



March 2024

## **European Social Charter (REVISED)**

European Committee of Social Rights

Conclusions 2023

**SLOVAK REPUBLIC**

*This text may be subject to editorial revision.*

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns the Slovak Republic, which ratified the Revised European Social Charter on 23 April 2009. The deadline for submitting the 13rd report was 31 December 2022 and the Slovak Republic submitted it on 9 February 2023.

The Committee recalls that the Slovak Republic was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2019).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity, there was no examination in 2023.

Comments on the 13rd report by the Slovak National Centre for Human Rights were registered on 29 June 2023.

The Slovak Republic has not accepted the following provisions from the above-mentioned group: 19§2, 19§3, 19§8, 19§10, 19§12, 31§§1-3.

The conclusions relating to the Slovak Republic concern 28 situations and are as follows:

– 19 conclusions of conformity: Articles 7§1, 7§2, 7§4, 7§§6-9, 8§1, 8§§3-5, 19§1, 19§5, 19§7, 19§9, 19§11, 27§§1-3.

– 9 conclusions of non-conformity: 7§3, 7§5, 7§10, 8§2, 16, 17§§1-2, 19§4, 19§6.

Conclusions and reports are available at [www.coe.int/socialcharter](http://www.coe.int/socialcharter).

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 1 - Prohibition of employment under the age of 15*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee notes that it has previously considered that the situation in Slovakia was in conformity with Article 7§1 of the Charter.

The Committee has observed that many States’ legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

With regard to the activities carried out to detect cases of children under 15 years of age working on their own account outside the scope of employment contracts, the National Labour Inspectorate regularly performs inspections focused on finding violations of the Labour Code currently in force and publishes a report of these findings on its website each year.

With regard to the Committee’s question on the activities and findings of the National Labour Inspectorate concerning the prohibition on employing young persons under the age of 18 for dangerous or unhealthy activities, including the number of violations detected and penalties applied, the report indicates that 16 382 inspections concerning labour relations were performed in 2021 by the Labour Inspectorate, a total of 15 543 in 2020, and a total of 24 423 in 2019. In 2020, one violation of the prohibition of work of persons under the age of 18 was detected. In other years, no instances of employment of persons under the age of 18 in dangerous working conditions were identified.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 7§1 of the Charter.

**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*

The Committee takes note of the information contained in the report submitted by Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2019) the Committee found that the situation in Slovak Republic was in conformity with the Charter. The Committee reiterates its previous finding of conformity.

*Conclusion*

The Committee concludes that the situation in Slovak Republic is in conformity with Article 7§2 of the Charter.

## **Article 7 - Right of children and young persons to protection**

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

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 7§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion the Committee deferred its conclusion and asked whether the regional labour inspectorate and regional public health authority allow children to carry out more than one light job per month in order to ensure that the minors benefit from at least two consecutive weeks of rest during the summer holidays. The Committee notes that the report does not provide this information. Due to the failure to provide the information listed below the Committee concludes that the situation in the Slovak Republic is not conformity with Article 7§3 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

#### *Conclusion*

Due to the failure to provide the information listed below the Committee concludes that the situation in the Slovak Republic is not conformity with Article 7§3 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter. The information is missing on the following point:

- whether children still subject to compulsory education can benefit from two consecutive weeks of rest during summer holidays.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 4 - Working time*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

As the previous conclusion found the situation in the Slovak Republic to be in conformity with the Charter, there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in Slovak Republic is in conformity with Article 7§4 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 5 - Fair pay*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 7§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee deferred its previous conclusion pending receipt of the information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral and to the targeted questions.

### ***Fair remuneration for young workers and apprentices***

In its previous conclusion, the Committee asked for information on net values of both minimum and average wages for the relevant reference period after deduction of taxes and social security contributions.

The reports provides that in 2021 the minimum wage net amounted to EUR 508.44, whereas the average wage stood at EUR 849.48. Accordingly, the minimum wage constituted 59,8% of the average wage.

Under Article 7§5 the Committee examines if young workers are paid the equivalent of 80% of a minimum wage in line with the Article 4§1 fairness threshold (60% of the net average wage). Thus, if young workers’ wage amounts to 80% of the minimum threshold required for adult workers (60% of the net average wage), the situation would be in conformity with Article 7§5 (Conclusions XVII-2 (2005), Spain).

In the present case, the young workers’ wage is at the same level as the adult workers’, and the Slovak Republic has made many efforts to raise the minimum wage and is continuing to do so. Additionally, the report mentions that all persons earning minimum wage can apply for benefits from the system of state social assistance such as material need allowance, housing allowance etc.

The Committee also notes that under Article 4§1 (Conclusions 2022) it deferred its conclusion, however it considered that that the minimum net wage represented 59% of the net average earnings, which represents a significant improvement compared with the situation in 2018.

In the light of the above, the Committee considers that the situation is in conformity with the Charter in this respect.

### ***Fair remuneration in atypical jobs***

For the present monitoring cycle, the Committee requested updated information on net minimum wages and allowances payable to persons under 18 years of age. In particular, it asked for information on measures taken to ensure that fair remuneration is guaranteed to young workers:

- i) in atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)
- ii) in the gig or platform economy and
- iii) having zero hours contracts.

The report does not provide information on this point.

Due to the failure to provide the information listed below the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 7§5 of the Charter.

### **Enforcement**

In the context of the present monitoring cycle the Committee also requested information on measures taken to ensure that this right of young persons to fair pay is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions).

The report states that regarding the question on violations and sanctions imposed concerning the inspections carried out which guarantee allowances are paid to apprentices, according to the NLI, in 2021 a total of 16 382 inspections related to these aspects of labour law relations were performed and 284 violations were discovered. In 2020, a total of 15 543 inspections were performed with 305 violations. In 2019, a total of 24 423 inspections were performed with 374 violations. In 2018, a total of 17 269 inspections were performed with 392 violations identified. As far as sanctions are concerned, these were financial penalties.

### *Conclusion*

Due to the failure to provide the information listed below the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 7§5 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

List of questions:

- on measures taken to ensure that fair remuneration is guaranteed to young workers in atypical jobs or in the gig or platform economy and on zero hours contracts.

## **Article 7 - Right of children and young persons to protection**

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

The Committee takes note of the information contained in the report submitted by Slovak Republic.

The Committee recalls that no questions were asked for Article 7§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§6 requires that time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer’s consent and be related to the young person’s work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of Interpretation on Article 7§6). This right also applies to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter.

