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the European Social Charter

submitted by

THE GOVERNMENT OF THE SLOVAK REPUBLIC

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for the period 01/01/2010 – 31/12/2013
- Complementary information on Articles 3§2, 12§4
and 13§3 (Conclusions 2013)

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**MINISTRY OF LABOUR, SOCIAL AFFAIRS
AND FAMILY
OF THE SLOVAK REPUBLIC**

The European Social Charter (revised)

The Report of the Slovak Republic

on the implementation of the European Social Charter (revised)

(Conclusions 2011 and Conclusions 2013:
ratified provisions of Articles 7, 8, 16,17, 19, 27, 3, 12, 13 of the Revised Charter)

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Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

Pursuant to Act No. 125/2006 Coll. on Work Inspection and change and amendment of Act No. 82/2005 Coll. on Illegal work and Illegal Employment and change and amendment of certain acts as amended, Work Inspectorate is responsible for the supervision of employment regulations observation. According to Article 11§5 of the Labour Code, light work is permitted by the Labour Inspectorate based on an application of the employer in consultation with the relevant public health authority. The permit must specify the number of hours and conditions applying to such light work. The relevant work inspectorate may withdraw the permit, in cases when the permit conditions are breached.

Persons aged less than 15 years or persons aged over 15 years who have not yet completed compulsory schooling are forbidden to work. These persons may carry out light work which does not result in a danger to their health, safety, further development or school attendance. The work can be carried out only for the purposes of:

- a) taking part in a cultural performance and artistic performance,
- b) sports events,
- c) advertising activities.

The Labour Inspectorate (as listed in the Labour Inspectorate internal regulation for issuing light work permits) allows young persons under the age of 15 to carry out light work only if it:

- a) Does not exceed physical or mental abilities of the person concerned;
- b) Does not pose danger to the person concerned, or if it does not expose the individual to harmful physical, biological or chemical factors;
- c) Does not threaten the person concerned with pollutants that are toxic, carcinogenic, cause genetic damage or permanently damage health;
- d) Does not expose the person concerned to dangerous radiation;
- e) Does not expose the person concerned to heat, cold, noise or vibrations;
- f) Is free of risks, which the person concerned is unable to recognize, or which they would be unable to avoid due to the one's insufficient attention or experience;
- g) Does not require the person concerned to manipulate heavy objects or load disproportionate to their physical abilities;
- h) Is suitable for the person concerned on the basis of their medical examination for the purpose of carrying out the work concerned.

The potential employer is obliged to provide the Labour Inspectorate with the required documents proving the above mentioned conditions are met. The documents may contain photographs of the place of work to prove it is safe and that minors are not threatened by the environment.

If the above mentioned conditions are met, then:

- a) The maximum daily work time may not exceed 6 hours;
- b) The maximum weekly work time may not exceed 30 hours;
- c) The maximum daily work time may not exceed 2 hours during a school day;
- d) The minimum daily rest period must be at least 14 consecutive hours and the minimum weekly rest period must be at least 2 consecutive days;
- e) The minimum break during the work time is at least 30 minutes after 3 hours of work.

The Labour Inspectorate carries out regular inspections to make sure these conditions are met. The inspection focuses on:

- a) How the safety at work is secured;
- b) Evaluation of possible risks;
- c) Examination whether the work concerned is allowed/legal;
- d) Evaluation of work environment factors (noise, vibrations, lighting, air conditioning, temperature, dust control, radiation, toxins, carcinogens, harmful biological substances), their amount and means of their disposal;
- e) Providing of first aid;
- f) Work time and rest period examination.

After each inspection, the participating labour inspector prepares a thorough documentation listing all findings and conclusions. In case of breach of any single of the above mentioned conditions, the Labour Inspectorate withdraws the permit issued to the given employer.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

Regarding the question of the ECSR about the list of jobs and worksites restricted for young workers as specified by the Government Regulation No. 309/2010, this regulation stipulates that the list is identical to the list included in the Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, which has been transposed by the Slovak Republic. The Directive can be found at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31994L0033>

As far as the second question of the ECSR is concerned, the Slovak Republic confirms that young workers are included in the personal scope of the competencies of the National Labour Inspectorate, as is stipulated in Article 2, paragraph 1, letter a), point 1 of the Act No 125/2006 Coll. on labour inspection.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

Due to the same conclusion of non-conformity as the above mentioned Article 7, par. 1, please see the explanation above.

As far as the question of the ECSR whether the rest period free of work has a duration of at least two consecutive weeks during the summer holiday for children that are subject of compulsory education is concerned, it has to be stated that with reference to the information provided in Article 7 paragraph 1, persons aged less than 15 years or persons aged over 15 years who have not yet completed compulsory schooling are forbidden to work. These persons may carry out light work which does not result in a danger to their health, safety, further development or school attendance. The work can be carried out only for the purposes of:

- a) taking part in a cultural performance and artistic performance,
- b) sports events,

c) advertising activities.

The light work mentioned above is usually a one-time work that ends after the sport event, cultural performance or advertising activity is finished. These activities and events are usually only a couple of days long and after their conclusion the children do not work anymore. During the short time these events or activities take place, the conditions listed in the answer to Article 7 paragraph 1 have to be met.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time for young persons under 18

The working time of young workers older than 16 years of age, but younger than 18 years of age, may not exceed 37, 5 hours cumulatively, regardless of the number of employers. Working hours may not exceed 8 hours over the period of 24 hours. Employers may not employ these persons for overtime work.

The supervision and implementation of the regulations concerning working hours for these persons are the same as for persons younger than 16 years of age (as is listed in the answer to Article 7 paragraph 1).

Article 7 - Right of children and young persons to protection

Paragraph 5 - Fair pay

We would like to state that we believe this case of non-conformity is based on misunderstanding of the Slovak legislation, or that further explanation as far as remuneration of young workers is concerned.

Pursuant to Article 3 of the Labour Code General Principles, “Employees shall have the right to wages for performed work, to the securing of occupational health and safety, to rest and recovery after work. Employers shall be obliged to provide employees with wages and to create working conditions allowing employees the best performance of work according to their skills and knowledge, the advancement of creative initiative and deepening of qualifications.”

Each person carrying out work is entitled to full pay for the work carried out. Legislation of the Slovak Republic does not distinguish wage for a young worker and wage for adult workers. The situation for the minimum wage is the same; there is no separate minimum wage for young workers and for adult workers. Therefore, if a young worker is employed in a full-time employment, they will get wage as set in their employment contract.

As far as provisions of the Act No. 184/2009 on Professional Training and Education go, the 50-100% amount paid to the student for productive work and services is meant as an motivational scholarship that is governed by §12 of the Act No. 184/2009 when the student participates on production of goods or provision of services as a part of their school curriculum during the educational process:

Students of secondary vocational school may be provided with financial evaluation, by which their educational goals are pursued, as stated in 2-6. Financial evaluation is defined as motivational scholarship and reward for productive work.

Motivational scholarship may be awarded monthly during the given school year up to the amount of 65% of subsistence minimum. Subsistence minimum for a minor is set at 86,65 € (June 2012). When considering the final amount, regular participation on education and study results are taken into consideration as well.

Motivational scholarship is paid by the individual or company, which prepares the student for future occupation. In case of preparing the student for occupation in the public interest, the scholarship is paid by the related individual or corporate body.

