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EUROPEAN SOCIAL CHARTER

European Committee of Social Rights

Conclusions 2019

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".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.¹

The European Social Charter (revised) was ratified by the Slovak Republic on 23 April 2009. The time limit for submitting the 9th report on the application of this treaty to the Council of Europe was 31 October 2018 and the Slovak Republic submitted it on 12 November 2018.

This report concerned the accepted provisions of the following articles belonging to the thematic group "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 Slovak Republic has accepted all provisions from above-mentioned group except Articles 19§2, 19§3, 19§8, 19§10, 19§12 and 31.

The reference period was 1 January 2014 to 31 December 2017.

The present chapter on the Slovak Republic concerns 28 situations and contains:

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

– 5 conclusions of non-conformity: Articles 8§2, 16, 17§2, 17§1 and 19§6.

In respect of the other 4 situations concerning Articles 7§3, 7§5, 7§10 and 19§1, the Committee needs further information in order to assess the situation.

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by the Slovak Republic under the Revised Charter. The Government consequently has an obligation to provide this information in the next report from the Slovak Republic on the articles in question.

The next report from the Slovak Republic deals with the accepted provisions of the following articles belonging to the thematic group "Employment, training and equal opportunities":

- the right to work (Article 1),
- the right to vocational guidance (Article 9),
- the right to vocational training (Article 10),
- the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15),
- the right to engage in a gainful occupation in the territory of other States Parties (Article 18),
- the right of men and women to equal opportunities (Article 20),
- the right to protection in cases of termination of employment (Article 24),
- the right to workers to the protection of claims in the event of insolvency of the employer (Article 25).

The deadline for the report was 31 December 2019.

¹ The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (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 refers to its previous conclusion where it found the situation to be in conformity with Article 7§1 of the Charter (Conclusions 2015).

The Committee noted previously (Conclusions 2015) that according to the Labour Code, children under 15 years of age or persons aged over 15 years who are subject to compulsory education are prohibited from working. Exceptionally, they may perform light work, which does not threaten their health, safety, further development and school attendance. In particular, children under 15 years of age are allowed to participate in cultural events or performances, sports events and advertising activities. According to Article 11§5 of the Labour Code, light work is permitted by the Labour Inspectorate based on an application of the employer in consultation with the relevant public health authority. The Labour Inspectorate shall issue the permit allowing young persons under the age of 15 to carry out light work provided the compliance of such work with the legislative requirements. The Committee previously noted (Conclusions 2015) that according to the Slovak Labour Code, the maximum daily and weekly duration of working time for children performing light work as well as the rest periods are regulated as follows:

- the maximum daily work time may not exceed 6 hours;
- the maximum weekly work time may not exceed 30 hours;
- the maximum daily work time may not exceed 2 hours during a school day.

The Committee asks the next report to indicate whether the maximum daily working time of 6 hours refers to working time during school holidays or to working time during school term outside the hours fixed for school attendance.

As regards monitoring of child labour, in its previous conclusion (Conclusions 2015) the Committee asked for information on the activities and findings of the Labour Inspectorate of monitoring the prohibition of employment of children under the age of 15, including the number of violations detected and sanctions applied.

In this respect, the current report indicates that once every three months each Regional Labour Inspectorate holds a meeting with the regional Public Health Authority in order to discuss the performance of light work by persons under the age of 15. During the meetings, the two bodies issue permits for carrying out such work and prepare joint inspection with the aim to ensure that the provisions of the Labour Code regulating light work for children under the age of 15 are implemented in practice. According to the report, from the year 2014 to the year 2017 the Labour Inspectorate carried out 82 inspections. Following the inspections, the Labour Inspectorate issued 15 decisions aimed at revoking the previously given permissions concerning the employment of children to perform light work. The Committee asks the next report to provide up-to-date information concerning the monitoring activities and findings of the Labour Inspectorate, including the number of violations detected and sanctions applied.

In its previous conclusion (Conclusions 2015), the Committee recalled that States are required to monitor the conditions under which work done at home is performed in practice and asked the next report to provide information in this respect. The current report points out that child work is not permitted in the Slovak Republic, with the only exception of the participation in cultural events or performances, sports events and advertising activities, that cannot be performed at home. The Committee asks the next report to indicate what are the measures taken by the authorities (e.g. labour inspection, social welfare and child protection, the police) to detect cases of children under the age of 15 working on their own account, at home or in the informal economy, outside the scope of an employment contract related to cultural events or performances, sports events and advertising activities.

