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EUROPEAN SOCIAL CHARTER

9th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF THE SLOVAK REPUBLIC

Article 7, 8, 16, 17, 19, 27 and 31

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**Ministry of Labour, Social Affairs and Family
of the Slovak Republic**

The European Social Charter (revised)

The Report of the Slovak Republic

on the implementation of the European Social Charter (revised)

(Conclusions 2015: ratified provisions of Articles 7, 8, 16, 17, 19, 27 and 31
of the Revised Charter)

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Article 7 Paragraph 1

Regarding the question of the Committee on the activities of the labour inspection monitoring the prohibition of employment of person under the age of 15, it has to be stated that according to the information of the National Labour Inspectorate, each regional labour inspectorate holds regular meeting with regional Public Health Authority (once per 3 months). During these meeting, they discuss, among other issues, performance of light work by persons under the age of 15 and prepare joint inspections, as well as cooperate when issuing permits for carrying out such work. The average number of inspections focused on this issue amounted to: 23 (2014), 22 (2015), 19 (2016) and 18 (2017) in each individual region, in order to ensure that the relevant provisions of the Labour Code (Article 11 par. 5) are followed. The labour inspection issued the following amount of decisions to revoke the previously given permission related to employment of young persons: 9 (2014), 3 (2015), 0(2016) and 4 (2017).

Regarding the question how child work at home is being monitored, it has to stated that child work is not permitted in the Slovak Republic – the only exception is participation in cultural events or performances, sports events, advertising activities, as is mentioned in the previous reports, and these activities cannot be performed at home.

Article 7 Paragraph 2

Regarding the question on the information on the activities and findings of the Labour Inspectorate in relation to the prohibition of employment under the age of 18 for dangerous or unhealthy activities, including the number of violations detected and sanctions applied, in 2017, the labour inspection carried out 14 885 inspections focusing on labour-law relations (which is a group of inspections that includes monitoring of working conditions of young workers) and as a result it found 4 violations of the prohibition of employment of persons under the age of 18 in dangerous working conditions. The labour inspection issued 4 decisions on sanctions following these findings. For the previous years, the numbers were: 15 765 total inspections in 2014, 15 530 in 2015, 14 971 in 2016.

Article 7 Paragraph 3

Regarding the question on mandatory and uninterrupted period of rest during school holidays, it has to be stated that the only type of work children aged over 15 who are still subject to compulsory education can perform, is the light work in the form of participation in cultural events or performances, sports events and advertising activities. The participation at these jobs is subject to the approval of the regional labour inspectorate and regional public health authority, and even then is limited to just several days within the month. Both the already mentioned institutions hold regular meetings on issuing the relevant permits in order to ensure proper protection of health, safety, further development and school attendance. In accordance with the information of both bodies, they currently do not allow one person to carry out more than one light job per month, which ensures that the minors have adequate length of uninterrupted rest periods (the jobs does not typically last for more than a couple days).

Article 7 Paragraph 4

Regarding the question of the ECSR on the monitoring activity of the Labour Inspectorate, the violations identified and sanctions applied in cases of breach of the regulations concerning reduced working time of young workers who are no longer subject to compulsory schooling, it has to be stated that according to the findings of the labour inspection, 2014 the number of inspections related to this issue amounted to 157 (5 violations), in 2015 the number was 124 (3 violations), in 2016 it was 98 (3 violations) and in 2017 the number was 75 (1 violation). The sanctions for these violations were financial penalties for the employer. There were follow-up inspections carried out within the premises of the employers who violated this provision of the Labour Code to further monitor compliance with these rules and the situations did not repeat themselves, meaning the working time for these younger persons were as it should be in accordance with the Labour Code.

Article 7 Paragraph 5

Regarding the question of the ECSR on the level of the minimum wage for young workers, it has to be said that as is already mentioned in the conclusions on this article, there is not statutory minimum age for young workers, and there is only the regular nationwide minimum wage set after consultations with the social partners.

Regarding the note that the minimum wage does not reach a sufficiently high level when compared to the average wage, the Slovak Republic objects to such conclusions as this ratio should be evaluated when examining Article 4 par. 1 of the Charter. The currently examined provision should examine the level of minimum wage for young workers when compared to the nationwide level, and in the Slovak Republic there is not difference between the minimum wage for young workers and for adult workers.

Nevertheless, regarding the comparison between the net minimum wage and the net average wage in the period 2013 – 2016:

Indicator / Year	2013	2014	2015	2016
Minimum monthly gross wage in €/month	337,70	352,00	380,00	405,00
- <i>minimum net monthly wage (MNMW) v €</i>	292,48	304,84	339,09	355,01
Average nominal monthly gross wage in €	824,00	858,00	883,00	912,00
- <i>average net monthly wage (ANMW) in €</i>	637,17	662,08	679,61	699,96
Share MNMW / ANMW v %:	45,90 %	46,04 %	49,89 %	50,72 %

From the table above it is visible that the share rose from 45.9% in 2013 to 50.7% in 2016 and kept steadily rising.

Regarding years 2017 and 2018, the proportion of the minimum wage vs. the average wage is as follows:

Indicator / Year	2017	2018
Minimum monthly gross wage in €/month	435,00	480,00
- <i>minimum net monthly wage (MNMW) v €</i>	374,11	403,18
Average nominal monthly gross wage in €	948,00	992,00
- <i>average net monthly wage (ANMW) in €</i>	725,21	756,50
Expected share MNMW / ANMW v %:	51,6 %	53,3 %

The Slovak republic would like to state that it dully fulfils its obligations related to this provision of the charter which is also shown by the substantial rise of the minimum wage in 2017 and 2018:

- In 2017 the government set the minimum wage at 435 EUR per month and the annual increase of the minimum wage was by 30 EUR (8.64%) in comparison with the previous year;
- On October 11, 2017, the government approved the increase of the minimum wage for 2018 to 480 EUR per month and the annual increase of the minimum wage is going to be 45 EUR (10.34%) in comparison with 2017;
- The government has the ambition to set the monthly minimum wage in 2019 above 500 EUR.

The regional differences in the Slovak Republic are a specificity when it comes to economic and industrial development of the country. One of the direct results is a lower average monthly wage in all regions except for the capital city region. Due to this phenomenon it is possible to notice that the share of the net monthly minimum wage of the monthly net average wage is higher than 55% in all of the regions (except for the already mentioned capital city region). This phenomenon is clearly distinguishable in the table below:

Region	MNMW 2016	355,01 €	MNMW 2017	374,11 €	MNMW 2018	403,18 €
	ANMW in €	MNMW / ANMW in %	ANMW in €	MNMW / ANMW in %	ANMW in €	MNMW / ANMW in %
Bratislavský (capitol)	874,62	40,59	906,89	41,25	946,59	42,59
Trnavský	647,35	54,84	670,49	55,80	698,98	57,68
Trenčiansky	640,36	55,44	663,48	56,39	691,96	58,27
Nitriansky	589,83	60,19	610,87	61,24	636,55	63,34
Žilinský	631,91	56,18	654,37	57,17	682,14	59,11
Banskobystrický	604,56	58,72	626,31	59,73	652,68	61,77
Prešovský	556,86	63,75	576,50	64,89	600,77	67,11
Košický	638,93	55,56	662,08	56,51	689,86	58,44
The Slovak Republic total	699,96	50,72	725,21	51,59	756,50	53,30

The Slovak Republic would also like to add that all persons are able to apply for benefits from the system of state social assistance should they feel their monthly earnings do not provide them with adequate resources. The benefits are e.g. material need allowance, housing allowance, etc.