Reward for productive work belongs to a student who carries out the productive work during practical classes of the education curriculum. This reward is being paid by the individual or corporate body for which this productive work is carried out.

Productive work is defined as creation of products or provision of services corresponding with the activities of the individual or corporate body for which the given student carries out the work concerned. Training received during practical classes, however, is not considered productive work.

Reward for productive work is paid for each finished hour of the given work and is set at the level of 50% - 100% of the set minimum wage per hour. However, the actual amount can be modified based on the overall behaviour of the student and quality of the work carried out.

Article 7 - Right of children and young persons to protection

Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

No change since the last conclusions.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The worker may not waive their right to annual holiday. It is the right of the employee to be entitled to annual holiday, as is stipulated by the Labour Code.

Regarding the question whether annual holidays of young workers are suspended in the event of illness or accident during the holidays, it has to be stated that holidays of all workers are suspended in the event of an accident. As soon as the worker in question goes on sick leave as the result of the accident, the holiday is suspended.

It has to be stated that the annual holiday has to be at least four weeks. Workers who reach the age of 33 years by the end of the given calendar year are entitled to the annual holiday amounting to at least five weeks.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

No change since the last conclusions.

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

No change since the last conclusions.

Article 7 - Right of children and young persons to protection

Paragraph 10 - Special protection against physical and moral dangers

Regarding the first question of the ECSR – the Slovak Republic wishes to confirm that it is a criminal offense to purchase sexual services from children under 18 years of age.

Regarding the question on the development of the national action plan against sexual exploitation of children, it has to be stated that this topic was a part of the National Action Plan for Children 2009 – 2012 and continues to be an important topic in the updated National Action Plan for Children 2013 – 2017. The most important topic in these action plans, as far as protection of children from sexual exploitation is concerned, are:

- Amendment of the definition of "damage to health" in order to eliminate problems in interpretation; harmonisation of the provisions of Section 4 on eligible persons with related provisions in Act No. 301/2005 Coll. the Criminal Code, as amended; expressly stipulate that persons injured by violent crime, sexual violence and sexual abuse are entitled to payment of compensation for physical harm to health caused by the crime and also entitled to compensation for harm to mental health. Amendment of provisions of the act on the calculation of compensation to clarify interpretation;
- Alleviating the negative and frequently pathological effects on the psycho-social development of children of problematic, incomplete and broken families through preventative educational activities carried out by psychologists in the psychological counselling departments of offices of labour, social affairs and family for children and young people focussing on the topics of healthy family relationships, marriage and parenting, the prevention of various forms of violence against children and abuse including sexual abuse.

In this regard, an amendment of the Criminal Code has been adopted on May 22, 2013. This amendment led to the transposition of the relevant EU directives on combating the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU a 2011/36/EU). Another aim of the amendment was to reach conformity of the legislation of the Slovak Republic with the requirements of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse and the Council of Europe Convention on Action against Trafficking in Human Beings.

Other features of the amendment are:

- introduction of the possibility of a temporary or permanent prevention from exercising professional activities involving direct and regular contact with children. This is achieved by imposing disqualifications on those offenders who commit one of exhaustively defined offenses against a child;
- modification of the special conditions of limitation of criminal prosecution of offenses relating to sexual exploitation, abuse and trafficking (the limitation period of these offenses does not include the period during which the child / victim of a crime, does not reach eighteen years of age);
- establishment of the general definition of 'child' in the Criminal Code, under which a child is a person under 18 years of age, irrespective of their marital status;
- adding of the definition of the crime of human trafficking on "abduction" and "begging" as a distinct form of forced service. At the same time a reference to "forced marriages", which constitute a particular form of trafficking, has been added;

On August 1, 2013, an amendment to the Penal Code has been introduced which reduces the possibility of confrontation with the accused for child victims, on which the crime of trafficking was committed or an offense against human dignity was committed. Minimizing the risk of secondary victimization of child victims by avoiding direct contact with offenders within confrontation has been achieved.

On the third question of the ECSR – possession of child pornography is a criminal offense in the Slovak Republic (Article 370 paragraph 1 of the Criminal Code).

Regarding the fourth question of the ECSR – the staff of the selected ministries and administrative bodies have participated on numerous trainings and seminars aimed at prevention of sexual exploitation of children. E.g. the Ministry of Health has adopted an amendment of the Act 578/2004 Coll. on healthcare providers which stipulates that when a physician, after undergoing special training, suspects a child of being a victim of sexual or other exploitation, of rape, of sexual violence, they have to notify not only the relevant administrative body active in criminal proceedings, but also to the local office of labour, social affairs and family as the administrative body of the social and legal protection of children and social guardianship (in effect since August 1, 2013). The Ministry of Education, Science, Research and Sport prepared several information materials for teachers to better identify child victims of sexual abuse at home and to provide them with adequate assistance.

As far as the question on prevention of sexual exploitation of children through the means of new information technologies is concerned, this is regulated by articles 368 -370 of the Criminal Code which govern the prohibition of publication, transport, transmission, search for and creation of child pornography and the number of years the offenders have to serve in jail.

For the last question of the ECSR regarding child beggars, please see above the information on the amendment of the Criminal Code which made child begging a type of crime of human trafficking.

Street children are being assisted by offices of labour, social affairs and family in accordance with the Act on Social and Legal Protection of Children and Social Guardianship. The officers then take the child home and prepare individual plans of assistance for each family in order to prevent the children from being abused in this way. The officers also regularly prepare educational activities on the prevention of child abuse in this way that take place in the local schools.

Article 8 - Right of employed women to protection of maternity

Paragraph 1 - Maternity leave

Since the conclusions of the ECSR, there have been improvements in the legislation of the Slovak Republic concerning the maternity benefit to improve the situation of mothers. According to Act No. 461/2003 Coll. on Social Insurance,), maternity benefits are available to employees covered by social insurance for at least 270 days in the two years preceding birth. Periods of unemployment are taken into account when calculating the qualifying period provided the person concerned had voluntary social insurance.

Period of time during which the maternity benefit is provided has been increased from 28 weeks to:

- A) 34 weeks when a mother gave birth to one child;
- B) 37 weeks when a lone mother gave birth to one child;
- C) 43 weeks when a mother gave birth to two or more children.

There has also been an increase to the actual amount of the benefit from 55% of the woman's previous salary to 65% of her previous salary. This amendment has been made to ensure even greater protection of women who gave birth to children and to improve their financial situation for a longer period of time.

We would also like to state that the same regime applies to women employed in the public and state sector.

Article 8 - Right of employed women to protection of maternity

Paragraph 2 - Illegality of dismissal

According to Section 64 paragraph 1 subparagraph c) of the Labour Code, employers may not serve a notice of dismissal on a pregnant employee or an employee on maternity leave. Section 63 paragraph 1 subparagraph a) provides for an exception to this principle when an employer closes part of its activities or relocates them.

However, this does not mean a pregnant woman or a woman on maternity leave (or any employee, actually) can be dismissed from work based on the relocation itself. If an employer decides to relocate its activities, each employee is given an opportunity to continue their work for the employer in the new location, or start carrying out other work in the original place of work based on the respective change of the employment contract. This is granted by Section 43 paragraph 1 subparagraph b) (place of work, as specified in the employment contract) and Section 54 of the Labour Code (amendments of employment contract between the employer and the employee).