As the previous conclusion found the situation in the Slovak Republic to be in conformity with the Charter, there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 7§6 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 7 - Paid annual holidays*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in the Slovak Republic was in conformity with Article 7§7 of the Charter (Conclusions 2019). Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 7§7 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 8 - Prohibition of night work*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in the Slovak Republic was in conformity with Article 7§8 of the Charter (Conclusions 2019). Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 7§8 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 9 - Regular medical examination*

The Committee takes note of the information contained in the report submitted by Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 7§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in the Slovak Republic was in conformity with Article 7§9 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for up-to-date information on the monitoring activities of the Labour Inspectorate as regards the applicable rules on regular medical examination of young workers, including the number of violations identified and sanctions applied. The report provides information on the number of inspections carried out during the reference period and notes that no violations of the regulations in question were found during this time.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 7§9 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 10 - Special protection against physical and moral dangers*

The Committee takes note of the information contained in the report submitted by the Slovak Republic and in the comments by the Slovak National Centre for Human Rights.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

Previously, the Committee deferred its conclusion (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of deferral and the targeted questions.

### ***Protection against sexual exploitation***

The Committee has previously asked for statistical information on cases of sexual exploitation and abuse of children. It also asked for information on the assistance provided to child victims of sexual exploitation. It asked for updated information on the specific measures, including legislative measures, taken to combat the sexual exploitation of children and on the results achieved in practice (Conclusions 2019).

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report states that the National Coordination Centre for Solving the Problem of Violence Against Children (NKS) coordinates the implementation of the National Strategy for the Protection of Children from Violence. It has initiated several legislative and systemic changes, such as the institution of a "guardian lawyer", and the extension of the statute of limitations for cases of sexual abuse from 15 to 20 years.

Due to the failure to provide the requested information on cases of sexual exploitation and sexual abuse of children, on assistance provided to child victims of sexual exploitation, on the specific measures including legislative measures taken to combat the sexual exploitation of children and on the results achieved in practice, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

### ***Protection against the misuse of information technologies***

The Committee has previously asked for information on supervisory mechanisms and sanctions for the sexual exploitation of children through information technologies and whether legislation or codes of conduct for internet service providers were envisaged to protect children (Conclusions 2019).

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

Due to the failure to provide the requested information on supervisory mechanisms and sanctions for sexual exploitation of children through the information technologies and whether legislation or codes of conduct for internet service providers are foreseen in order to protect children, the Committee concludes that the situation in the Slovak Republic is not in conformity

with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

In reply to the targeted question, the report states that as part of the NKS campaign aimed at raising awareness of violence against children, a strategy has been put in place to add information on social media about cyberbullying, neglect, sexual abuse. Once a month, the NKS also organises an online event focused on the digital space, aimed at protecting children in it.

### ***Protection from other forms of exploitation***

The Committee has previously requested information on the protection of children against other forms of exploitation and considered that if this information was not provided in the next report, there would be nothing to establish that the situation in the Slovak Republic was in conformity with Article 7§10 of the Charter. It also asked for information on the implementation of the National Strategy for Protection of Children against Violence and on the effectiveness of measures taken to protect children and prevent and combat child trafficking and exploitation. It also asked what measures had been taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas (Conclusions 2019).

The report states that the NKS participated in the creation of a methodological guide which is intended for persons holding management positions in organisations working with children, as well as for employees and volunteers in these organisations.

Due to the failure to provide the requested information on the protection of children against other forms of exploitation, on the implementation of the National Strategy for Protection of Children against Violence and on the effectiveness of measures taken to protect children and prevent and combat child trafficking and exploitation, what measures have been taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

### ***Covid-19***

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report does not provide the information requested.

In its comments, the Slovak National Centre for Human Rights reports a 145% increase in sexual crimes committed against children in 2020 in connection with measures taken to combat the pandemic.

### ***Conclusion***

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 7§10 of the Charter. The

Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- statistical information on cases of sexual exploitation and sexual abuse of children;
- assistance provided to child victims of sexual exploitation;
- on the specific measures including legislative measures taken to combat the sexual exploitation of children and on the results achieved in practice;
- on supervisory mechanisms and sanctions for sexual exploitation of children through information technologies;
- whether legislation or codes of conduct for internet service providers are foreseen in order to protect children;
- on the protection of children against other forms of exploitation;
- on the implementation of the National Strategy for Protection of Children against Violence and on the effectiveness of measures taken to protect children and prevent and combat child trafficking and exploitation;
- what measures have been taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 1 - Maternity leave*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

As the previous conclusion found the situation in the Slovak Republic to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

The report does not submit any specific information concerning the Covid-19 crisis and its impact on the conditions of entitlement or the amount of maternity benefits.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 8§1 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 2 - Illegality of dismissal during maternity leave*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

In its previous conclusion ( Conclusions 2015), the Committee found that the situation in the Slovak Republic was not in conformity with Article 8§2 of the Charter on the grounds that a worker may be dismissed during pregnancy or maternity leave if she does not accept changes to her employment contract resulting from the relocation of all or part of the employer's activities.

#### ***Prohibition on dismissal***

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation was not in conformity with Article 8§2 of the Charter on the grounds that a worker could be dismissed during her pregnancy or maternity leave if she did not accept the changes to her employment contract resulting from the relocation of all or part of the employer's activities.

The report states that this is a very specific situation and that it is the only case in which a worker can be made redundant. It also states that this is the only possible solution, because if a woman who is pregnant or on maternity leave works for an employer who decides to move to a town 200 km away from her 'original' headquarters, she would be able to continue working at her job in the employer's new headquarters, but if she does not accept this change, the employer will have no possibility of keeping her on when the employer relocates to a completely new workplace.

The Committee recalls that Article 8§2 of the Charter allows, as an exception, the dismissal of an employee during pregnancy and maternity leave in certain cases such as a fault justifying the termination of the employment relationship, if the company ceases its activities or if the period described in the employment contract has expired. However, these exceptions are interpreted strictly by the Committee.

Insofar as the situation has not changed and the exception provided for in the Slovak law goes beyond the strict criteria for dismissal set out in the Charter, as interpreted by the Committee, the Committee reiterates its previous conclusion.

#### ***Redress for unlawful dismissal***

The Committee previously considered that the situation was in conformity on this point. There was therefore, no examination of the situation in 2023 and the Committee reiterates its previous conclusion of conformity.

#### ***Covid-19***

The Committee asked whether the Covid-19 crisis had had an impact on the possibility of dismissing employees who were pregnant or on maternity leave; it also asked whether there had been any exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

The report does not provide any information on this subject.

#### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 8§2 of the Charter on the ground that a worker may be dismissed during her pregnancy or maternity leave if she does not accept the changes to her employment contract resulting from the relocation of all or part of the employer's activities.

**Article 8 - Right of employed women to protection of maternity**

*Paragraph 3 - Time off for nursing mothers*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group Children, families and migrants”).

As the previous conclusion found the situation in the Slovak Republic to be in conformity with the Charter (Conclusions (2019) there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

*Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 8§3 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 4 - Regulation of night work*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§4 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group "Children, families and migrants").

In its previous conclusion, the Committee concluded that the situation was in conformity with Article 8§4 of the Charter (Conclusions 2019) the assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or thereassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

The report provides no information in response to the targeted question.

However the Committee recalls from previous conclusions (Conclusions 2015) that a pregnant woman, a woman who has given birth within the last nine months or is nursing can request at any time a modification of their working time or a transfer to daytime work to a suitable equivalent post. If such a transfer is not possible, the woman concerned is entitled to a "balancing allowance" aimed at covering the difference between her previous and present earnings or to take leave and receive wage compensation.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 8§4 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group "Children, families and migrants").

In its previous conclusion, the Committee concluded that the situation was in conformity with Article 8§5 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave and women concerned retain the right to return to their previous employment once their condition permits.

The Committee recalls from previous conclusions that a pregnant woman, a woman who has given birth within the last nine months or is nursing cannot be assigned to work that is physically inappropriate for them or harmful to them or their child. In such cases, the concerned woman shall be transferred to another suitable equivalent post. If such a transfer is not possible, the woman concerned is entitled to a "balancing allowance" aimed at covering the difference between her previous and present earnings or to take leave and receive wage compensation (Conclusions 2019). The current report confirms that after the protected period a woman has the right to return to her previous post.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 8§5 of the Charter.

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

The Committee takes note of the information contained in the report submitted by the Slovak Republic and in the comments by the Slovak National Centre for Human Rights.

The Committee recalls that for the current reporting cycle, States were asked to respond to several targeted questions for Article 16 of the Charter as well as, where applicable, previous conclusions of non-conformity, deferral or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the Charter's implementation in respect of the provisions relating to the "Children, family and migrants" thematic group).

In its previous conclusion (Conclusions 2019), the Committee found that the situation in the Slovak Republic was not in conformity with Article 16 of the Charter on the grounds that:

- the measures taken did not ensure an adequate protection of women against domestic violence;
- the protection of Roma families with respect to housing, including in terms of eviction conditions, was inadequate.

The Committee's assessment will therefore relate to the information provided in the report in response to the conclusion of non-conformity, and to the targeted questions.

### ***Legal protection of families***

#### ***Rights and obligations, dispute settlement***

- **Rights and obligations of spouses**

In its previous conclusion (Conclusions 2019), the Committee asked for information on the legal framework ensuring the equality of spouses as regards their rights and obligations within the couple (reciprocal responsibility, ownership, administration and use of property, etc.)

Due to the failure to provide requested information, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

- **Settlement of disputes**

In its previous conclusion, the Committee asked for information about the legal means of settling disputes between spouses.

Due to the failure to provide requested information, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

- **Mediation services**

In its previous conclusion, the Committee asked for information on the functioning of mediation in practice, i.e. the distribution/coverage of the mediation services/mediators over the whole country and statistical data on the number of family conflicts dealt with through mediation.

Due to the failure to provide requested information, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

### ***Domestic violence against women***

First of all, the Committee notes that the Slovak Republic has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in May 2011, but has not yet ratified it.

In its previous conclusion (Conclusions 2019), the Committee requested comprehensive and updated information on actions and measures taken in the field of domestic violence (prevention, protection, prosecution, integrated policies), including relevant statistical data and examples of case law/related convictions applied, data on the use of protection orders, the availability of legal and psychological counselling as well as data on shelters and crisis centres for victims; the effective implementation of legislation/measures in the field and their impact on preventing and reducing domestic violence. In the meantime, the Committee considered that the situation was not in conformity with Article 16 of the Charter on the ground that the measures taken to address the problem of domestic violence had been insufficient.

In addition, among the targeted questions that it raised, the Committee asked for updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

As regards the prevention of domestic violence and the protection of victims, the report states that the Social Services Act has been amended to revise the list of persons who can receive social services in an emergency housing facility. The list includes persons who have been victims of domestic or gender-based violence, or who are victims of a crime, including human trafficking, or persons at risk of finding themselves in the above-mentioned situations. The emergency housing facility also provides social counselling, assistance in asserting rights and interests protected by law, preparing and distributing food, basic personal hygiene measures, washing and ironing. The report adds that the secrecy of the location of social services and the anonymity of victims are respected. Social assistance is also provided to perpetrators of violence. As of 23 January 2023 (outside the reference period), 34 emergency housing facilities have been registered in the Slovak Republic, which are established by public and non-public social service providers. According to the Act on Social Services, the provision of emergency housing is the responsibility of higher territorial units, i.e., the 8 Autonomous Regions.

The report also indicates that the "National strategy for equality between women and men and equal opportunities for the years 2021 - 2027, together with the relevant Action Plan for equality between women and men and equal opportunities for the years 2021 - 2027" was approved on 28 April 2021. Measures and actions specified in the strategy are aimed at preventing, *inter alia*, violence against women, sexual harassment, and discrimination against women.

In addition, the report indicates that the Ministry of Labour, Social Affairs and Family, in cooperation with non-governmental organisations and State and public administration bodies, developed the "National Action Plan for the Prevention and Elimination of Violence against Women for 2022-2027". The Action Plan was approved by Government Resolution No. 12/2022 on 12 January 2022 (outside the reference period). It provides a framework for institutional support to women victims of violence and their children and includes strengthening the legal and strategic framework, maintaining existing accessible support services and creating new ones, training professionals working in the field of violence against women, and primary prevention, monitoring and research activities.

The Committee takes note of the information on the implementation of projects aimed at improving the protection of victims of violence against women and preventing gender discrimination ("Improving the protection of victims' rights - strengthening capacities and procedures to combat violence against women and domestic violence" and "Prevention and Elimination of Gender Discrimination"). As part of the latter project, the Coordinating Methodical Centre for the Prevention of Violence against Women ("KMC") was established. KMC initiated the establishment of regional working groups to create action plans based on the real needs of the regions. KMC also organises workshops for workers in specific services for women victims of violence, and workshops for other support professions in this field (police, social workers, health workers, prosecutors and courts officials).