As the information provided above fully apply to young workers, the Slovak Republic does not consider their wages to be unfair.

Regarding the question of the ECSR on how the Labour Inspectorate monitors the actual allowances paid to apprentices in practice, the labour inspection carries out regular inspection focused on individual aspects of labour-law relations and examining the minimum wage guarantee is among them as well. If anyone (that includes apprentices) feels, their wage is below the set nationwide minimum wage, they may also submit a complaint to the labour inspection and the inspection will carry a separate inspection based on the submitted complaint.

Article 7 Paragraph 6

Regarding the question of the ECSR on the activities of the Labour Inspectorate of monitoring the inclusion of time spent on vocational training in the normal working time, it has to be stated that labour inspection does carry out regular inspections focusing on the proper distribution of the working time for young workers, but according to the annual report of the National Labour Inspectorate, in 2017 there were violations regarding this aspect of labour-law relations for young workers (out of 555 total violations of working time for adult workers). In 2016, there were 5 violations related to young workers (out of 580 violations in total) and the sanctions amounted to 3 086 200 EUR for labour-law relations violations.

Article 7 Paragraph 7

Regarding this provision of the charter, it has to be stated that the information provided in the last report remains valid. There have been no violations detected as regards breach of the regulations regarding paid annual holidays for young workers under 18, because the same principles that apply for adult workers are also applied for younger workers, meaning that workers may not waive their right to annual holiday as guaranteed by the Labour Code.

Article 7 Paragraph 8

Regarding this provision of the charter, it has to be stated that the information provided in the last report remains valid. In 2017, the labour inspection found 2 violations of the prohibition of night work for young persons and the sanctions

applied were financial penalties and prohibition of further night work of young employees for the given employers. In 2016, there were no violations of this prohibition discovered. In 2015, there was 1 violation of this principle discovered and the sanctions were the same.

Article 7 Paragraph 9

Regarding the medical check-ups of young workers, it has to be said that the information provided in the last report remain valid. The labour inspection provides to employers professional consulting services in the field of health protection at work in the form of health supervision including the performance of preventive checks. Such preventive measures are carried out at the expenses of the employer. The inspection regularly examines whether the employers who employ younger workers fully comply with this requirement. The labour inspection did not identify any violation of this principle, as it is a prerequisite to actually issue consent with employment of a young worker.

Article 7 Paragraph 10

Regarding the question on whether the victims of child sexual exploitation can be prosecuted it has to be stated that such victims cannot be prosecuted in this regard.

Regarding the question of the ECSR on sanctions for sexual exploitation of children through the information technologies, it has to be stated that an amendment of the Criminal Code has been adopted recently which clearly specifies in its new article 201a that sexual exploitation of children through electronic means is a criminal code. The same applies if a person arranges a meeting with a child through electronic means with the aim of production of child pornography.

Article 8 Paragraph 1

The Slovak Republic would like to inform the ECSR that as of May 1, 2017, the level of maternity benefit was increased to 75% of the person's previous wage, while still retaining the length of maternity benefit provision – which was achieved by an amendment of the Act 461/2003 Coll. on Social Insurance (37 weeks in the case of a single mother, 43 weeks in the case of multiple births).

Article 8 Paragraph 2

The Slovak Republic would like to inform the ECSR that the amendment of the Labour Code that was being prepared and is mentioned in the conclusions has been adopted and the Labour Code now clearly specifies that a dismissal during maternity leave is only possible if the person on maternity leave does not agree with the changes to the labour contract resulting from the relocation of their employer. Because the previous wording caused certain misunderstandings, the Slovak Republic amended the provision of the Labour Code concerned.

Regarding the question on whether reinstatement of the employee to her post is provided for in such case and what other types and levels of compensation are provided for, it has to be stated that in accordance with the Labour Code, in case of an unlawful dismissal, the employer is obliged to enable to return the employee to their post, should the employee wish to do so. The employer is obliged to provide the employee with the wage for the period starting from unlawful dismissal to the day of ruling the dismissal as unlawful by the court. On top of that, the employee is entitled to additional wage compensation amounting to 36 months.

Article 8 Paragraph 3

The Slovak Republic would like to confirm that all the information concerning the nursing breaks, as stipulated by the Labour Code, also apply to employees in the public sector.

Article 8 Paragraph 4

The Slovak Republic would like to confirm that all the information mentioned in the conclusions, as stipulated by the Labour Code, also apply to employees in the public sector.

Article 8 Paragraph 5

The Slovak Republic would like to confirm that the information listed in the conclusions (including the “balancing allowance”) also apply to employees in the public sector – the concerned provisions of the Labour Code apply subsidiary to public sector employees.

Article 16

Regarding the question on eviction, the Slovak Republic would like to inform the ECSR that the only way an eviction can lawfully be executed is by contacting a court. The owner of the house/flat is not allowed to forcefully evict tenants from their house/flat. This is to make sure that tenants are able to make peaceful use of the house/flat in question without the fear of the landlord forcefully evicting them. Only if the court lawfully orders eviction, the court bailiff may execute this court's order. During the judicial proceeding, both parties discuss and attempt to find alternative solutions and if this fails, the court orders eviction, taking into account individual situation of the tenant and setting up time periods within which the tenant has to leave the rented housing. Everyone has the right to turn to court or contact the regional office of the Centre for Legal Aid, which is a state budgetary organization under the Ministry of Justice of the Slovak Republic.

The Centre provides legal aid

- in domestic disputes on:
 - ♣ civil law (for example in disputes related to lease of flats, settlement of joint property of spouses, not payment of loans, consumer protection),
 - ♣ family law (for example payment of alimony, commitment of child to custody)
 - ♣ labour law (in disputes related to invalid termination of employment relations, labour conditions, discrimination at the working place and the like;

- in cross-border disputes in addition to civil, family and labour law matters also in commercial law matters

- in asylum cases

- to the promulgator of an unlawful act in the acts connected with the filing of statements except the criminal proceeding and the administrative offence

- to the person whose employment contract was cancelled according to a specific regulation in proceedings relating to the filing of the application for preliminary measures.

Each person can also submit an appeal against court's decision should they feel the ruling is not in line with legal regulations. Members of the Roma minority can also make use of the above mentioned.