The possibility to terminate employment of pregnant women or women on maternity leave as stated in Section 63 paragraph 1 subparagraph a) of the Labour Code is therefore formulated as an exception and is based on:

- A) Refusal of the pregnant woman to work in the new place of work (where the employer has relocated to), or
- B) Refusal of the pregnant woman to carry out other suitable work in the original place of work (if only a part of the employer is relocated).

It is therefore up to each employee to choose whether they wish continue to carry out work for their employer in a new place of work, carry out other suitable work in the original place work (if given the opportunity), or terminate their employment.

To avoid any further misunderstanding in the future related to the interpretation of the term "relocation of the employer or its part", a proposal to amend the respective provision of the Labour Code will be submitted to ensure that this reason for termination of employment can be applied only when the employee does not agree with the place of work change.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

No change since the last conclusions.

Article 8 - Right of employed women to protection of maternity

Paragraph 4 - Regulation of night work

No change since the last conclusions.

Article 8 - Right of employed women to protection of maternity

Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

No change since the last conclusions.

Article 16 - Right of the family to social, legal and economic protection

First ground:

On January 11, 2012 the Government of the Slovak Republic approved the Strategy of the Slovak Republic for the integration of Roma up to 2020 in association with the Communication addressed to the European Parliament, Council, European Economic and Social Committee and to the Committee for Regions in April 2011, designated as EU Framework for National Roma Integration Strategies up to 2020. This Strategy responds to the need to address the challenges associated with the social inclusion of Roma communities and principles of this Strategy will become the base for policies addressing the unfavourable situation of the target group for the period of up to 2020.

The Strategy is a result of collaboration between the Office for the Plenipotentiary of the Government of the Slovak Republic for Roma communities, the World Bank, the United Nations Development Fund (UNDP), the Open Society Foundation (OSF), the Association of Cities and Municipalities of the Slovak Republic, and non-governmental organizations. The Ministry of Labour, Social Affairs and Family of the Slovak Republic was instrumental in the creation of this Strategy. Priorities of the new strategy policies aim to improve the situation of the Roma minority in the following aspects: education, employment, health, housing, financial inclusion and non-discrimination.

As far as housing of the Roma families is concerned, the Government of the Slovak Republic aims, as also stated in the Strategy, to improve access to housing with special

emphasis on social housing and the need to support abolishing segregation in housing, while fully making use of the funds that have been made available recently in the context of the European Regional Development Fund, as well as bridge the gap between the majority population and the Roma minority in access to housing and utilities (such as water, electricity and gas). In this respect, the Government:

- is analysing chances of repairing the existing apartments in cases where the apartments and/or houses in question are in such a technical condition, which could endanger health or life of their residents;
- is preparing ways of legalizing of illegal constructions, while giving their inhabitants an opportunity to acquire legal housing;
- plans to introduce financial and legislative tools enabling settlement of land title for the purpose of building rental social apartments;
- will ensure completing infrastructure and equipment of segregated and separated Roma settlements in Slovakia;
- plans to introduce and implement a program of gradual assisted housing as a social service.

At present, the problem of inadequate housing for Roma families has been partially addressed by the Program for Housing Development adopted by the Government. In the frame of this program the Ministry of Transport, Construction and Regional Development of the Slovak republic subsidizes construction of rental housing, infrastructure as well as elimination of system failures in residential homes.

This program is currently governed by the Act No. 443/2010 on Subsidies for Housing Development and on Social Housing. This act defines social housing and governs the scope, conditions and methods for providing funding for housing development via grants. The grants may be used:

- for acquisition of an apartment lease for the purpose of social housing;
- for acquisition of technical equipment;
- removal of a system failure related to the living in the social housing.

So far, based on this program, there were almost 2 900 apartments built and made available for members of the Roma minority in the Slovak Republic to ensure they are living in much better conditions and among the rest of the population up to now.

Second ground:

The situation regarding the mentioned allowances has changed. At present, the situation related to the child minding allowance is that permanent residence permit is no longer required to be able to apply for the allowance. It is possible to apply for the child minding allowance even if the applicant resides in the territory of the Slovak Republic on the basis of a temporary residence permit. This allowance is being paid on a monthly basis for each child the applicant has.

The childbirth allowance is a one-time state social allowance which was originally created to support mothers who decided to live and raise their children in the Slovak Republic. As for the ability to apply for the allowance without a permanent residence permit, it is today possible if:

- A) The applicant lives in the territory of the Slovak Republic and is a citizen of a state that is a member of the European Union, European Economic Area or the Swiss confederation. These applicants may apply for the childbirth allowance in accordance

with the Regulation 492/2011 of the European Parliament and of the Council on freedom of movement for workers within the Union.

- B) The applicant is a citizen of a state which has a bilateral agreement on social security with the Slovak Republic. The Slovak Republic is active in signing agreements on social security with as many countries as possible. One month ago we have signed an agreement with Serbia, not long before that with Australia, Israel and currently we are negotiating an agreement on social security with the USA and Montenegro.
- C) The applicant is from a “third country” and has been granted an asylum in the Slovak Republic, which at the same time means they are granted a permanent residence permit.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

First ground:

Act 305/2005 Coll. on social and legal protection and social guardianship defines social and legal protection of children as a set of measures securing the protection of children, as necessary for their wellbeing and respecting their best interests, securing of education and general development in their natural family environment.

Protection of the child from abuse is governed mainly in article 7 and 8 of the act stating: *In executing measures under this act all forms of corporal punishment of the child and other cruel or humiliating forms of treatment and the forms of punishment of the child that cause or may cause them physical or psychological harm shall be prohibited. Every individual is obliged to notify the authority of social and legal protection and social guardianship of children of the violation of the rights of the child. The child shall have the right to request assistance in the protection of their rights from the authority of social and legal protection of children.*

The authorities (ministries, Centre for International Legal Protection of Children and Youth, Central Office of Labour, Social Affairs and Family, regional Offices of Labour, Social Affairs and Family, municipalities, non-governmental organisations, etc.) are obliged to provide the child with immediate assistance in the protection of the child’s life and health. This also applies when the child, in view of their age and maturity, cannot apply for assistance themselves but through a third party. The child may request assistance also without parental knowledge or the knowledge of the person that personally cares for the child. Providers of medical care are also obliged to notify suspicion of neglect, torture or abuse to the police and the Healthcare Surveillance Authority.

The incidence of domestic violence, abuse and maltreatment, including corporal punishment, is monitored by workers assigned to the departments of general crime of the court and criminal police offices of the Police Corps Regional and District Directorates.

At the level of criminal law the issue of violence against children within the family is addressed in Article 208 of the Penal Code - Torture of a close or entrusted person. Where the offence of inflicting harm on a child’s health has been committed, the duration of a criminal sentence is increased (7 – 15 years). This also includes issues of neglect such as the unwarranted withholding of food, rest or sleep and the issue of forced begging.

Based on the conclusions of the ECSR and to make the Slovak legislation on this matter more clear, the section 2.4 of the current National Action Plan for Children, which was approved by

the Government of the Slovak Republic, aims to explicitly implement zero tolerance towards corporal punishment in other legislative acts as well. The Slovak Ministerial Committee for Children stated that a cooperation between the Ministry of Labour, Social Affairs and Family of the Slovak Republic and the Ministry of Justice of the Slovak Republic has been established in this matter do prepare an amendment of the Civil Code and the Penal Code to explicitly prohibit all forms of corporal punishment of children at home.