The report adds that support and protection of women and their children from violence is developed and provided primarily by non-state social service providers registered or accredited under Act No. 448/2008 Coll. on Social Services. Counselling centres and emergency housing facilities providing safe accommodation for women victims of violence and their children ("women's shelters") are a specialised type of support and protection.

Furthermore, the report states that Act No. 274/2017 on Victims of Crime and Amendments to Certain Rules entered into force on 1 January 2018. It provides for various rights of victims of crime, such as the right to information, the right to professional assistance, the right to legal aid and the right to compensation for victims of violent crimes. The report adds that particularly vulnerable victims are entitled to free professional assistance.

The Committee observes that the report does not provide any relevant statistical data, examples of case law/related convictions applied, data on the use of protection orders, information on incidence and conviction rates. Moreover, the report does not provide any information on the effective implementation of legislation/measures in the field of domestic violence against women and their impact on the prevention and reduction of domestic violence.

As regards relevant statistical data, the Committee notes from the concluding observations on the third periodic review of Slovakia adopted in 2019 that the UN Committee on Economic, Social and Cultural Rights noted the worrying nature of the information on the considerable scale of violence against women, including sexual harassment and domestic violence. The UN Committee recommended that Slovakia develop dedicated legislation addressing violence against women, provide full protection for victims and improve their access to justice, and systematically collect disaggregated data on violence against women.

In this regard, the Slovak National Centre for Human Rights states in its comments that, according to data from the Public Prosecutor's Office, the number of prosecutions for the crime of abuse of a close and entrusted person increased by 18% in 2020 and by 8% in 2021 compared to 2019, with violence being reported not only against the partner and children, but also against relatives living in the same household. In 2019, 237 persons were prosecuted for the crime of abuse of a close relative entrusted to their care 279 in 2020 and 256 in 2021.

The Committee takes note of information provided by the Slovak National Centre for Human Rights on all forms of violence against women and domestic violence, protection against such violence in law and in practice, in particular the impact of Covid-19 pandemic on domestic violence, prosecution statistics, legislative measures taken in the context of the Covid-19 crisis, convictions for domestic violence, etc.

Despite the information provided, the Committee considers that the situation still is not in conformity with Article 16 of the Charter and reiterates its previous conclusion of non-conformity, on the ground that the measures taken do not ensure an adequate protection of women against domestic violence.

## ***Social and economic protection of families***

### ***Family counselling services***

In its previous conclusion (Conclusions 2019), the Committee requested updated information on any developments in law and in practice regarding the availability of family counselling services, including psychological support, counselling and information on issues related to the care and upbringing of children.

In response, the report indicates that the Ministry of Labour, Social Affairs and Family is working to introduce a family system. Between September 2021 and December 2021, a national project - "Family counselling – counselling and psychological services for individuals, couples and families" was implemented. Its aim is to create the necessary conditions for the development of family problem-solving.

### ***Childcare facilities***

In its previous conclusion (Conclusions 2019), the Committee asked for comprehensive information on the childcare facilities available (types of facilities, coverage in relation to the number of children aged 0-6, staff/child ratio, staff training, suitable premises and cost of childcare to parents). Meanwhile, it reserved its position on this point.

In response, the report states that parents of children aged 0 to 3 may use the services of a childcare centre. According to the report, 214 such institutions, with a total capacity of 3,752 places, are registered in the social services system. In addition, parents of children aged 0 to 5 (until the beginning of compulsory pre-primary education) can also make use of home-based in groups of up to 4 children (a new form of childcare). There are currently nine groups of children registered. A monthly contribution of 160 € was introduced to pay for childcare in this form.

Due to the failure to provide requested information on total coverage in relation to the number of children aged 0-6, ratio of staff to children, staff training, and the suitability of the premises, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

### ***Family benefits***

#### ***Equal access to family benefits***

In a targeted question, the Committee asked whether a length of residence requirement was imposed on nationals of other States Parties lawfully resident in the country for eligibility to family benefits.

Due to the failure to provide requested information, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

#### ***Level of family benefits***

In addition, among the targeted questions that it raised, the Committee asked for information about the amounts paid in family benefit as well as the median equivalised income for the reference period. It also asked whether family or child benefits were subject to a means-test and, if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed with respect to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 17 March 2023) that the monthly median equivalised income stood at €706 in 2021.

The report does not provide any information on this issue. However, the Committee notes from the MISSOC database that the amount of child benefit is €60 per child monthly. The benefit is not means-tested.

The Committee notes that the child benefit alone constitutes 8.5% of the median equivalised income in 2021. The Committee considers that child benefit constitutes a significant income supplement.

### ***Measures in favour of vulnerable families***

In its previous conclusion (Conclusions 2019), the Committee asked what special measures were taken to protect single-parent families and Roma families.

Due to the failure to provide requested information, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

Among the targeted questions that it raised, the Committee asked what measures had been taken to ensure that vulnerable families could meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services).

Due to the failure to provide requested information, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

In a targeted question, the Committee asked whether, in cases where specific temporary measures had been taken to financially support families during the covid-19 pandemic, they would or were expected to be maintained or withdrawn and, if they had been withdrawn, what effect this was expected to have on vulnerable families.

The report does not provide any information on this issue.

### ***Housing for families***

In its previous conclusion, the Committee reserved its position regarding eviction. It requested detailed information on the notice periods applicable before eviction. It also asked to clarify whether these periods were set by law or by the courts on a case-by-case basis. The Committee further requested information on whether the applicable legal framework provides for:

- the obligation to adopt measures to re-house or financially assist the persons evicted, should eviction be justified by the public interest;
- compensation in case of illegal eviction;
- a ban on evictions at night or in winter.

In its comments, the Slovak National Centre for Human Rights states that mass evictions of residents often excluded from social rental housing are a serious problem. It also points out that Slovak legislation does not provide for the obligation to provide alternative housing in the event of the eviction of illegal residents.

Due to the failure to provide requested information on the forced eviction, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

In its previous conclusion, the Committee reserved its position on whether the supply of adequate housing for families was sufficient. It asked for information on the specific results of measure 6.1 of the Housing Action Plan 2016-2018, which provided for an analysis of the legislative provisions governing certain broader aspects of housing, proposed a concept of social housing, and took account of the recommendations on the provision of housing allowances. It also asked for figures on the overall availability of housing support (social housing and housing allowances, demand and supply) for low-income and vulnerable families, as well as up-to-date figures on the adequacy of housing (water, heating, sanitary facilities, electricity, size of dwelling/overcrowding).