Regarding the housing of the Roma minority, on top of the information the ECSR already has, the Slovak Republic would like to state that the basic starting points and frameworks for the preparation of the Action Plan in this area were set out by the following relevant strategic and programming documents: the strategy; external evaluation; The Atlas of Roma Communities, Operational Programme Human Resources (OP HR); Integrated Regional Operational Program; The State Housing Policy Concept for 2020 and the National Framework Strategy for Promoting Social Inclusion and Fighting Poverty. Another important source in the development of the Action Plan was the experience with the past implementation of the strategy as well as the practical experience gained in the past by means of projects supported by the call for support for social and cultural needs and the solution of the extremely unfavourable situations of the Roma community within the scope of the Office of the Government's Plenipotentiary for Roma Communities self-governing regions.

The Action Plan for Housing for the period 2016-2018 quantifies financial requirements for the implementation of individual measures and activities, amounting to EUR 27 612 778,40, of which EUR 6 047 357,67 is from the state budget. The Housing Action Plan meets global and sub-targets through 30 planned activities, categorized in 10 thematic measures. The proposed activities cover all the problematic areas associated with the housing of the socially excluded Roma population in Slovakia, while at the same time they have the ambition to address to a certain extent also the problems associated with the housing of other marginalized groups of the population. Individual measures approach housing not only in the context of infrastructure issues but also in the wider concept of related issues related to the quality of housing.

From the point of view of the character of individual activities, it is possible to divide them into activities aimed at the direct improvement of living conditions and infrastructure in socially excluded localities (especially investment activities), activities aimed at intensifying and improving social services related to housing, improving public policies in the given (creation of methodologies and analyses, evaluation of measures, collection and analysis of data) and improvement of basic legislative conditions. With the exception of activity 5.1.4 Analysis of Roma Discrimination in the Housing Sector, which also applies to integrated Roma, all activities are targeted primarily at residents of marginalized Roma communities.

Measures 1.1 and 1.2 are aimed at a direct improvement of the housing situation, both by supporting the rental model (construction and self-building of rented dwellings) as well as the gradual legalization of technically suitable dwellings in accordance with the building law. A special model combining the improvement of living conditions with increasing financial literacy is the self-help construction of a housing fund financed by micro-loans.

A key issue of the legality of housing and the possibilities for infrastructure development of the sites in question is the problem of legal relationships to land and its settlement, which is the subject of Measure 1.3 and three related activities.

Measure 2.1 is in line with resources allocated to the OP HR designed for investment activities, improving individual aspects of infrastructure facilities (engineering networks, access roads and municipal waste) of marginalized sites, with the availability of drinking water included in the Health Action Plan.

Measure 3.1 aims to make more effective use of existing social work capacities to improve the housing conditions of marginalized population groups, especially field social workers and community centre workers, who generally have not been able to address these issues in a systematic manner or professionally.

Measure 4.1 is aimed at building transient housing systems as a means of individual mobility of socially excluded inhabitants, with planned activities not only investing in infrastructure but also in related accompanying social services. In view of a number of open questions about the form of a transitional housing system, relatively limited experience with the implementation of this model and the amount of the allocation was the chosen form of the pilot project, after which it would be more conceptual to proceed with the construction of the transitional housing systems.

Measure 4.2 is aimed at preventing non-payment, as housing-related expenditures account for many of the family budgets of marginalized population groups, are the source of their indebtedness and exactions that end in dramatic deterioration of housing conditions (disconnection from energy, forced evictions, illegal housing status, etc.) with a devastating impact on the overall quality of life.

Actions within the measure 5.1 are aimed at improving public policies in a wider context, particularly in terms of problem awareness and analysis, building a data collection and evaluation system for Roma housing. The same is to plan and comprehensively evaluate existing approaches and programs to support the housing of marginalized communities.

Measure 6.1 is aimed at analysing the legislative conditions of some of the broader aspects of housing issues, proposing a concept of social housing, and taking into account advice on providing a housing allowance as a supportive integration measure in the area of housing sustainability.

Measure 7.1 is intended to create the basic prerequisites for the systematization of public assistance in case of extraordinary natural and similar situations, in response to the existing fragmentation of various aid instruments. This measure is also targeted at all groups of the population of the Slovak Republic.

Regarding the question of the ECSR on the participation of associations representing families when family policies were drawn up, the Slovak Republic would like to inform the ECSR that these organisations are consulted by making use of meetings of the Economic and Social Council of the Slovak Republic, where the Government discusses with the social partners all legislative proposals, strategies and policies. The social partners have to give consent to all the proposed materials prior to their approval by the Government. Associations representing families have the right to submit their views/ideas/complaints to the Economic and Social Council and their views have to be taken into account prior to submission of the relevant document for the Government's approval.

Regarding the question of the ECSR on the rights and obligations of spouses in respect of one another and their children, the Slovak Republic would like to inform the Committee that maintenance allowances and obligations stem directly from the Act No 36/2005 Coll. Governing the Family and amending certain other laws ('Family Act'). Under the Family Act, maintenance obligations take the following forms:

- a) the maintenance obligation of parents towards their children;
- b) the maintenance obligation of children towards their parents;
- c) the maintenance obligation between other relatives;
- d) the maintenance obligation between spouses;
- e) alimony;
- f) support paid to an unmarried mother to cover maintenance and certain expenses.

The maintenance obligation of parents towards their children is a legal duty that applies as long as the children are unable to fend for themselves. The fact that a child has completed compulsory schooling does not necessarily mean that it has acquired the capacity to provide for its own needs. Whether or not parents have a continued maintenance obligation towards their children will depend on the child's abilities, opportunities and financial situation throughout the child's training for a future job, e.g. as a full-time university student. Majority has no legal bearing on the duration of a maintenance obligation. The point in time when a child becomes legally 'able to fend for itself' varies from case to case, each considered individually, on its own merits, by a court. The ability to fend for oneself tends to be widely interpreted as meaning the ability to provide for all needs or relevant costs of living on one's own (i.e. using one's own money). This ability must be sustainable. Occasional income cannot be regarded as a vehicle establishing the ability to provide for one's own needs.

In practice, courts rely on the fact that the parental maintenance obligation is elastic because blood relations are not limited in time and therefore this obligation may be renewed if, for instance, children decide to study later or if they are not admitted to university straight after secondary school. According to case law, additional courses subsequently enabling them to find a job in a field other than that they had been studying for up to that point can also be treated as a child's continued vocational training.

When a child starts earning a regular source of income from employment, a business venture, etc., the task of judging when a maintenance obligation has dissipated is made simpler. Given the situation on the labour market, the existence of many more forms of study and educational institutions, the need to learn languages for a child to be able to put his or her training into practice, retraining courses, continuing education, study stays abroad, and the need to become better qualified, it will be more difficult for the courts to establish the moment when a child is able to fend for itself.