Re-codification Commission has been invited by the Minister of Labour, Social Affairs and Family by an official letter to prepare a draft amendment of the Civil Code and the Penal Code in this respect.

Second ground:

As is stated in the Conclusions by the ECSR, juveniles in the Slovak Republic may receive a conditionally suspended prison sentence for a probationary period (conditional sentence) which may involve supervision (probation). Juveniles may be held on remand only for as long as it is absolutely necessary. The court may extend the custody of juveniles who have committed a particularly serious crime beyond one year, but the total length of custody may not exceed two years.

Based on the statistical data provided by the Directorate General of the Prison and Court Guard Corps and by the Annual Review of the Ministry of Justice and especially when considering the real total length of custody of juveniles who have committed a particularly serious crime, the Ministry of Justice of the Slovak Republic does not plan to lower the maximum length of pre-trial detention of minors due to the very low number of juveniles who have committed a serious crime and were actually held on remand in the previous years. In 2009 only 4 young persons were accused of having committed a particularly serious crime, in 2010 only 2 persons and then only 1 person in 2011, 2012 and 2013.

As for the next question of the ECSR, young offenders in the Slovak Republic do have a statutory right to education. This is governed by Act 245/2008 (School Act), §24, 2 (c) which states that when a pupil has been taken into custody or is serving a sentence, an individual education will be granted to the pupil to ensure that the education of the pupil is not interrupted.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

In the case of children from socially disadvantaged and vulnerable groups, access to education is secured systematically. Children belonging to vulnerable and socially disadvantaged groups are not enrolled in special schools, based on their social background. All children are enrolled in ordinary schools and follow approved school curriculum, even though there are a lot of cases when parents of children from the disadvantaged groups want their children to be specifically placed in special schools.

There are numerous means by which the Slovak Republic helps children from disadvantaged groups with their education; many of them have already been mentioned in the report. New measures have been introduced by the newly adopted Strategy of the Slovak Republic for the integration of Roma up to 2020 which also introduces new mechanisms to improve the education of the members of the Roma minority.

To improve the education of the children from socially disadvantaged groups, an allowance for improving conditions for education and upbringing of these students is granted to the school founders under § 107 paragraph 4 of the Act 245/2008 (School Act) by the Ministry of Education, Science, Research and Sport of the Slovak Republic.

Similar allowance and, on top of it, a motivational scholarship is available for children in the secondary education to ensure as high gross enrolment rate in the secondary education as possible.

Another important institution that ought to assist these students is the so called “zero year”. The minimum number of students per class in a zero year is 8, while maximum is 16. Per each child enrolled in the zero year the school will receive 200 % of the regular normative. For many teachers this is an important and meaningful tool when working with children from disadvantaged groups to catch up in social and cognitive area with children who are raised in normal environment so that they could eventually move into the education mainstream. Due to the fact that curriculum of the zero year is often created by dividing the curriculum of the first year into two school years (thus allowing for a more leisurely speed of tutoring), the students of the zero year usually form a homogenous class also in the first year and remain in the same class throughout their elementary school studies.

These pupils are also eligible for an allowance from the Ministry of Labour, Social Affairs and Family which takes the form of school lunches, school supplies, and also a motivation allowance for the child’s regular school attendance.

The Strategy of the Slovak Republic for the integration of Roma up to 2020 aims to improve the situation of the Roma children, for example, by:

- Increasing the participation of the Roma children in pre-primary education from approximately 18 % (in 2010) to 50 % by 2020, subject to broadening the capacity of the network of kindergartens and programs for education and upbringing of children of a preschool age in regions where the number of Roma steadily increases, including the implementation of programs targeting the improvement of cooperation with the parents, and the increase in the number of teacher’s assistants in pre-primary education.
- Creating diverse educational programs focused on supporting the individualized needs of the student; increase the inclusiveness of the educational system, increase the effectiveness of the system of social support of education, reevaluation of the system of funding the students from socially disadvantaged groups, establishing a permanent funding mechanism for supporting all-day educational and caretaking system in elementary schools with the proportion of socially disadvantaged students of more than 20 %, and ensuring conditions for supporting activities targeting work with families, applying comprehensive integration of gender sensitive and multicultural upbringing in elementary schools. Gradually establish conditions preventing teenage mothers to drop out of school prematurely.
- Improving the care of pedagogical staff and specialists and increase the proportion of teachers and specialists fluent in Romani (local community dialect).
- Exercising the right to education in a Romani language or to learning the Romani language, and supporting further development of identity using support for the use of Romani language on all levels of education; providing education for teachers of Romani language and literature and supporting further education of teachers teaching in the Romani language; preventing all forms of discrimination, racism,

xenophobia, homophobia, anti-Semitism and other manifestations of intolerance; support for inter-ethnic and intercultural dialogue and understanding.

Addressing problematic issues of education and upbringing in special schools and school facilities, including school consultancy and prevention services; improve the process of diagnostics and placement of children into the system of special education and remove the reason for unjust placement of children into this system; gradually eliminate the process of placing certain children to special schools and special classes in elementary schools, provide their mainstream education while increasing the number of teacher's assistants fluent in the Romani language. Create specific models of school inclusion for all types of disadvantaged children

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 1 - Assistance and information on migration

As far as the first question concerning specific provisions on free services to assist migrant workers and provide them with accurate information on their rights to protection and assistance, it has to be stated that since 2012, the Slovak Republic has been preparing a new Integration Policy, which would substitute the old Concept of Foreigner Integration in the Slovak Republic. This process has been concluded on January 20, 2014, when the Government adopted the new Integration Policy.

The Integration Policy is based on an emphasis on justice, equality, an effort to compensate for disadvantages, the prevention of discrimination, respect for human rights and freedoms, protection of the vulnerable and adherence to the legal regulations and international commitments of the Slovak Republic. The integration policy of foreigners acknowledges the need for the introduction and implementation of special measures to compensate for disadvantages encountered by the most vulnerable groups, particularly the seekers of international protection, persons with acknowledged international protection (asylum and complementary protection in particular), children, including unaccompanied minors, women, the elderly, victims of violence and crime, including human trafficking and exploitation, the disabled and other vulnerable groups. The Integration Policy builds on the Concept of the Integration of Foreigners in the v SR (approved in 2009) and establishes the overall framework for the integration mainstreaming. It neither defines nor describes the current state of policies but proposes new visions and directions in the integration of foreigners. It creates the framework for relevant policies.

On top of that, all of the services provided to the citizens of the Slovak Republic free of charge (employment services, counselling, state social assistance, legal advisory services, healthcare, etc.) are provided to foreigners and migrant workers working in the Slovak Republic. This is to ensure non-discrimination of the migrants.

Regarding the second question of the ECSR whether information on professional employment issues and social services are directly provided to migrant workers by the Central Office of Labour, Social Affairs and Family and its local units, in connection with the EURES units of Slovakia are available to migrant workers belonging to States Parties to the Charter which are not members of the European Union or the European Economic Area, it has to be stated that these services are available to all foreigners, even to foreigners from countries that are not State Parties to the Charter.

