional vulnerabilities (e.g. disability + trauma + separation).

Key lessons learned from the analysis of the national framework and service:

1. Formal structures without operational backing fail in practice.
2. Guardianship must be linked to real, accessible, and specialised services.
3. One-size-fits-all approaches are inadequate for children with complex needs.
4. Absence of cross-sectoral coordination and data sharing undermines protection.
5. NGOs are essential but cannot substitute for a systemic public framework.
6. Local innovations can inspire change, but national leadership is needed for scalability.

The outline of immediate and long-term recommendations (broad steps)

Immediate steps:

- Organise a national roundtable bringing together key stakeholders (ministries, NGOs, professionals, guardians, municipalities) to establish shared priorities and highlight urgent gaps, especially in disability-sensitive care.
- Map existing practices, gaps, and capacities through structured consultations with guardians and service providers.

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- Initiate cross-ministerial coordination to address overlaps and disconnects between social, health, and education sectors.

Long-term steps:

- Develop and pilot diversified guardianship models, including trained individual guardians and NGO-supported models.
- Implement mandatory training and ongoing professional support for guardians, including modules on disability, trauma, and supported decision-making.
- Create a national monitoring and evaluation system for guardianship practice.
- Institutionalise inclusive, child-focused service planning with interdisciplinary teams and sustainable funding.
- Ensure legislative recognition and procedural safeguards for all vulnerable categories, including separated children and children with disabilities.

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