In Slovakia, the law does not specify the particular amount of a maintenance allowance. In family matters, courts must always consider each case individually, based on the particular circumstances, and therefore the law does not specify any particular amount of maintenance. Indeed, in family matters, more than in any other area, a piece of legislation cannot neatly and explicitly package up the full diversity of life. According to Section 75(1) of the Family Act, in determining the amount of maintenance the court takes into account the legitimate needs of the beneficiary, as well as the abilities, opportunities and financial situation of the debtor. The court also considers the abilities, opportunities and financial situation of the debtor in cases where, for no material reason, the debtor quits decent employment or a good job, or relinquishes a steady source of income; it also takes into account any unreasonable financial risks taken by the debtor.

As to parent-child maintenance, both parents must contribute to the maintenance of their children according to their abilities, opportunities and financial situation. A child has the right to share a parent's living standard. In determining the amount of maintenance allowances to be paid, the court takes into account which parent personally takes care of the child and to what extent. Where parents share custody of a minor child, the court also takes into account the time of residence with each parent in determining the amount of maintenance allowances or, alternatively, the court may rule that as long as the child is in alternating residence with both parents no maintenance is to be granted.

Maintenance is generally paid by the liable party (debtor) to the beneficiary (creditor). According to Section 76 of the Family Act, maintenance allowances are to be paid in regular, recurrent amounts due a month in advance. Mutual claims may only be set off against maintenance claims by agreement. Claims involving maintenance allowances for minor children cannot be set off. If the debtor is late in the payment of a court-ordered maintenance allowance, the beneficiary is entitled to seek payment of late charges on the overdue amount under civil law provisions. Any payment made towards maintenance is first allocated to the principal amount and then, once the principal amount is covered in full, it is allocated to the late charges. With maintenance allowances for minor children, the courts have established case law requiring the non-custody parent to pay maintenance allowances to the parent who takes care of the child personally and to do so by a set date each month.

Bailiffs are used to enforce maintenance payments. Enforcement proceedings commence upon a motion for enforcement. The procedure is governed by Act of the National Council of the Slovak Republic No 233/1995 on Court Officers and Distrain Activities (Execution Procedure Act) and amending certain other laws, as amended. Most often, maintenance liabilities are recovered by attachment of earnings or other income of the debtor. If an enforcement order is handed down that imposes the obligation to pay a sum of money, additional options apart from the attachment of earnings or other income are available to recover overdue maintenance allowances: a third party debt order, sale of movable property, sale of securities, sale of immovable property, sale of a business, or driving licence suspension order. The last mentioned option is particularly important in the context of maintenance recovery. The bailiff can order the suspension of the driving licence of anyone who does not comply with a court's maintenance order. The bailiff also delivers enforcement orders for driving licence suspension to the competent police body. Once the grounds for enforcement have been resolved, the bailiff immediately issues an order to reinstate the driving licence.

It also has to be stated that not paying the maintenance willingly constitutes a criminal offense in accordance with Article 207 of the Criminal Code and the offender can be sent to jail for up to 5 years.

Regarding the question of the ECSR on mediation, the Slovak Republic would like to state that Mediation mechanisms are described in Act No 420/2004 on Mediation and amending certain laws, as amended, which governs:

- the performance of mediation,
- the basic principles of mediation, and

- the organisation and effects of mediation.

This Act applies to conflicts in relationships governed by civil law, family law, commercial contracts, and labour law. Mediation is an out-of-court arrangement where the mediator seeks to help resolve a conflict arising from contractual or other legal relationships. It is a procedure whereby two or more parties to a dispute are assisted by a mediator to settle the dispute.

Mediation in Slovakia is an informal, voluntary and confidential procedure for resolving conflicts out of court by using a mediator. The aim of mediation is to reach an agreement that is acceptable to both parties. The agreement resulting from the mediation procedure must be set down in writing. It applies primarily to the parties involved in the agreement and is binding on them. On the basis of the agreement, the entitled party may apply for judicial enforcement of the decision or for distraint, providing that the agreement is:

- drawn up in the form of a notarial act;
- endorsed as conciliation in court by an arbitral body.

If no mediation agreement is reached, the matter can be pursued in court. Mediation services are freely available to everyone in need of them.

Regarding the question of the ECSR on the legislation on domestic violence, the Slovak Republic would like to inform the Committee that there are several pieces of legislation specifically focusing on domestic violence. The government of the Slovak Republic has recognized violence against women as “the most extreme violation of women’s human rights.” Article 12 of the Constitution of the Slovak Republic declares that “basic rights and liberties on the territory of the Slovak Republic are guaranteed to everyone regardless of sex.” Slovakia has also enacted several laws to promote gender equality and prevent discrimination on the basis of sex. In 2008, the Government passed the amended Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination (Anti-discrimination Act). The Anti-discrimination Act prohibits direct or indirect discrimination based on sex, harassment, sexual harassment, or victimization of a person based on sex in the provision of social security, healthcare, goods and services including housing, education, and employment. Victims of discrimination may seek civil judicial relief including injunctive relief, equitable remedies, and monetary damages.

Slovakia has both civil and criminal laws on domestic violence. Police have the power to exclude violent offenders from a “shared dwelling” for a 48-hour period after a domestic violence report, and a court may issue a longer-term

protective order if repeat offenses are reasonably anticipated. The 48-hour emergency protective “clock” will not start running until the next working day; this means that if the police exclude a perpetrator from his home on a weekend day or holiday, he will be barred from the home during the remainder of the weekend or holiday, as well as the next two working days, allowing courts, police and prosecutors more time to consider a victim’s case and whether additional measures are necessary to protect the victim or prosecute the offender.

Slovakia has criminalized domestic violence since 1999. As currently written, Section 208 of the Criminal Code of the Slovak Republic prohibits “Battering a Close Person and a Person Entrusted into one’s Care.” Section 208 defines prohibited violence broadly to include a wide range of physical, emotional, economic and psychological abuse, such as “repeated beating, kicking, hitting,” “emotional extortion,” “continuous stalking [or] threatening,” and “repeated and unjustified denial of food, rest or sleep.” Persons convicted under Section 208 face strict penalties of 3 to 25 years in prison, depending on the level of harm caused, the number of persons harmed, the perpetrator’s intent, and whether the perpetrator is a repeat offender. Section 127 of the Criminal Code broadens the definition of “close person” for the purposes of Section 208 beyond immediate family members (spouses, siblings and children) to include ex-spouses and persons living with the perpetrator in a shared household.

Prosecutors may continue to pursue a domestic violence case even if a woman drops her charges against a perpetrator. Courts may punish offenders who violate protective orders with up to two years in prison. Additionally, Section 199 of the Criminal Code prohibits rape and does not excuse rape occurring within marriage, or against an ex-spouse or other intimate partner. Rape and other forms of sexual assault against a “protected person,” which includes a spouse, ex-spouse or other intimate partner or child, are treated as aggravating factors and carry longer prison sentences.