Regarding the third question of the ECSR on measures to raise Alien and Border police officers' awareness of issues pertaining to racism and racial discrimination and that they provide initial and on-going training to them on these questions, it has to be stated that not only Alien and Border police officers are undergoing extensive trainings on fighting all forms of racial discrimination, but officers of all police departments and also social workers and first-contact personnel who provide assistance to migrants, which is in accordance with the Antidiscrimination Act, as all forms of discrimination are strictly prohibited by the act.

As far as the fourth question of the ECSR on measures taken to counter misleading propaganda relating to emigration and immigration is concerned, it has to be stated that the new Integration Policy in Part 3 aims to “create, implement and promote communication strategies, various communication and information tools and channels and to enlist a wide spectrum of parties in providing professional, objective and understandable information. Support cultural activities aimed at developing multicultural dialogue through various organizations and to promote ideas of understanding and mutual respect for cultural diversity while aiming at strengthening social cohesion” in Measure 3, to “create and adopt ethical rules of presenting information on the topics of migration and integration” in Measure 5 of the same part and to “Design, adopt and implement measures aimed at the elimination of the expressions of racism, xenophobia, discrimination and other forms of hatred and intolerance towards foreigners. Implement preventative and information campaigns, educational activities concerning migration and cultural diversity, especially with a focus on young people, and the public commitment of the government to fight against all forms of violence due to intolerance.” in Measure 6 of the same part. Measure 8 of the same part aims to “promote the importance of positive first contacts for integration and to identify current shortcomings in connection with the importance of first contacts.”

It has to be stated that all ministries, as well as the Council of the Slovak Government for Human Rights, National Minorities and Gender Equality and the Council for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance are involved in this process.

The implementation of these measures is already being carried out and in the first evaluations of the individual measures should be available in the coming months.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 4 - Equality regarding employment, right to organise and accommodation

Regarding the first question on the clarification of the phrase “*despite sufficient legal regulation, inequalities and discrimination of aliens may take place in legal employment services*” present in the last report, it has to be stated that it was a misunderstanding in the sense that if the government wished to adopt special measures classified as positive discrimination in order to remove social or economic disadvantage of migrants in the Slovak Republic, such positive discrimination was considered as “discrimination” and “unequal treatment” from the legislative point of view. Nevertheless, the latest amendment of the Antidiscrimination Act that has been adopted on February 5, 2013, was specifically aimed at

removing this aspect, and the amendment made it clear that adoption of measures aimed at removing social and economic disadvantage of migrants will no longer be considered discrimination. The same applies for additional measures adopted in order to support the interest of migrants to enter employment or educational process, to support their culture, to provide healthcare, etc. within the Slovak Republic.

As for the second question of the ECSR, migrants are protected from any form of discrimination in employment, working conditions or remuneration by the Antidiscrimination Act. Articles 5 and 6 of this act govern non-discrimination in employment and state that discrimination of person on the basis of their race, ethnicity, gender, religious beliefs, nationality, health disability, age, sexual orientation, marital status, family status, language, political or other opinions, social background, etc. is strictly prohibited. The same is also guaranteed separately by the Labour Code. If any person feels they are being discriminated, they are expected to file a complaint to the local labour inspection body and if the discrimination is discovered in the inspection process, the employer shall be penalised by fines in accordance with the Act 125/2006 on Labour Inspection.

As for the next question, as was mentioned in the previous report, migrant workers are free to join or form trade unions and benefit from collective bargaining as they wish. It is their right to do so, if they wish so. When a migrant starts working for an employer situated in the territory of the Slovak Republic, the employer is obliged to provide information on trade unions active in the premises of the given employer. Also, asylum seekers are being informed about trade unions and collective bargaining during information sessions on employment when they are still in asylum camps.

With regard to the last question on this article, as is stated above, sub-headings a) and b) are in effect in the Slovak Republic, as discrimination in remuneration and other employment conditions is strictly prohibited by the Antidiscrimination act, and membership in trade unions and benefiting from collective bargaining is available to all persons in the Slovak Republic in accordance with Act 83/1990 Coll. on Associations on Persons and Act 2/1991 Coll. on Collective Bargaining. It has to be stated that the Slovak Republic has ratified the ILO Convention 87 on Freedom of Association and Protection of the Right to Organise, and is in full compliance with this convention.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 5 - Equality regarding taxes and contributions

In this respect, the Slovak Republic would like to state that during the reference period, several new bilateral agreements on the prevention of double taxation of foreign nationals have been ratified by the Slovak Republic and partner countries. This is to ensure specific protection of migrant workers and members of their families.

More specifically, new bilateral agreements in this field have been ratified with the following countries (since the start of the reference period):

- Georgia (in effect since July 29, 2012);

- Netherlands (protocol to agreement, in effect since December 1, 2010);
- Kuwait (in effect since April 21, 2014);
- Libya (in effect since June 21, 2010);
- The Former Yugoslav Republic of Macedonia (in effect since April 27, 2010);
- Poland (protocol to agreement, in effect since August 1, 2014);
- Syria (in effect since February 27, 2010);
- Switzerland (protocol to agreement, in effect since August 8, 2012);
- Taiwan (in effect since September 24, 2011);

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 6 - Family reunion

The Border and Aliens Police deals with issuing the various types of residence permits and decides on the outcomes of the submitted applications for residence permits. Applications for temporary residence permits for the reunification of the family of a legally residing migrant are generally approved, unless there is a specific reason for rejection of such an application. As each application is evaluated individually, a possible rejection can occur due to the applicant carrying a specific disease or if the applicant would pose a threat to public health or security.

In 2013, 1 378 permits for the reunification of family have been issued; 1 162 permits in 2010; 1 223 permits in 2012. As for family reunification, the following changes occurred with the amendment to the Act on Residence of Aliens in effect from 01 May 2013: the act removed the possibility to cancel the permanent residence of a person who was granted residence as a child under 18 years entrusted into personal care of a third-country national who is the spouse of a Slovak citizen with permanent residence in the SR, or a child under 18 years of a third-country national with permanent residence for a period of five years, or a child under 18 years of age entrusted into personal care of a third country national with permanent residence for a period of five years, provided that the person, after reaching 18 years of age, runs business, is employed, or performs a special activity or research and development in the SR. This category also includes the children of aliens living in the SR who thus enjoy more favourable conditions for staying in the country after reaching the age of 18.

The act removed the possibility to cancel permanent residence for an indefinite period of time acquired on the basis of marriage with a Slovak national (acquired after four years from obtaining permanent residence for five years) on the grounds that the spouses do not live together as family. It is assumed that an alien living in Slovakia for more than four years is sufficiently integrated, and there is no reason to assume that s/he contracted marriage with a Slovak citizen solely for the purpose of obtaining residence, since the marriage lasted for a long enough period of time.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 7 - Equality regarding legal proceedings

To address the question of the ECSR, it has to be pointed out that if a migrant is involved in legal proceedings and they do not have sufficient funds to hire a counsel, in accordance with article 30 of the Act 99/1963 Coll. on Civil Procedure, they will be recommended by the court

to contact the Centre for Legal Assistance. This institution has been established in accordance with Act 327/2005 Coll. on Legal Aid to Persons in Material Need. Its aim is to provide legal assistance to persons who are unable to make use of existing legal services due to having insufficient funds on their own. The legal assistance provided by this institution ranges from legal advisory services to being granted a lawyer of counsel who will represent the client in the proceeding.

The centre is geographically distributed across the whole country to make sure that people from all over the country do not have to travel too far to make use of the above-mentioned services.

