**Human Rights Council Resolution A/HRC/32/14 on the Protection of the human rights of migrants: strengthening the promotion and protection of the human rights of migrants including in large movements – Response of Slovakia**

Slovak Republic as a member of the United Nations is actively engaged in pursuing its objectives. In the refugee issue it is mainly to promote the protection of the rights and safety of refugees, asylum and find safe refuge in another State, with the option of voluntary return to the home country, local integration or resettlement in a third country. This also includes respect for the rights of refugees under the Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention on the Rights of the Child and of other relevant international conventions and legal instruments.

**The scope and content of the draft “Principles and guidelines, supported by practical guidance, on the protection of human rights of migrants in vulnerable situations in the context of large and / or mixed movements**”

Here it is a summary of a total of 20 principles called “Bundle of rights” guaranteed by migrants in large and / or mixed movements which will be applied by the state and non-state actors. The above principles are recommendatory in nature and are intended to provide States with guidance on how to deal with the migrants concerned, while ensuring protection of their rights. Currently, the vast majority of these principles are applied in practice in the Slovak Republic, particularly in terms of ensuring human rights and freedoms of migrants, combating discrimination, migrants' access to justice, the right to freedom of movement, respect for the principle of non-refoulement in the context of the return issues, protecting migrants against all forms of violence and exploitation, family unity, respect for human rights of all children, migrant women and vulnerable persons, ensuring migrants' access to information, legal assistance, education, medical assistance, etc. It should be noted that some guidelines as to the rights of migrants are liberally conceived and their implementation would be in certain cases, be difficult for the states.

One example of such a liberal approach may include:

* Guidance in point 2 on page 34, *stating that the work to phase out all forms of "immigration" of reinsurance*
* As another example, point 4 on page 54, which *gives guidance to provide access to the Internet as a tool for migrants to exercise their human rights, including the right to seek, receive and impart information and ideas of various kinds, regardless of frontiers, and any means of their choice. This should include new forms of information sharing that migrants use to navigate their way to stay in touch with family and share their experiences, including safety reporting gender-based violence and sexual violence. Ensure that migrants were able to keep and use their communication devices in reception centers.*

At the same time we would like to mention that the Slovak Republic and other EU Member States are bound by European asylum acquis in which the rights of aliens who applied for international protection (refugee status, subsidiary protection), respectively the rights of beneficiaries of international protection are drawn quite broadly and are consistent with international human rights institutes. EU asylum law in addition to refugee status (asylum) recognizes the status of subsidiary protection where there is a real risk of serious harm. It is also a field of law that is constantly evolving in the context of human rights.

In 2016 the European Commission presented together the first and second asylum package of seven draft regulations, respectively Directives that are currently in the EU legislative process, namely the draft of Dublin Regulation, draft of Regulation on the EU Agency for asylum, the draft of Regulation on EURODAC, a draft of revision of the Reception Directive, draft of procedural Regulation, the draft of qualifying regulations, the draft of regulation on establishing Union framework for resettlement.
In general, we tend to state that persons who have applied for asylum, respectively persons who have been granted asylum or subsidiary protection in the Slovak Republic, have a wider range of rights as persons on the territory of the Slovak Republic have entered illegally and have no intention of applying for asylum, or through only illegal pass in order to move to another State.
At the same time we would like to draw attention to the fact that such documents expanding the rights of persons passing through the territory may lead to the situation that such persons do not in any way motivated to make a request for international protection in the first safe country they pass through. It also cannot be excluded if it would result in a very not increase the number of illegal arrivals of migrants in the economically developed countries (pull factor). It is also necessary to take into account the security interests of the State the uncontrolled border crossings, particularly in the case of those who come without any documents.

In connection with the enforcement of the rights of refugees and migrants in the Slovak Republic was established a Working group on the rights of refugees and migrants led by the State Secretary of the Ministry of Interior of the Slovak Republic. This group will be active in these issues and deal with this agenda.

Slovak Republic provides for the collection, recording, processing and dissemination of statistical data on legal and illegal migration of foreigners in Slovakia in scope and structure, which is in line with national and European legislation. Some practical guidance to put Principle 19 (eg. The collection of data on migrants by sexual orientation, disability, minority status) belonging to the “special category of personal data”, whose processing is prohibited, except where such processing of a specific law does not authorize a legally binding act of the Union or an international agreement.
The UN document further states that the various principles and practical guidelines should also take into account EU internal security, protect the interests of EU citizens and respect the capabilities of small EU countries and their capacity, and the Slovak Republic, based on statistical data, the recent period has not significantly experience with the influx of migrants who applied for asylum and came within large and / or mixed movements within its territory.