Section 199 of the Criminal Code of the Slovak Republic prohibits rape through force, the threat of force, or taking advantage of “a woman’s helplessness,” and punishes perpetrators with 5 to 25 years imprisonment. Section 200 prohibits sexual violence, which is defined the same way and carries the same sentences as rape, except that it includes non-intercourse sexual activity. Section 201 and 202 prohibit sexual abuse and exploitation of minors. Sentences for rape and sexual violence are greater for perpetrators “acting in a more serious manner,” and for crimes committed with a specific intent, or against a protected person (including a “close person” such as a spouse, ex-spouse, child or person living in a shared household), or against a woman in custody, including in prison. Sentences are further escalated for sexual crimes that result in serious

harm or death to the victim, or are committed “under a crisis situation.” Victims of rape, sexual assault and similar violent crimes may apply for compensation for any mental and physical harm suffered.

Regarding the statement of the ECSR that the level of child benefit does not constitute an adequate income supplement, the Slovak Republic would like to state that the benefit mentioned in the conclusions is just one child-oriented benefit and there are others which are fully cumulative with it. Therefore, the child benefit should be considered together with other child-oriented benefits, such as child benefit bonus (11,10€), parent benefit (214,70€), child-minding benefit (280€) as these all constitute income supplement – these are benefits provided for children on a monthly basis. On top of that, there are several one-time benefits, such as childbirth benefit (829,86€).

Regarding the question on economic protection of Roma families, the Slovak Republic would like to state that all family and child benefits that exist in the country are also provided to Roma families, together with social assistance and material need assistance. All citizens are equal and this also applies to access to family and child benefits.

Regarding the statement of the ECSR that childbirth benefit is not provided to third country nationals, the Slovak Republic would like to inform the Committee that the allowance in question is a one-time only allowance paid upon the birth of a child. The Government is currently undertaking steps to re-evaluate the conditions for application for this allowance. Before the change is legally approved and adopted it should be stated that all foreigners who are legally within the territory of the Slovak Republic are able to apply for all the remaining family allowances. All foreigners are able to apply for child benefit, bonus to child benefit, parent allowance and childcare allowance which are paid on a monthly basis.

Article 17 Paragraph 1

Regarding the question of the ECSR on the proposed legislative changes mentioned in the conclusions, the Slovak Republic would like to inform the Committee about the new development in this issue. As is mentioned in the conclusions, there were several meetings of a re-codification committee established by the Minister of Labour, Social Affairs and Family and the Minister of Justice to deepen the protection of children against corporal punishment, even though it already is embedded in the Act 305/2005 on Social and Legal Protection of Children and Social Guardianship which specifically states that it is prohibited to use any forms of physical punishment against

children and other gross or degrading forms of treatment or punishment which cause or may cause physical or mental injury. Nevertheless, to further strengthen the protection of children, the already mentioned re-codification committee introduced an amendment of the Criminal Code and the act now prohibits all forms of physical violence, including corporal punishment, against children and also classifies corporal punishment as a criminal act of violence against a dependent person in its Article 122 paragraph 7 and Article 208 (penalty – imprisonment for 3 – 8 years according to the Code of Criminal Procedure).

Regarding the issue of juvenile custody, the new length of pre-trial detention has been set at 7 months, as is governed by the Code of Criminal Procedure in its Article 76 par. 2., the same applies for juveniles, but it is still important to note that juveniles may be held on remand only for as long as it is absolutely necessary.

Regarding the question of the ECSR on the protection of children in irregular situation, it has to be stated that Any indispensable acts in the interests of the child and for ensuring the care of the child are implemented by the Office of Labour, Social Affairs and Family (OLSAF) - the Department of Social and Legal Protection of Children and Social Curatorship, in whose territorial district the minor was found, until the child is placed in charge of a guardian, or a tutor. At the same time the OLSAF is involved in the search after parents or other members of the child's family for the purpose of family reunification with the child. The measures to ensure care of the child are implemented as appropriate to the age of the child, his or her culture, language, religion and traditions of the country of origin.

Pursuant to the Act No. 305/2005 Coll. on social and legal protection of children and youth and on amending of certain acts, everyone is obliged to notify the authority of social and legal protection of children and social curatorship of any breach of the rights of the child.

The child has the right to apply for assistance in the protection of his or her rights to the authority of social and legal protection of children and social curatorship, other state body that is competent, subject to special regulations, to protect the rights and legally protected interests of the child, the facility, the municipality, the upper-tier territorial unit, the accredited entity, the school, the school facility, or the healthcare provider.

All authorities, the legal and natural persons, referred to in the first sentence are obliged to provide the child immediate assistance in the protection of his or her life and health, implement measures to ensure his or her rights and legally protected interests, this including also mediation of this assistance. This holds

even if the child cannot in view of his or her age and maturity apply for this assistance by himself or herself, but through a third person.

The child has the right to apply for assistance in the protection of his or her rights also without the knowledge of the parents, or the person taking personal care of the child. This does not prejudice the rights and obligations of the parents arising from their parental rights and obligations and the rights of the person taking personal care of the child.

The parent and the person taking personal care of the child have the right, in the exercise of their rights and obligations, to apply for assistance to the authority of social and legal protection of children and social curatorship, other state body that is competent, subject to special regulations, to protect the rights and legally protected interests of the child, the facility, the municipality, the upper-tier territorial unit, the accredited entity, the school, the school facility and the healthcare provider; these authorities and the accredited entity are obliged to render assistance to the parent and the person taking personal care of the child in the scope of their competence.

Where a minor finds himself or herself without any care, or where his or her life, health or favourable development is seriously endangered, or disturbed, the court shall, without motion, or, at the motion of the body authorised to implement social and legal protection and prevention, subject to special regulations, order by a preliminary measure, the placement of the minor, temporarily, in the care of a natural person, or a legal person to be determined in its resolution.

Article 17 Paragraph 2

Regarding the question on disproportionate representation of Roma pupils in special classes, the Slovak Republic would like to inform the ECSR about the new development in this situation. In order to continuously improve the situation of Roma pupils, the Government has discussed with European Commission against Racism and Intolerance (ECRI) the ways to improve the situation. ECRI advised the Government to build more kindergartens to ensure that pre-school education is available to all Roma children. The Government of the Slovak Republic has already started to take necessary steps to improve the education of the Roma children. More specifically, the Government has already started to allocate financial resources to build pre-primary education facilities and community centres in areas where the members of the marginalised Roma community live, as the ECRI advised, to help the Roma children attain proper pre-school education to ensure that they are able to attain the mainstream

education because it was discovered that the lack of pre-primary education negatively influenced the Roma children and their chances to succeed in the mainstream education.

The Government also plans to introduce new legislation on diagnosis of mental capabilities of children to minimise the amount of Roma children who are placed to special classes.

The Government has recently updated the National Strategy for the Integration of Roma up to 2020 according to the result of discussions with the representatives of the Roma communities to better reflect the situation of education of the Roma children. More specifically, the Government has created educational programs for Roma children and their parents focusing on informing the parents about the importance of pre-primary education for their children. The programs have already been presented in several Roma communities. The Government has also allocated additional financial resources to increase personal and professional capacities of primary schools to hire the so-called education assistants who help Roma children in overcoming any difficulties they might have during the education process in the mainstream education. Another measure is the introduction of the so-called career coach, a person who specifically helps Roma children finishing their primary education in choosing the right secondary school for them.