Every person (including migrants) has the right to participate in legal proceedings using their mother language or language they understand. It is the court's responsibility to ensure that this right is complied with, in accordance with article 18 of the Act 99/1963 Coll. on Civil Procedure. Therefore, it is the court's responsibility to have all the documents translated to the language of the migrant, to provide interpretation, etc. The cost is then covered by the state budget. This concerns all stages of the legal proceeding in question.

On top of this, for almost 5 years, the Human Rights League organization has been providing legal assistance and counselling to third-country nationals through its *Legal Counselling for residence and citizenship*. The goal of the *Legal Counselling for Residence, Citizenship and Unaccompanied Minors* project is providing effective and complex legal assistance and counselling to migrants who are legally residing in the territory of Slovak Republic. Specifically, the project is focused on the care for the unaccompanied and separated children and seeking sustainable solution of their situation. Through the project, the Slovak Republic wants to support the integration of foreigners from third countries into the Slovak society as well as identify the biggest obstacles of integration and defend the interests of migrants towards state institutions.

Legal assistance is provided to foreigners especially with residence issues and obtaining of state citizenship. Within the scope of the project, an anonymous online legal counselling centre which foreigners can use free of charge in order to get a quick information, whereas, should the need be, any additional legal assistance is provided solely on individual basis.

Since July 2013, the project has been repeatedly supported by the funds from the European Fund for Integration of the Third-country Nationals as a part of the Solidarity and Management of Migration Flows programme. The starting date of the project was July 1, 2013.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 9 - Transfer of earnings and savings

No change since the last conclusions.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 11 - Teaching language of host State

Regarding the question on providing free Slovak language courses to migrants, the free language courses continue to be provided free of charge to every person who desires to. They can be provided either by offices of labour, social affairs and family to migrants as a part of their re-training for the purpose of finding employment, or they are provided by the International Organisation for Migration by the Migration Information Centre (MIC).

MIC is a counselling centre of the International Organization for Migration (IOM) in Slovakia, whose main objective is to promote integration of migrants in Slovakia. It has been providing its services since 2006. MIC supports migrants in obtaining education, increasing their qualifications or retraining and organizes free open Slovak language courses and courses in social and cultural orientation with information on various aspects of life in Slovakia – activities that facilitate integration of migrants into the society. Since 2011, Slovak language courses in Bratislava and Košice, have been attended by **1,062 migrants** and courses of social and cultural orientation by **337 migrants**. Additional **317 clients** received support for further education and for a retraining course.

There is no age limit and no registration or entry tests are required. They last approx. 3-4 months, lessons are held regularly twice a week, each lesson lasts 2 hours and is devoted to the different topic. Moreover, MIC IOM also offers the possibility to apply for a financial grant for educational and vocational courses, in some special cases also language courses, e.g. the Slovak language course. This is mostly applied for cases when the client cannot commute for the free public courses organized by MIC IOM and his/her integration requires Slovak language. The amount of the financial contribution is 450€ or 225€.

The activity is financed from the project of MIC IOM funded by the European Integration Fund. 25% of the project is co-funded by the Slovak Republic. MIC IOM also organizes integration courses/socio-cultural orientation courses for third country nationals with permanent, temporary or tolerated stay in the Slovak Republic.

Since 2012, the Slovak Republic has been preparing a new Integration Policy, which would substitute the old Concept of Foreigner Integration in the Slovak Republic. This process has been concluded on January 20, 2014, when the Government adopted the new Integration Policy. The Integration Policy defines three basic target groups in education to which individual measures pertain: children of foreigners, adult foreigners and citizens of the SR.

- 1) Children of foreigners born in the country of origin of their parents, in a different country or in Slovakia (second generation foreigners) and unaccompanied minors – foreigners are the first target group of the Integration Policy in education. Pursuant to currently applicable legislation, compulsory school attendance also applies to children of foreigners residing in Slovakia; they are also entitled to the same rights and conditions to education as the children of citizens of the SR. However, many children of foreigners are in a specific life situation due to the circumstances of their arrival or stay in Slovakia which create various specific upbringing and educational needs. The following measure has been adopted in this respect:
 - a) To design and incorporate an educational programme for teaching Slovak as a foreign language in the offer of programmes of continuous education of teacher (*Responsible subjects: Ministry of Education, Science, Research and Sport; Methodological Pedagogical Centres*).
- 2) Adult foreigners, who arrive to Slovakia for various reasons and whose stay in the country is short-term, long-term or permanent, represent a second significant group

regarding Integration Policy in education. Their lack or insufficient knowledge of Slovak language upon their arrival in country, the lack of knowledge of legal norms and how the institutions operate in the SR, the system of acknowledging professional qualifications and the insufficiently developed system of further education in the form of requalification courses or programmes of lifelong learning are significant barriers to integration. The following measures has been adopted in this respect:

- a) To design and offer standardized courses of Slovak language for adult foreigners according to the Common European Framework of Reference for Languages with the possibility of obtaining a certificate for the level of attained language proficiency (*Responsible subjects: Ministry of Education, Science, Research and Sport; Ministry of Labour, Social Affairs and Family*).
 - b) To make textbooks and methodological aids necessary for teaching Slovak language accessible to adult foreigners within the framework of standardized courses (*Responsible subjects: Ministry of Education, Science, Research and Sport; Ministry of Labour, Social Affairs and Family; Ministry if the Interior*).
 - c) To create a working group with the aim to provide regionally accessible courses of Slovak language for adult foreigners (*Responsible subjects: Ministry of Education, Science, Research and Sport; Ministry of Labour, Social Affairs and Family; Ministry if the Interior*).
 - d) To design standardized courses of civic and cultural orientation for adult foreigners with precisely defined content, curriculum and target requirements (*Responsible subjects: Ministry of Education, Science, Research and Sport; NGOs*).
 - e) To create a coordinated system of the provision and funding of requalification courses for adult foreigners (*Responsible subject: Ministry of Labour, Social Affairs and Family*).
- 3) Citizens of the SR are the third, equally important target group of the Integration Policy. Since integration is a two-way process of mutual accommodation, respect and application of rights and obligations, integration can be successful only if both parties are involved. This requires not only the education of foreigners but the increased awareness of the general public regarding migration and foreigners living in Slovakia. Various groups of professionals who are in intensive contact with foreigners living in Slovakia within the framework of performance of their occupation are specific target groups for education. The following measures has been adopted in this respect:
- a) To create a grant scheme for self-governments, NGOs and organizations associating foreigners for the support of activities oriented on raising the awareness of the general public regarding migration and foreigners living in Slovakia and for the support of activities contributing to their integration at the local level (*Responsible subjects: ministries*).
 - b) To create a grant scheme for educational institutions and NGOs for the support of activities oriented on training groups of professionals who within their occupation come into direct contact with foreigners living in Slovakia (*Responsible subjects: ministries*).

Other institutions providing language courses to migrants:

Through the European Refugee Fond (ERF), the Migration Office of the Ministry of Interior of the Slovak Republic provides funding for courses of the Slovak language at reception facilities for asylum seekers and within integration projects for recipients of international protection. These courses are run either by non-governmental organizations or municipalities through their teachers. The courses are held twice a week (duration of 90 minutes). The obligation to teach the Slovak language is stipulated by law and the courses are funded from ERF. Migration Office of the Ministry of Interior of Slovak Republic and Foreign Aid Department of the Ministry of Interior of the Slovak Republic carry out monitoring of the teaching content.