Furthermore, in a targeted question, the Committee asked States Parties which have not accepted Article 31 of the Charter to provide updated information on the availability of adequate and affordable housing for families.

In its comments, the Slovak National Centre for Human Rights indicates that the provision of social housing is primarily the competence of towns and municipalities. The greatest shortcoming in access to social housing is its unavailability or the unclear conditions under which it is allocated, and the disproportionately long waiting periods before being allocated. The housing allowance is set at two levels: €58.5 per month for a single member household and €93.4 per month for a multi-member household. However, according to the Slovak National Centre for Human Rights, these amounts do not cover real housing costs. The Committee takes note of other information provided in the report of the Slovak National Centre for Human Rights on the lack of affordable housing in the country.

The national report only indicates that there are three types of housing in the Slovak Republic: ownership, social housing, and private renting, and that Article 21 of Act No. 443/2010 Coll. on Subsidies for Housing Development and on Social Housing defines social housing.

Due to the failure to provide requested information on supply of adequate housing for families, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

In its previous conclusion, the Committee considered that the situation was not in conformity with Article 16 of the Charter on the ground that the protection of Roma families with respect to housing, including in terms of eviction conditions, was inadequate. The Committee asked for detailed information on the implementation of any measures adopted or envisaged to improve the housing situation of Roma families, including the number of rental housing units built/renovated and made available to Roma families. It also asked for up-to-date figures on the number of Roma living in settlements, including segregated settlements, as well as on the number of forced evictions affecting Roma families.

The report does not provide any information on this issue. The Committee takes note of the information provided by the Slovak National Centre for Human Rights, in particular on housing for Roma families living in excluded communities and on access to safe drinking water and sanitation.

In view of the above, the Committee considers that the situation is not in conformity with Article 16 of the Charter and reiterates its previous conclusion of non-conformity, on the ground that the protection of Roma families with respect to housing, including in terms of eviction conditions, is inadequate.

In its previous conclusion, the Committee also asked for information on the housing situation of refugee families.

Due to the failure to provide requested information, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter on the grounds that:

- the measures taken do not ensure an adequate protection of women against domestic violence;
- the protection of Roma families in terms of housing, including eviction conditions, is inadequate.

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

Information missing:

- the legal framework ensuring the equality of spouses with regard to their rights and obligations within the couple (reciprocal responsibility, ownership, administration and use of property, etc.);
- the legal means of settling disputes between spouses;
- the functioning of mediation (the distribution/coverage of the mediation services/mediators over the whole country and statistical data on the number of family conflicts dealt with through mediation);
- total coverage with respect to the number of children aged 0-6, ratio of staff to children, staff training, and the suitability of premises ;
- the length of residence requirement imposed on nationals of other States Parties lawfully resident in the country for eligibility to family benefits.
- special measures taken to protect single-parent families and Roma families;
- measures taken to ensure that vulnerable families could meet their energy needs;
- the legal protection of persons threatened with eviction (the notice periods applicable before eviction; whether these periods were established by law or by the courts on a case-by-case basis ; whether the applicable legal framework includes an obligation to adopt measures to re-house or financially assist the persons evicted in the event of eviction justified by the public interest; compensation in case of illegal eviction; a ban on evictions at night or during the winter);
- sufficiency of adequate housing for families;
- figures on the overall availability of housing support (social housing and housing allowances, demand and supply) for low-income and vulnerable families and on the adequacy of housing (water, heating, sanitary facilities, electricity, living size/overcrowding);
- the housing situation of refugee families.

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

### *Paragraph 1 - Assistance, education and training*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion the Committee concluded that the situation in the Slovak Republic was not in conformity with Article 17§1 of the Charter on the grounds that not all forms of corporal punishment were prohibited in all settings, the maximum length of pre-trial detention was excessive and it had not been established that children in public care were adequately cared for (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the targeted questions and the general questions.

### ***The legal status of the child***

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

The Committee notes from other sources (UN Human Rights Council Working Group on the Universal Periodic Review, thirty-second session, 21 January – 1 February 2019) that the regime of protection governing stateless persons has significant shortcomings.

Due to the failure to provide requested information on measures taken to reduce statelessness; on measures taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

### ***Protection from ill-treatment and abuse***

The Committee has previously concluded that the situation in the Slovak Republic was not in conformity with Article 17§1 of the Charter on the ground that not all forms of corporal punishment were prohibited in all settings (Conclusions 2019).

The report provides no information in reply to the conclusion of non-conformity. The Committee therefore reiterates that the situation in the Slovak Republic is not in conformity

with Article 17§1 of the Charter on the ground that not all forms of corporal punishment are prohibited in all settings.

### ***Child poverty***

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care.

The report states that all measures aimed at helping families with children have an impact on reducing child poverty, whether it be by providing direct financial transfers to increase the family's disposable income, by reducing expenses and by promoting active inclusion in social life. Allowances are indexed every calendar year making sure that the amounts correspond to the actual economic situation in the country.

The Committee notes from EUROSTAT that 19.7% of children in the Slovak Republic in 2021 were at risk of poverty or social exclusion, a significant decline in comparison with 2018, when the percentage was 23.3%. The Committee notes that the 2021 rate is lower than the EU average of 24.4%.

Due to the failure to provide requested information on measures taken to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

### ***Right to assistance***

The Committee has previously asked for information on measures taken to find alternative to detention for asylum-seeking families, to ensure that accommodation facilities for children in an irregular migration situation, whether accompanied or unaccompanied, were appropriate and adequately monitored. It also requested further information on the assistance given to unaccompanied children, in particular to protect them from exploitation and abuse and ensure

that unaccompanied children did not go missing. In addition, it sought confirmation that children in an irregular migration situation had access to quality healthcare. Lastly, it asked whether the Slovak Republic used bone testing to assess age; if so, in what situations and what were potential consequences of such testing (Conclusions 2019).

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

Due to the failure to provide requested information on measures taken to find alternatives to detention for children in an irregular migration situation; on measures taken to ensure that accommodation facilities for children in an irregular situation, whether accompanied or unaccompanied, are appropriate and adequately monitored; on the assistance given to unaccompanied children, in particular to protect them from exploitation and abuse and ensure that unaccompanied children do not go missing; whether children in an irregular migration situation have access to healthcare, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

With regard to bone testing, the Committee notes from other sources (GRETA Evaluation Report, Third evaluation round, GRETA (2020)05, 10 June 2020) that a carpal (wrist) X-ray is the most widely used and accepted method for age assessment in the Slovak Republic. The Committee notes that it has already stated that the use of bone testing to determine the age of unaccompanied foreign minors is inappropriate and unreliable (European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, decision on the merits of 24 January 2018, §113). In these circumstances, the Committee considers that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter on the ground that bone testing is used to assess the age of children in irregular migration situation.