Another new measure is the adoption of the new Act 336/2015 on Support of the Least Developed Districts of the Slovak Republic. The Act enables the Government to adopt an action plan specifically tailored to the needs of individual least developed regions and the Government can then allocate additional financial resources to improve the situation in this region.

Article 19 Paragraph 1

Regarding the question of the ECSR on the new Integration Policy and concrete measures to implement this policy and measures arising from the policy aimed at combating misleading propaganda, the Slovak Republic would like to state The *Integration Policy* builds on the Concept of the Integration of Foreigners in the v SR (approved in 2009) and establishes the overall framework for the integration mainstreaming. It neither defines nor describes the current state of policies but proposes new visions and directions in the integration of foreigners. It creates the framework for relevant policies which will be further detailed by the responsible parties in the area of the Integration Policy in the relevant action plans. Its implementation is based on the coordinated cooperation of state authorities, local state administration organs, local government and the communities of foreigners, and anticipates the involvement of non-governmental and other organizations working in this field of integration.

The *Integration Policy* establishes priority areas and measures contained in the recommending *measures* which should be appropriately elaborated by the responsible parties; furthermore, the elaboration of the goals of the Integration Policy in initiative measures within action plans that are not directly established in the document of Integration Policy is also anticipated.

The *Integration Policy* supports a “bottom-up” creation of policies, and the subsequent elaboration of the *Integration Policy* in action plans should reflect the current needs of the target group as indicated by the relevant responsible parties involved in integration policies. The *Integration Policy* is based on the execution of measures that would not otherwise be executed. The aim is to introduce a *proactive* approach that will also enable the execution of new measures. The *Integration Policy* also recommends the use of funds from European Union (hereinafter referred to as the “EU”) resources within the integration projects.

The *Integration Policy* is based on EU recommendations with regard to the new programming period which focuses on integration policies, equality and the specific needs of vulnerable groups of migrants, youth and children. Increasing the possibilities for the monitoring, collecting, analysing and publicizing of statistics concerning integration and evaluation of integration policies are related to that.³

The European Commission recommends that the Member States further improve its cooperation with third countries, labour force placement and acknowledgement of qualifications in compliance with the measures in support of a comprehensive policy for work-related migration within the framework of the main initiative of the Europe 2020 Strategy “Programme for New Skills and New Jobs”. These measures will help to react effectively to demographic challenges.

More specifically, Self-governing regions shall provide counselling and ensure social services, health care and education where possible based on the requirements of foreigners. The civic participation of foreigners on the regional and local levels can be increased through their direct participation in various events. In the event of civic interest and initiative, the cultural institutions of self-governments support the participation of foreigners. The elaboration of integration concepts oriented towards proposals of actual measures which can be implemented within the possibilities of self-governing regions is a possible goal in improving the integration of foreigners in self-governing regions. They can also introduce various platforms for information exchanges between institutions and foreigners, include foreigners in society and support the co-existence of the population. These measures lead to improved co-existence, the prevention of

conflicts and increased knowledge of self-governments regarding the population living in their territory.

The Integration Policy promotes the extension of possibilities for the temporary or short-term accommodation of third-country nationals and other population groups in social housing facilities and shelters within the competence of the Ministry of Labour, Social Affairs and Family of the SR (MoLSAF SR), the dissemination of information that foreigners can find at the official website of the MoLSAF SR and which is provided at least in two languages. Since the provision of housing contributions is another instrument that should play a more significant role in improving accessibility to housing, such provisions be based on the size of household, the type and standard of housing and actual expenditures.

The Integration Policy emphasizes the need to adopt and implement measures that lead to the creation and existence of communities and/or associations of foreigners, their integration in the life of society, the presentation of their culture, values and customs and measures empowering communities and individual members in the process of protection and the enforcement of their rights and eligible interests and increasing independence. The Integration Policy also definitely supports the adoption and implementation of measures designed to eliminate expressions of racism, xenophobia, discrimination and other forms of hatred and intolerance towards foreigners.

The aim of the *Integration Policy* is also to improve the quality of integration of foreigners in terms of their physical and mental health and for the benefit of public health protection. One of the goals of the *Integration Policy* is to ensure that every individual living in the Slovak Republic has the possibility of protecting his/her own health and preventing the deterioration of his/her health.

Since the lack of proficiency in the state language and basic cultural and civic orientation are conditions for granting citizenship of the SR, the Integration Policy also proposes measures that will enable adult foreigners quality preparation for and successful compliance with these conditions. Adult foreigners, who arrive to Slovakia for various reasons and whose stay in the country is short-term, long-term or permanent, represent a second significant group regarding Integration Policy in education. Their lack or insufficient knowledge of Slovak language upon their arrival in country, the lack of knowledge of legal norms and how the institutions operate in the SR, the system of acknowledging professional qualifications and the insufficiently developed system of further education in the form of requalification courses or programmes of lifelong learning are significant barriers to integration. Therefore

the Integration Policy also proposes measures that will enable adult foreigners quality preparation for and successful compliance with language requirements.

One of the *Integration Policy's* special objectives is the simplification of the administrative process in access to the labour market in the case of foreigners who have obtained international protection – asylum or complementary protection. The *Integration Policy* emphasizes the creation of conditions for the requalification of asylum seekers and persons with complementary protection for actual practical use at local and regional levels. Furthermore, the Integration Policy emphasizes an orientation on the issues of forced labour, strengthening the legislative and institutional framework regarding labour exploitation of migrants which does not necessarily comply with the definition of the crime of human trafficking. Both female and male migrants represent a group particularly vulnerable to domestic violence and because of this, the Integration Policy consistently applies the gender aspect, proposes specific support programmes and takes into consideration specific factors of risk pertaining to female migrants within the framework of measures aimed at elimination of violence on women. In this connection, the Integration Policy creates conditions for the provision of specific services for vulnerable groups and the strengthening of cooperation with existing counselling and support services for migrants. *Integration Policy* emphasizes the role and involvement of the Inter-ministerial Commission for the Area of Work-related Migration and Integration of Foreigners at the Ministry of Labour, Social Affairs and Family of the Slovak Republic in the issues related to legal work-related migration and employment of foreigners in the SR.

Regarding the question on additional sources of information for migrants besides online sources, the Slovak Republic would like to state that there are free helplines widely available for migrants, such as the helpline of the Migration Information Centre at 0850 211 478, or the helpline of the International Organisation for Migration at 0850 211 262 reachable by telephone.