The Center for Continuing Education of the Comenius University in Bratislava organizes various types of language courses including intensive 5 and 10-month-courses of the Slovak language as a foreign language, evening courses for foreigners in general, evening courses for members of diplomatic missions as well as the individual, “tailor-made” courses according to the clients’ requests. The courses can be attended by all foreigners irrespective of their nationality, age, level of education. Students are divided into classes based on the entry test from the Slovak language. According to the results from the test, their language skills are assessed and the students are divided into classes according to the Common European Framework of Reference for Languages (CEFR). 75% attendance is a condition for a successful completion of the language course as well as for obtaining a certificate of attendance. Otherwise, the students are not provided with the certificate.

Studia Academia Slovaca – the Centre for Slovak as a Foreign Language offers courses for adult foreigners. During the academic year, the courses are organized within the exchange programmes of students from foreign universities and there are also public courses for foreigners living and working in the Slovak Republic (members of diplomatic missions, teachers of foreign language, company managers, cultural workers, and others). Usually, there are one or two-semester programmes including 40 or 80 lessons per course. However, side courses are also provided. Besides, during the Summer University of Slovak Language and Culture, the students can attend intensive course encompassing 80 – 120 lessons.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1 - Participation in working life

To address the first question of the ECSR, whether there exist any placement, counselling, or training programmes for workers with family responsibilities, it has to be stated that counselling services regarding employment activities are provided by offices of labour, social affairs and family as a part of work rehabilitation, re-training courses or skills acquisition. These are, however, tailored to the individual needs of the person in question.

The Slovak Republic supports the families with children mainly in the form of one-time or repeated financial contributions. These contributions are meant to support families with new babies or to support upbringing of children. These benefits are not income tested, they are paid from the state budget.

Regarding the second question of the ECSR, whether there are any statistics available on the extent to which options such as part-time contract, employment for a limited period of time, flexible working hours for work life balance are taken up by men or women employees with family responsibilities, it has to be stated that these are solely based on an agreement between the given individual and their employer, therefore it is not possible to list a concrete number of these flexible work time measures. It should be stated here, that in accordance with Article 164 paragraph 2, if a pregnant woman, men and

women continuously caring for a child younger than 15 years of age requests a reduction in working time or other arrangement to the fixed weekly working time, the employer shall be obliged to accommodate their request if such is not prevented by substantive operational reasons.

Regarding the third question of the ECSR whether workers with family responsibilities are entitled to social security benefits under the different schemes, in particular health care, during periods of parental/childcare leave, it has to be stated that these persons are entitled to free healthcare, as the health insurance is paid by the state during the time these persons are on maternity or parent leave. These persons are also covered by pension insurance, which is paid by the state from the state budget.

Regarding the fourth question of the ECSR on to what extent periods of leave due to family responsibilities are taken into account for determining the right to pension and for calculating the amount of pension it has to be stated that both maternity leave and parental leave are taken into account for determining the right to pension. This is ensured equally for both men and women. The only thing the person in question has to do, is to submit a registration form to have pension insurance paid by the state in writing to the Social Insurance company upon starting the leave. This is just a formal procedure, each application is approved.

As for the fifth question of the ECSR on information on the number of rejected applications for childcare places and on staff training, it has to be stated that the kindergartens in question are established by local municipalities within their territory. These institutions are focused on supporting general development of children. An important part of the education they provide, is a preparation for compulsory school attendance. This is in compliance with the Act 245/2008 Coll. Schools Act in Article 16 paragraph 2. This pre-primary education that is obtained by the child is confirmed by a certificate on completion of pre-primary education.

As the kindergartens are established by municipalities and they act as individual institutions, it is up to each of them to decide on acceptance or rejection of each individual application. However, there are a lot of kindergartens in each city, town or village in order to ensure that if a child is rejected from one kindergarten, they should be accepted to some other in the close vicinity. The number of rejections is not monitored centrally due to this. On top of that, children older than 5 years of age or children who have postponed compulsory schooling, have priority for admission to kindergartens established by municipalities. As for the church and private kindergartens, it is up to each of them to decide on admission.

As for the staff training, this is regulated by the Decree of the Ministry of Education of the Slovak Republic No. 437/2009 Coll. laying down the qualifications and specific qualification requirements for different categories of teaching staff and specialists. Annex I., Part I. regulates the necessary qualifications of teachers in kindergartens in the following way:

Qualification requirements

A. University education of second level

1. In a teacher study programme in the field of pre-school and elementary education
2. In a study programme teaching in kindergartens
3. In a study programme pedagogics, pre-school or school specialisation without supplementary pedagogical study
4. In a teacher study programme general teaching with pedagogics-psychology approbation subject and one-year specialized degree in pre-school education
5. In a teacher study programme for schools of the II. cycle with pedagogics-psychology approbation subject and specialized study in pre-school pedagogy

6. In a teacher study programme for special kindergartens
 7. In a teacher study programme for pre-school pedagogy and pedagogy of the physically disabled, ill or physically weak
 8. In a teacher study programme for pre-school pedagogy and pedagogy of the hearing impaired
 9. In a teacher study programme for pre-school pedagogy and pedagogy of the sight impaired
 10. In a teacher study programme for pre-school pedagogy and teaching in first level of primary education
 11. In a teacher study programme for pre-school pedagogy or study programme pedagogy at a secondary pedagogy school or at a pedagogy and social academy, or at pedagogy and culture academy combined with university degree of second level in study programme teaching in first level of primary education
- B. University education of first level
1. In a teacher study programme in the field of pre-school and elementary education
 2. In a study programme teaching in kindergartens and bachelor study programme creative drama
- C. Secondary vocational education
1. In a study programme teaching in kindergartens
 2. In a study programme teaching in kindergartens in combination with other field of study
 3. In a study programme pedagogical school
 4. In a study programme teaching in kindergartens and tutoring
 5. Leaving examination on pedagogical school for education of kindergarten teachers with a proof of expertise after one-year practise
 6. Leaving examination from one-year advanced study for kindergartens
 7. Leaving examination from secondary pedagogical school for kindergarten teachers
 8. In the study programme tutoring and additional leaving examination in the kindergarten teaching programme or a full vocational education in the tutoring field and at least 10 years of experience with pedagogical activities in a kindergarten or special kindergarten
 9. Two-years study programme for kindergarten teachers or part-time study at this school concluded with an aptitude exam
 10. Aptitude exam for kindergartens
 11. Leaving exam on a secondary school with added qualification study in the field of kindergarten teaching or pedagogical school, or kindergarten teaching with tutoring
 12. Full vocational education with additional pedagogical study of pre-primary pedagogy

Regarding the last question of the ECSR whether legislation or practice provides for arrangements entitling workers to time off from work, on grounds of urgent family reasons in cases of sickness or accident, it has to be stated that this is governed by Article 141 paragraph 1 of the Labour Code, which states that an employer shall excuse the absence from work of an employee for periods of the employee's temporary incapacity to work due to disease or accident, periods of maternity leave and parental leave, quarantine, attending to a sick family member, during periods of caring for a child younger than ten years of age who for substantive reasons may not be in the care of a children's educational facility or school which the child is otherwise in the care of, or if the person who otherwise cares for the child fell ill or was ordered to quarantine (quarantine measures), or who underwent examination or treatment in a

medical facility, which it was not possible to arrange outside of the working time of the employee.