In reply to the targeted question, the report states that since 2018, the conditions governing institutional placement have been adjusted to prevent the emergence, deepening and repetition of certain crisis situations for children. For example, there are special facilities that provide professional help to a child in a crisis situation.

### ***Rights of children in public care***

In its previous conclusion, the Committee stated that despite repeated requests, no information had been provided on the number of children in state care, either in institutions or in foster care, nor had the maximum number of children in a single institution been specified. No information had been provided on the measures taken to reduce the number of children in institutions. The Committee therefore concluded that the situation in the Slovak Republic was not in conformity with Article 17§1 of the Charter on the ground that it had not been established that children in public care were adequately cared for (Conclusions 2019).

The report states that in 2020, 1,183 children were placed with foster families and in 2021 – 1,118 children. The information provided does not allow the Committee to clearly determine how many children were placed in institutions.

Due to the failure to provide requested information on the number of children in institutional care, the maximum number of children in a single care institution, the measures taken to reduce the number of children in institutions, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

### ***Children in conflict with the law***

The Committee has previously concluded that the situation in the Slovak Republic was not in conformity with Article 17§1 of the Charter on the ground that the length of pre-trial detention of children was excessive. The Committee asked for information on the maximum prison sentence that could be imposed on a child and whether children could be held in solitary confinement; if so, for how long and under what circumstances (Conclusions 2019).

The report states that the absolute maximum length of pre-trial detention of children is seven months and it only applies in case of a particularly serious crime. It is not possible to keep children in solitary confinement. The Committee recalls that it has previously found that eight-month and seven-month period of pre-trial detention was not in conformity with the Charter (Conclusions XX-4, 2015, Denmark, Conclusions 2019, Slovak Republic). The Committee considers that, in order to be in conformity with the Charter, pre-trial detention of children should not exceed six months. It therefore concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter on the ground that the length of pre-trial detention of children is excessive.

Due to the failure to provide requested information on the maximum length of prison sentence that can be imposed on a child, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

#### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter on the grounds that:

- not all forms of corporal punishment are prohibited in all settings;
- bone testing is used to assess the age of children in irregular migration situation;
- the length of pre-trial detention of children is excessive.

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- on measures taken to reduce statelessness;
- on measures taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation;
- on measures taken to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care;
- measures taken to find alternatives to detention for children in an irregular migration situation;
- on measures taken to ensure that accommodation facilities for children in an irregular situation, whether accompanied or unaccompanied, are appropriate and adequately monitored;
- on the assistance given to unaccompanied children, in particular to protect them from exploitation and abuse and ensure that unaccompanied children do not go missing;
- whether children in an irregular migration situation have access to healthcare;
- on the number of children in institutional care and the measures taken to reduce the number of children in institutions;
- on the maximum number of children in a single care institution;
- on the maximum length of prison sentence that can be imposed on a child.

## **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*

The Committee takes note of the information contained in the report submitted by the Slovak Republic and in the comments by the Slovak National Centre for Human Rights.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

In its previous conclusion the Committee concluded that the situation in the Slovak Republic was not in conformity with Article 17§2 of the Charter on the grounds that the net enrolment rate in compulsory education was too low and it had not been established that adequate measures had been taken to include Roma children in mainstream education (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, targeted questions and the general questions.

### ***Enrolment rates, absenteeism and drop out rates***

In the previous conclusion, the Committee concluded that the situation in the Slovak Republic was not in conformity with Article 17§2 of the Charter on the ground that the net enrolment rate in compulsory education was too low (the enrolment rate in primary education was 83.09% in 2017, the corresponding rate in secondary education was 81.92%). It also asked for information on enrolment rates, absenteeism and drop out rates as well as information on measures taken to address issues with these rates (Conclusions 2019).

The report states that the priority remains to support intervention and preventive tools against school drop out by introducing, for example, a system of all-day education for Roma pupils.

The report further states that the Ministry of Education, Science, Research and Sport is migrating data to a new information system and will only be able to provide data on enrolment and drop out rates once this process has been completed.

The Committee notes from other sources (UNESCO database) that the enrolment rates in 2021 were as follows: 95.67% in primary education, 95.80% in lower secondary education and 90.14% in upper secondary education. It considers that the situation in the Slovak Republic is now in conformity with Article 17§2 of the Charter on this point.

### ***Costs associated with education***

The Committee has previously asked for updated information on measures taken to mitigate the underlying costs of education, such as transport, books and stationery (Conclusions 2019).

The report states that the State pays allowances to parents at the beginning of the school year to cover the costs of school supplies and each municipality can provide individual support in addition to the allowance.

### ***Vulnerable groups***

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

The Committee has previously concluded that the situation in the Slovak Republic was not in conformity with Article 17§2 of the Charter on the ground that it had not been established that adequate measures had been taken to include Roma children in mainstream education. The Committee also asked whether children in an irregular migration situation had a right to education and considered that if this information was not provided in the next report, there would be nothing to establish that the situation in the Slovak Republic was in conformity with Article 17§2 of the Charter. The Committee also asked for information on the rights of undocumented children to access education, including information on the level of, the content of, and mode of delivery of that education (Conclusions 2019).

The report states that the Strategy for the Equality, Inclusion and Participation of Roma until 2030 places a special emphasis on non-discrimination and the intensification of efforts in the fight against anti-Roma racism. The Strategy includes a set of starting points and goals aimed at ending the segregation of Roma communities. Education is one of the main areas covered by the Strategy. Its vision is to increase the real participation of Roma children in quality education and mainstream education. The final goal is to increase the share of Roma completing secondary education to at least 45% for men and 40% for women. One of the objectives of the Strategy is also to reduce by at least half the number of children educated primarily in ethnically homogenous classes, to 30%.

The report further states that the share of early school leavers is significantly higher in socially disadvantaged groups.

The report also states that one of the most significant problems in (addressing) the education of pupils from marginalised Roma communities is their inappropriate placement in special schools. Care is taken to ensure that the vocational activities offered to all children are precisely tailored to their individual needs. The system as a whole provides five levels of support depending on the help the pupil needs.