Regarding the question on measures taken to prevent dissemination of false information to foreigners coming to the country, the Slovak Republic would like to inform the ECSR that it has started cooperation with several countries, from which the highest number of illegal migrants are arriving. The cooperation has the form of information campaigns, leaflets with information on how to enter the country legally, how to obtain employment permits, how to avoid trafficking in human beings, etc. The leaflets are published in two languages, the Slovak language and then the language of the recipient country. At the time of writing this report, the Slovak Republic has prepared leaflets for citizens of Serbia, Bosna and Herzegovina, the Former Yugoslav Republic of Macedonia, Ukraine

and Vietnam. The leaflets and other documents are sent to Slovak embassies in the given countries and then they are forwarded to relevant institutions.

Article 19 Paragraph 4

Regarding the question of the ECSR on activities of labour inspection concerning discrimination in employment, the Slovak Republic would like to state that according to the National Labour Inspectorate, during the year 2017, a total of 163 submissions were received at the Labour Inspectorates (i.e. employee incentives, announcements of former employees, third parties, etc.) anonymous notifications) that allegedly referred to their perpetrators for the violation the principles of equal treatment and discrimination for various reasons or violations other provisions of labour law related to the observance of the principle equal treatment and non-discrimination. Inspections carried out discovered that 24 submissions were judged to be justified (justification 14.72%) and 71 as unjustified. The number of submissions delivered in 2017 to labour inspectorates in which the authors pointed to possible violation of the principle of equal treatment accounted for 2.86% of the total number of submissions received in 2017.

Regarding the question on whether vocational training with a view to improving the skills of workers and their opportunities is available in the Slovak Republic on the same basis for migrants and nationals, the Slovak Republic would like to confirm that foreigners have the same right to undertake vocational education and training as the nationals of the Slovak Republic and the access to the education is also free of charge for the foreigners, just like for the nationals.

Several crucial changes related to the system of vocational education and training (VET) and apprenticeship occurred as of 2016 and onwards. It was initiated by employer representatives, particularly from the car manufacturing industry. The new act 61/2015 Coll. on Vocational Education and Training that was adopted supports closer partnerships between schools and companies and encourages the shift to labour market demand-driven VET. In this new approach, companies take responsibility for training provision. They find students and sign individual training contracts that must be complemented by an institutional contract between the company and a VET school.

In the first school year after the introduction of the new system, newly introduced dual programmes consisting of 50% training within a company have been put into practise. The year after that, programmes based on agreement between companies and a self-governing region were delivered by new VET schools, offering 70% of in-company learning to comply with requirements of the employers. These programmes offer graduates the VET qualification

certificate of apprenticeship or the school-leaving certificate while being able to undertake practical training within companies. Employers that participate on the dual VET are then given financial and other reliefs from the state, such as tax reliefs, etc. A new amendment of the dual VET system has been recently adopted and entered into force from 1 September 2018 which reflects on the comments made by the employers regarding the funding of the programmes and other aspects. The schooling is freely available to foreigners as well.

The legislative changes have also been positively evaluated by the European Centre for the Development of Vocational Training.

Regarding the question of the ECSR on whether migrant workers are free to join or form trade unions and benefit from collective bargaining if they so wish, the Slovak Republic would like to confirm that foreigners are free to join trade unions, just like nationals. The term “citizens” in the Act No. 83/1990 on the Associations of Persons is not interpreted in a strict sense as “nationals”, but in a broad sense as “everyone”. The act was adopted very shortly after the fall of the socialist regime in 1989. The right to organise and benefit from collective bargaining was later guaranteed in the new Constitution of the Slovak Republic (adopted in 1992), which clearly specifies that “The right to association of persons is guaranteed. Everyone has the right to associate with others in associations, societies and unions” (Article 29 par. 1 of the Constitution of the Slovak Republic). Therefore, the right to join and form trade unions and benefit from collective bargaining for everyone (including foreigners), is guaranteed by the Constitution.

Regarding the question of the ECSR on what legal and practical measures are taken to ensure equal treatment in matters of employment, trade union membership and collective bargaining for foreigners, the Slovak Republic would like to state that in accordance with Section 5 par. 1 of the Labour Code, a worker posted to the Slovak Republic from abroad has their labour-related rights governed by the Labour Code, just like nationals of the Slovak Republic. Therefore, the relevant provisions of the Labour Code and the Antidiscrimination Act regulating the equal treatment principle, matters of employment, trade union membership and benefiting from collective bargaining fully apply to foreigners posted to the territory of the Slovak Republic.

Article 19 Paragraph 5

Regarding the question of the ECSR on what contributions are payable in relation to employment, and whether migrants are treated equally with nationals, the Slovak Republic would like to state that both nationals and foreigners

working within the territory of the Slovak Republic pay two types of contributions; compulsory health insurance contribution and social security contribution (which is a unified system of contributions related to sickness insurance, pension insurance, unemployment insurance).

Regarding the question on possible measures taken to implement the legal framework related to the income tax, the Slovak Republic would like to state that the Act on Income Tax is fully implemented in practise as every single employer is obliged to pay the taxes and deduct the tax from each employee's gross wage. A specialised act regulating collection of taxes, rights and obligations of tax subjects is the Act No. 563/2009 Coll. the Tax Code. Not paying the tax constitutes a criminal act of not paying a tax or contribution towards social or health insurance in accordance with Article 277 of the Criminal Code.

Article 19 Paragraph 6

Regarding the question of the ECSR on the list of diseases that could lead to a possible rejection of residence permit, the Slovak Republic would like to state that the Regulation S11181/2011-OL of the Ministry of Health states that these are quarantine requiring disease listed in Annex 2 of the International Health Regulations of the World Health Organisation.

Regarding the question on determining whether it is possible to anticipate that the family member will be a burden on the social care system or the health insurance system, the applicant has to prove they have financial resources amounting to the level of the minimum wage for one month.

Regarding the question on what income is taken into account when evaluating a solemn statement of a sponsoring family member along with proof of that family member's income, the sponsoring family member can provide any proof they have available, as long as the income in question is gained legally. Social security benefit serves this purpose as well.

Regarding the question on the number of issued temporary residence permits for family reunification and the number of rejections, according to the statistical data of the Office of the Border and Alien Police of the Slovak Republic, in 2014 there were 3 522 permits granted (33 rejections), in 2015 there were 4 884 permits granted (15 rejections), in 2016 there were 6 111 permits granted (15 rejections) and in 2017 there were 6 910 permits granted (25 rejections).

Regarding the question on whether review or appeal before a judicial body is possible, the Slovak Republic would like to state that everyone, including foreigners, is able to turn to the court for the protection of their rights. The person in question is able to contact the court within the same district in which the refusal was issued and the court will then examine the administrative proceedings in accordance with Act 162/2015 Coll. the Code of Administrative Procedure and its Article 206. The foreigner may also be represented by a NGO providing foreigners with legal assistance, in accordance with Article 50 par. 2 of the same act.

Article 19 Paragraph 7

Regarding the question on the number of cases in which assistance was provided by the Legal Aid Centre, according to the statistical reports of the centre, in 2014 it provided legal assistance in 5 655 cases, in 2015 the number was 5 509, in 2016 the number was 5 893 cases and in 2017 the number was 4 091 cases.