The Act 461/2003 Coll. on Social Insurance states in its Article 36 paragraph 1 letter a) that an employee is entitled to wage compensation from the system of social insurance if they are looking after a sick child, spouse, parent or spouse's parent. Paragraph 2 letter b) states that an employee is also entitled to wage compensation from the system of social insurance if they are looking after a child younger than ten years of age who for substantive reasons may not be in the care of a children's educational facility or school which the child is otherwise in the care of (if the facility is closed down e.g. due to quarantine, etc.).

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 2 - Parental leave

Regarding the first question of the Committee on whether the request concerning the length of leave made by a parent is generally granted, or whether the employer has some discretion in this respect and if there is an obligation to take the leave immediately after maternity, it has to be stated that the employer has to discretion in this respect. It is entirely up to the parent to decide when and for how long they wish to take the parent leave. They have to, however, do it before the child reaches the age of three years of age (or six, in case of a child who requires specific care due to health reasons), there is no obligation to take up parent leave right after the maternity leave ends.

Regarding the second question of the ECSR on the financial aspects of parent leave under Section 166§2 of the Labour Code, the parent is entitled to parent benefit amounting to 203.20 EUR monthly and child benefit amounting to 23.52 EUR monthly. It has to be stated that if a parent decides to continue to work, they are entitled to a child-minding benefit amounting to 230 EUR monthly that is aimed to be used cover the expenses of child-minding and the related services.

Regarding the third question of the ECSR on whether at the end of the parental leave workers have the right to return to the same job, it has to be stated that this is governed by Article 157 paragraph 2, which states, that at the end of maternity or parent leave, the employer is obliged to enable the worker to return to the same job.

Article 3 - The right to safe and healthy working conditions

Paragraph 2 - Provision for the enforcement of safety and health regulations by measures of supervision

The Constitution of the Slovak Republic in Article 36 letter c) states that all workers are to be provided with safe working conditions and occupational safety and health protection.

Paragraph 2 of the Act 124/2006 Coll. on Occupational Safety and Protection of Health at work defines that all categories of workers and employers fall under the scope of this act, therefore all workers and employers are granted the same standards.

The Act 311/2001 Coll. the Labour Code in Article 3 of the Fundamental Principles states that all employees have the right to the occupational safety and protection of health at work. Article 48, paragraph 7 states that employees who are not employed for indefinite period of time shall not be discriminated in the matters related to occupational safety and protection of health at work and are granted the same rights and obligations in these matters and employees working for indefinite period of time. The same applies for regular medical health examinations.

As far as representation of these workers is concerned, the legislation of the Slovak Republic provides that any person is able to form, join and participate on the work of trade unions without any discrimination based on age, gender, employment status, retirement, health condition, etc. This is provided for by the Act 83/1990 Coll. on the Association of Citizens and Act 365/2004 Coll. the Antidiscrimination Act. These persons represent all employees, not only those employed for indefinite period of time, but also employees working on part-time, fixed-term contract, etc. This is in accordance with the Antidiscrimination Act.

As far as training on issues related to occupational safety and health is concerned, this is provided to all employees employed on the basis of all types of contracts upon their recruitment, as is stated in article 7 paragraph 3 of the Act 124/2006 Coll. on Occupational Safety and Protection of Health at Work.

Article 12 - The right to social security

Paragraph 4 - Social security of persons moving between states

Payment of family benefits is not governed by bilateral agreements on social security, as family benefits are provided within the system of state social assistance (from the state budget) and anyone can apply for these benefits, as long as their stay in the Slovak Republic is legal – people from all countries can apply for them, and as long as they reside legally within the territory of the Slovak Republic, and meet the criteria related to these benefits, they will be granted to these foreigners, just like they are granted to Slovak nationals. There is no residence requirement for the child, only for the person who applies for the given benefit. Most of the benefits there are paid on monthly basis, like e.g. child allowance, child allowance supplement, parent allowance, childcare allowance require the person who applies for these benefits, to have at least temporary residence permit. Due to the fact that foreigners coming to the Slovak Republic come to work, study, research, become self-employed, etc., within the country, they have to have at least temporary residence permit which in turn entitles them to apply for the above mentioned benefits.

The principle of accumulation and maintenance of periods and benefits is, for other EU member states, cover by EU legislation. For countries which are not EU member states, these principles are covered by bilateral agreements. The Slovak Republic currently has bilateral agreements with the following Council of Europe member states which are not EU members or are not members of the European Economic Area:

- Russian Federation;
- Serbia;

- Ukrajine;
- Turkey;
- Bosnia and Herzegovina (covered by a bilateral agreement with countries of the former Yugoslavia);
- Montenegro (covered by a bilateral agreement with countries of the former Yugoslavia);
- Former Yugoslav Republic of Macedonia (signed in November 2014).

The Slovak Republic is currently undergoing negotiations in order to prepare a new bilateral agreement with the following Council of Europe member states:

- Montenegro;
- Russian Federation.

It has to be stated that the Slovak Republic is open to start negotiations with any other country wishing to have a bilateral agreement on social security with the Slovak Republic. However, there has to be will of other states to conclude bilateral agreements with the Slovak Republic.

Regarding the exportability of benefits, Article 116 paragraph 3 of the Act No. 461/2003 Coll. on Social Insurance states that pensions benefits, accident benefit and survivors benefit are exported to countries which are not members of the EU or the EEA or the Swiss Confederation in arrears in three-month periods after the previous confirmation that the beneficiary is alive, unless an international treaty by which the Slovak Republic is bound, states otherwise. The exportability is therefore ensured via the legislative measure in the Act on Social Insurance.

Article 13 - The right to social and medical assistance

Paragraph 3 - Prevention, abolition or alleviation of need

Social services in the Slovak Republic have been provided under the Act No. 448/2008 Coll. on social services since 2009. Social services under the act are provided by means of professional attendant service and other activities that the provider is required to provide. Professional activities in the form of social advice and social rehabilitation can be provided also separately, under conditions laid down by the act. A provider may also perform activities beyond those governed by the act, so as to improve the quality of social service. Social services are services in the public interest and are provided without profit.

As of December 31, 2012 the Slovak Republic had 5 410 836 inhabitants, of which 38 263 (0.74%) were provided with social services in 1090 social services facilities established by a municipality, higher territorial units or non-public providers. Long-term-care social services were provided to 35 293 clients in 915 facilities (facilities for the elderly, social services homes, specialised facilities, day-care centres, assisted living facilities, rehabilitation centres, care service facilities).

In terms of the *establisher* of social services facilities, of the total number of social services facilities (1090) self-governing regions were the founders of 401 facilities (37%), while municipalities founded 263 facilities (24%). Non-public providers founded 426 facilities (39%). As can be seen from these figures, the geographical distribution of social services centres is adequate.

The Slovak Republic, despite its slow economic growth, continuously attempts to increase the amount of resources that are used on social services. That is why the Ministry of Labour, Social

Affairs and Family of the Slovak Republic granted self-governing regions and municipalities, in 2013, 51 818 754 EUR for co-financing social services, which marks a significant increase when compared to 2012 (in 2012 the number stood at 38 164 516 EUR).

As was already mentioned in the previous report, social advice and personal assistance is provided free of charge to ensure that persons without resources have access to these services.