The report states that children in an irregular migration situation have the right to free education.

In its comments, the Slovak National Centre for Human Rights states that despite the measures taken by the Slovak Republic to introduce inclusive approaches in education, a persistent, widespread and systematic discrimination and segregation of Roma children in education continues. Roma children form a majority of pupils in “special classes” and “special schools” for children with intellectual disabilities, segregated from mainstream education. In 2019, the European Commission concluded that all steps taken by the Slovak Republic to prohibit discrimination in education were not adequate (European Semester, 2019). There is also a lack of didactic resources in the languages of national minorities and a general lack of inclusive measures with regard to migrant children. In 2021, the District Court of Prešov upheld the anti-discrimination lawsuit of three Roma children upheld the merits of the discrimination case brought by three Roma children, which is a breakthrough judgment in the Slovak Republic.

The Committee considers that the situation in the Slovak Republic is not in conformity with Article 17§2 of the Charter on the ground that adequate measures have not been taken to include Roma children in mainstream education.

### ***The voice of children in education***

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children’s specific learning environments).

The report states that children are participating in decision-making through discussions on legislation that affects their rights.

### ***Anti-bullying measures***

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

The report states that the 2022-2023 Action Plan to tackle bullying in schools and educational facilities was adopted. The ambition of this Plan is to formulate new measures which aim to eliminate the risks and conditions affecting the occurrence of bullying in schools.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that during the pandemic, the provision of a food subsidy was made available even when teaching in the schools was interrupted. It was also possible to provide a subsidy directly to parents if the cafeteria was closed but the children were attending classes.

In its comments, the Slovak National Centre for Human Rights states that when schools were closed, up to 128,000 pupils and students were unable to access online education, which was particularly noticeable for pupils/students from socially disadvantaged backgrounds and students with disabilities. Roma pupils are likely to fall even further behind as a result of the pandemic. Moreover, bullying increased during the pandemic and the situation in general deteriorated compared with 2016.

### ***Conclusion***

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§2 of the Charter on the ground that adequate measures have not been taken to include Roma children in mainstream education.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 1 - Assistance and information on migration*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee deferred its conclusion, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral.

***Migration trends***

In reply to the Committee’s request for up-to-date information (see Conclusions 2019), the report provides data on migration flows during the reference period with reference to third country nationals and EU citizens.

***Change in policy and the legal framework***

In its previous conclusion, the Committee asked the next report to provide examples of the actions and measures adopted or envisaged by the Integration Policy (Conclusions 2019).

The report indicates that in September 2021, the Government adopted a new Migration Policy which will be carried out until 2025. The issue of migrant integration forms a substantial component of the new policy, which aims at ensuring inter alia the availability of education for migrant children, as well as access to decent housing and social and cultural support. The new policy also defines productive communication approaches towards public in connection with the migration-related issues as an important element that must accompany other policy measures in this area.

***Free services and information for migrant workers***

The Committee had made an assessment of available services and information for migrant workers in its previous conclusion (see detailed description in Conclusions 2015). In its previous conclusion, the Committee asked the next report to specify in what languages the relevant services and information are provided (Conclusions 2019). The report indicates that information for migrants is available in English and Ukrainian.

***Measures against misleading propaganda relating to emigration and immigration***

In its previous conclusion (Conclusions 2019), the Committee reiterated its questions previously asked (see Conclusions 2015), namely with regard to:

- details of the activities of the Ombudsman and other monitoring bodies operating in the Slovak Republic;
- action taken to combat discrimination in political discourse;
- specific measures taken to combat misleading propaganda relating to immigration and emigration.

With regard to specific measures aimed at combatting misleading propaganda concerning migrants, the report indicates that the Committee for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and other Forms of Intolerance was established. The chair of this body is the Minister of the Interior of the Slovak Republic. The main aim of the committee is to

serve as a platform for coordinating activities, defining priorities and directions in the creation of public policies aimed at preventing and eliminating racism, xenophobia and extremism. Its statute provides also for the opportunity to participate in the preparation of educational programs, preparation and implementation of training for workers of entities involved in the fight against racism, xenophobia and extremism, publications and aids focused on the issue of racism, xenophobia and extremism. Through its working groups, the committee can monitor and obtain information on serious cases related to its substantive scope.

The report does not provide information on the activities of the Ombudsman and other monitoring bodies. The Committee takes note from the Country Report on non-discrimination 2022 of the European network of legal experts in gender equality and non-discrimination of the mandates and activities of the two institutions tasked with promoting equality and combating racism and intolerance, namely the Slovak National Centre for Human Rights and Public Defender of Rights (Ombudsperson).

With regard to specific action taken to combat discrimination in political discourse, the Committee notes from ECRI Report on the Slovak Republic (sixth monitoring cycle, 2020) that the authorities have adopted an action plan against racism, and Parliament has fined two of its members for hate speech. The same report indicates that sanctions for hate speech have also been imposed in the sphere of the media.

#### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 19§1 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 4 - Equality regarding employment, right to organise and accommodation*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 19§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee considered that the situation in the Slovak Republic was in conformity with Article 19§4 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

***Accommodation***

In its previous conclusion, the Committee recalled that States shall eliminate all legal and de facto discrimination concerning access to public and private housing (European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§111-113). It also recalled that there must be no legal or de facto restrictions on home-buying (Conclusions IV (1975), Norway), access to subsidised housing or housing aids, such as loans or other allowances (Conclusions III (1973), Italy) (Conclusions 2019). The Committee asked that the next report provide comprehensive information on this point (Conclusions 2019).

The report indicates that there are no restrictions for non-nationals to own or buy home property. The report further indicates that the conditions under which loans are provided by banks do not include the applicant’s nationality as a criterion, which means anyone can apply for a loan aimed at purchasing immovable property. Moreover, the report states that foreigners can acquire real estate on the territory of the Slovak Republic, regardless of whether they have been granted residence or not.

The report does not provide information on access of migrant workers and their families to subsidised housing or housing aids, such as loans or other allowances. Due to the failure to provide the information requested, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 19§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter.

***Monitoring and judicial review***

In its previous conclusion, the Committee asked for information on the competences of the Labour Inspection, and any available statistics in this regard (Conclusions 2019).

The report provides detailed information with regard to the activity of monitoring compliance with the prohibition of illegal employment, including of non-EU nationals, and the working conditions of employees. It also provides statistical data on the inspections carried out and their results.