Regarding the question of the ECSR on conditions of legal aid provision for migrants and refugees, the Slovak Republic would like to state that these persons are provided with free legal aid by several institutions present within the Slovak Republic, such as the Legal Aid Centre, the Human Rights League or IOM. E.g., in the case of the Human Rights League, for almost 5 years, the Human Rights League organization has been dedicating to providing legal assistance and counselling to third-country nationals through its *Legal Counselling for residence and citizenship*. The goal of the *Legal Counselling for residence, citizenship and unaccompanied minors* project is providing effective and complex legal assistance and counselling to migrants who are legally residing in the territory of Slovak Republic. Legal assistance is provided to foreigners especially with residence issues and obtaining of state citizenship. Within the scope of the project, the league also operates an anonymous online legal counselling centre which foreigners can use free of charge in order to get a quick information, whereas, should the need be, any additional legal assistance is provided solely on individual basis.

Article 19 Paragraph 9

Regarding the question of the ECSR on whether there are any restrictions on the transfer of the movable property of migrant workers, the Slovak Republic would like to inform the committee that there is no legal limit on the number of movable personal belongings for migrants.

Article 19 Paragraph 11

Regarding the question of the ECSR on the measures adopted to target national language education of the children of migrants, the Slovak Republic would like to state that the Integration Policy defines three basic target groups in education to which individual measures pertain: children of foreigners, adult foreigners and citizens of the SR.

Children of foreigners born in the country of origin of their parents, in a different country or in Slovakia (second generation foreigners) and unaccompanied minors – foreigners are the first target group of the Integration Policy in education. Pursuant to currently applicable legislation, compulsory school attendance also applies to children of foreigners residing in Slovakia; they are also entitled to the same rights and conditions to education as the children of citizens of the SR. However, many children of foreigners are in a specific life situation due to the circumstances of their arrival or stay in Slovakia which create various specific upbringing and educational needs.

Many children of foreigners do not know the language of instruction of the school they are attending at the beginning of their educational path. In the case of children who attended school in a different country, due to differences in the educational systems, different knowledge and skills were developed than those of their peers attending Slovak schools.

Cultural and religious diversity are also important aspects of education and they are traditionally found in Slovak schools; children of foreigners enrich this even further. The cultural and religious specifics of all students must be taken into consideration in order to ensure quality and respect the educational process, develop the individual potential of each student and support their involvement in the life of the school and local community.

On top of what is contained in the Integration Policy, the Slovak Republic would like to state access to the educational system in regional education (i.e. preschool, primary, secondary schools, including special education) is regulated under Art. 27 Par. 1 of the Directive no. 2011/95 /EU of the European Parliament and of the Council, which means that the law in the Slovak Republic treats access to education of children of foreign citizens under the same conditions as the children of nationals. The education of children of foreigners in regional education is legally ensured by Act no. 245/2008 Coll. on education and training (the Education Act) and on the amendment and supplementation of some laws as amended (§146). The children of foreign citizens authorized to stay in the territory of the Slovak Republic, children of asylum seekers and Slovaks living abroad are provided with education and training, accommodation and meals in schools under the Education Act, applying the same conditions as citizens of the Slovak Republic. For children of foreigners, basic and expanding language courses of the state language can be organized to remove language barriers.

The subsequent amendment is in Act no. 596/2003 Coll. on state administration in education and school self-government and on amendments and supplements to some laws as amended. According to § 10 par. 12 departments of education of district offices at the corresponding region in cooperation with local authorities organize and financially provide language courses for children of foreigners authorized to stay in the territory of the Slovak Republic. In practice, this is done in a way that, in the first place, the child's legal guardian in the case of a kindergartener may, and in the case of pupil at the age of compulsory school attendance has to enrol the child in school. As far as the unaccompanied minor is concerned, then the competent authority for social protection of children is in charge, until the court has appointed a guardian.

Compulsory school attendance is addressed by § 19, part 1 and 2 of the Education Act. Compulsory school attendance in the Slovak Republic is ten years and lasts until the end of the school year in which the pupil reaches the age of 16, unless the law stipulates otherwise.

The school principal, after finding out the level of the child's previous education as well as its capability of use of the state language, at the latest within three months of the start of the asylum procedure, etc. will place the pupil in the appropriate grade. If the child is not capable to use the state language on appropriate level, the child can be placed in the grade according to its age, for a maximum of one school year. Subsequently, the headmaster of the school, if necessary, will provide a pedagogical employee to provide the pupil with a language course of the Slovak language. At the same time, the headmaster of the school will ask the relevant department of education in the region for funds. Language courses for children of foreign citizens are funded through conciliation at the request of the school founder and the same procedure as for children of asylum seekers apply.

On top of what is mentioned above, the IOM provides open Slovak language courses for migrants free of charge, in Bratislava and in Košice. There is no need to register for the course and the migrants can come and attend the course anytime they wish. The courses are available for all language groups, ranging from basic courses to advanced ones. The courses also provide the migrants with social and cultural orientation lectures to help them better integrate into the society. All of these courses are available free of charge for all migrants.

Article 27 Paragraph 1

Regarding the question of the ECSR on counselling services provided to persons wishing to re-enter the labour market, the Slovak Republic would like to state that the system of advisory services under the scheme of employment services

covers the counselling in question. Each office of labour, social affairs and family provides information and advisory services to citizens, jobseekers, jobseekers and employers (including persons returning to the labour market after a certain period of time). Information and counselling services for the purposes of the Employment Services Act are services for: career choice; job selection including changing employment; employee selection; adapting an employee to a new job. Information and advisory services for the purposes of this Act are also services in the provision of information and professional advice on: requirements for professional skills and practical experience needed to carry out work activities in jobs in the labour market according to the national system of professions; possibilities of employment on the territory of the Slovak Republic and abroad; professional prerequisites; opportunities and conditions for participation in active labour market programs and activation activities; the conditions for entitlement to an unemployment benefit; and conditions for participation in partnerships created to support the development of employment in the territorial district of the office. Information and advisory services are provided free of charge by the office.

Information and advisory services may also be provided by a written agreement concluded with the head office by a legal entity or a natural person who carries out activities under the Act on Employment Services, in particular in mediation of employment, professional counselling services, education and training for the labour market and in the integration of disadvantaged jobseekers employment in the labour market.

Article 27 Paragraph 2

The ECSR did not ask any question with regard to this provision of the Charter.

Article 27 Paragraph 3

Regarding the question on compensation for unlawful dismissal, the Slovak Republic would like to state that in accordance with the Labour Code, in case of an unlawful dismissal, the employer is obliged to enable to return the employee to their post, should the employee wish to do so. The employer is obliged to provide the employee with the wage for the period starting from unlawful dismissal to the day of ruling the dismissal as unlawful by the court. On top of that, the employee is entitled to additional wage compensation amounting to 36 months.

Article 31

The Slovak Republic did not ratify this provision of the Charter.