The report further indicates that if migrants/foreigners feel that they are being discriminated against in employment or working conditions they can submit a complaint to the relevant labour inspection body, or initiate proceedings in front of a district court. The procedure is the same for foreigners as it is for nationals, and the employer must prove that the foreigner was not discriminated (shift of burden of proof).

### *Conclusion*

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 19§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Slovak Republic of their reporting obligations under Article C of the Charter. List of information missing:

- information on access of migrant workers and their families to subsidised housing or housing aids, such as loans or other allowances.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 5 - Equality regarding taxes and contributions*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

As the previous conclusion found the situation in the Slovak Republic to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

*Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 19§5 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 6 - Family reunion*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee points out that no targeted questions were asked in relation to Article 19§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee concluded that the situation in the Slovak Republic was not in conformity with Article 19§6 on the ground that family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion.

In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of non-conformity.

***Conditions governing family reunion***

In the previous conclusion (Conclusions 2019), the Committee noted that a spouse can apply for permanent residence after four years following a family reunion. It further noted the criticism of the Migration Integration Policy Index 2015 (MIPEX 2015), that the “spouses and parents have little chance of an autonomous status in the 5 years before long-term residence, even in many cases of death, divorce and physical/emotional abuse”. Recalling that once a migrant worker’s family members have exercised the right to family reunion and have joined him or her in the territory of a State, they should have an independent right to stay in that territory (Conclusions XVI-1 (2002), Article 19§8, Netherlands), it considered that this was not the situation in Slovakia, as family members’ permits remain contingent upon the right to stay of the migrant worker, and therefore it considers that the situation is not in conformity with the Charter.

In reply, the report states that the legislation allows for such family members to freely live even with temporary residence permit. They can perform gainful activities, such as performing business activities, working as an employee (after obtaining employment permit and even without the need for additional permits in the period after 12 months from the granting of temporary residence.), freely study (including university studies). Therefore, according to the report, family member is autonomous even before obtaining permanent resident status. The report states that the situation in the Slovak Republic is therefore in conformity with Article 19§6 of the Charter.

The Committee underlines that “autonomy” under Article 19§6 of the Charter means that once a migrant worker’s family members have exercised their right to family reunion and have joined him or her in the territory of a State, they should have an independent right to stay in that territory, i.e., the residence of the family member should not be dependent on the residence of the sponsor. The Committee finds that according to Article 27§5 of the Law on Residence of Foreigners and Amendment and Supplementation of Certain Acts (No 404/2011), temporary residence for the purpose of family reunification shall be granted until the end of the validity of residence of the sponsor, maximum for five years.” Therefore, it cannot be concluded from the above-mentioned provision that the family member that have exercised the right to family reunion and have joined the sponsor in the territory of the Slovak Republic have an independent right to stay in that territory.

Therefore, the situation is not in conformity with Article 19§6 of the Charter in this respect.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 19§6 of the Charter on the ground that the family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 7 - Equality regarding legal proceedings*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee points out that no targeted questions were asked in relation to Article 19§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in the Slovak Republic to be in conformity with Article 19§7 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§7, and the previous conclusion found the situation in the Slovak Republic to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

*Conclusion*

The Committee concludes that the situation in Slovak Republic is in conformity with Article 19§7 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 9 - Transfer of earnings and savings*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in the Slovak Republic to be in conformity with Article 19§9 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§9, and the previous conclusion found the situation in the Slovak Republic to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

*Conclusion*

The Committee concludes that the situation in Slovak Republic is in conformity with Article 19§9 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 11 - Teaching language of host state*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee points out that no targeted questions were asked in relation to Article 19§11 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in the Slovak Republic to be in conformity with Article 19§11 of the Charter, pending receipt of the information requested.

In the previous conclusion (Conclusions 2019), the Committee asked the next report to provide recent statistics concerning the number and percentage of migrant children who have access to the education system and who obtain any form of assistance to enable them to learn the language and participate fully in their education. Similarly, it asked for data on adult migrants who benefit from the Slovak language classes.

In reply, the report indicates that language courses in the Slovak language are generally provided by non-governmental organisations or international organisations with their seat in the Slovak Republic, together with individual education facilities. The Ministry of Education, Science, Research and Sport issues accreditation to these providers if they meet the required criteria. According to the report, because of decentralisation of these providers, it is currently not possible to provide precise numbers of migrants undertaking these courses, especially with the substantially increased number of migrants coming to the territory of the Slovak Republic from Ukraine due to the ongoing war. Each entity providing these courses focuses on different categories of persons these courses are aimed at.

The report also provides detailed information on examples of language learning available for migrants, as well as the teaching methods, such as Open Slovak language courses for foreigners organised by the IOM Migration Information Center (MIC). The report further states that a specialised website is available for everyone, the so-called slovak.ee., supported by the European Commission as part of the KA2 – Languages – Lifelong Learning Programme, which offers the study of the Slovak language in 13 different languages: Czech, English, German, Esperanto, Spanish, French, Croatian, Hungarian, Italian, Lithuanian, Polish, Russian and Slovak. The report also provides that the E-slovak project is another free Slovak language e-learning course which offers tutored lessons that are available during the school year and untutored courses for self-study. After successfully completing the course and passing the test, the student can apply for a certificate. Moreover, the report provides detailed information on the Učíme (sa) slovenčinu (We learn Slovak) project, which is a free e-learning platform that offers space not only for learning, but also for teaching Slovak as a foreign language.

*Conclusion*

The Committee concludes that the situation in Slovak Republic is in conformity with Article 19§11 of the Charter.

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

### *Paragraph 1 - Participation in working life*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 27§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in the Slovak Republic to be in conformity with Article 27§1 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to equal opportunities and treatment, in particular on the possibilities to work remotely and its consequences.

The report does not provide any information on whether the Covid-19 crisis had an impact on the rights protected under Article 27.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 27§1 of the Charter.

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

### *Paragraph 2 - Parental leave*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 27§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in the Slovak Republic to be in conformity with Article 27§2 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to parental leave.

The report does not provide any information on whether the Covid-19 crisis had an impact on the rights protected under Article 27.

### *Conclusion*

The Committee concludes that the situation in Slovak Republic is in conformity with Article 27§2 of the Charter.

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

### *Paragraph 3 - Illegality of dismissal on the ground of family responsibilities*

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

The Committee recalls that no targeted questions were asked for Article 27§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in the Slovak Republic to be in conformity with Article 27§3 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on

- whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic and
- whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

The report does not provide any information on whether the Covid-19 crisis had an impact on the rights protected under Article 27§3.

### *Conclusion*

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 27§3 of the Charter.