The Committee refers to its General question on Article 7§1 in the General Introduction.

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 the Slovak Republic.

The Committee noted previously (Conclusions 2011) that according to Article 173 of the Labour code, an employer may employ young workers only for work adequate for their physical and mental development stage that does not pose a threat to their moral. Moreover, according to Article 175§§1-4 of the Labour Code, a young person may not be employed for work which is performed underground for the extraction of minerals or tunnelling; for work inadequate, dangerous or detrimental to health with respect to anatomic, physiological and mental specifics of the given age; for work with an increased risk of injury, or where they could seriously threaten the safety and health of co-workers or other persons. The Committee also noted that the Government Regulation No. 286/2004 – amended by the Government Regulation No. 309/2010 – specified a list of jobs and worksites restricted to young workers, which is identical to the list included in the Council Directive 94/33/EC of June 1994 on the protection of young people at work (Conclusions 2015).

In its previous conclusion (Conclusions 2015), the Committee recalled that the situation in practice should be regularly monitored and asked information on the activities and findings of the Labour Inspectorate in relation to the prohibition of employment of young persons under the age of 18 for dangerous or unhealthy activities, including the number of violations detected and sanctions applied.

In this respect, the current report indicates that from the year 2014 to the year 2016, the Labour Inspectorate carried out 46.266 inspections focusing on labour-law relations, including monitoring of working conditions of young workers. In particular, in 2017 the Labour Inspectorate carried out 14.885 inspections and found 4 violations concerning the prohibition of employment of persons under the age of 18 in dangerous working conditions. Following these findings the Labour Inspectorate issued 4 decisions imposing sanctions on the employers. The Committee asks the next report to provide up-to-date information concerning the monitoring activities and findings of the Labour Inspectorate in relation to the prohibition of employment of young persons under the age of 18 for dangerous or unhealthy activities, including in particular the level of sanctions imposed in practice.

Conclusion

The Committee concludes that the situation in the 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 notes that in the Slovak Republic compulsory education laws require children to attend school from the age of 6 until the age of 16.

The Committee refers to its conclusion on Article 7§1 where it noted that according to the Slovak Labour Code, children under 15 years of age or young persons aged over 15 years who are subject to compulsory education are prohibited from working. Exceptionally, they may perform light work which does not threaten their health, safety, further development and school attendance. In particular, children under 15 years of age or young persons aged over 15 years who are subject to compulsory education are allowed to perform work only during cultural events or performances, sports events and advertising activities.

The Committee previously noted (Conclusions 2015) that according to the Slovak Labour Code the maximum daily and weekly duration of working time for children performing light work as well as the rest periods are regulated as follows:

- The maximum daily work time may not exceed 6 hours;
- The maximum weekly work time may not exceed 30 hours;
- The maximum daily work time may not exceed 2 hours during a school day.

The Committee asks the next report to indicate whether the maximum daily work time of 6 hours refers to working time during school holidays or to working time during school term on non- school days.

The Committee referred previously to its Statement of Interpretation on Article 7§3 (Conclusions XIX-4(2011)) and asked whether the rest period free of work had a duration of at least two consecutive weeks during the summer holidays and what were the rest periods during the other school holidays (Conclusions 2011). Noting that the report did not provide any information on this point, the Committee reiterated its question (Conclusions 2015).

The Committee recalls that in order not to deprive children of the full benefit of their education, States Parties must provide for a mandatory and uninterrupted period of rest during school holidays. Its duration shall not be less than 2 weeks during the summer holidays. Furthermore the assessment of compliance over the school year takes account of the length and distribution of holidays, the timing of uninterrupted period of rest, the nature and the length of the light work and of the control efficiency of the labour inspectorate (Conclusions 2011, Statement of Interpretation on Article 7§3).

In this respect, the current report states that the only type of work children aged under 15 years old or young persons aged over 15 who are still subject to compulsory education can perform is light work in the form of participation in cultural events or performances, sport events and advertising activities. It indicates that the performance of such work is subject to the approval of the regional labour inspectorate and of the regional public health authority and it is typically limited to few days within the month. According to the report, the regional labour inspectorate and the regional public health authority currently do not allow children to carry out more than one light job per month, which ensures that the minors have adequate length of uninterrupted rest periods.

The Committee takes note of the information provided and asks the next report to provide concrete data on the monthly duration of light work performed by children under 15 years of age or young persons aged over 15 years who are subject to compulsory education. It also asks the next report to confirm that the regional labour inspectorate and regional public health authority do not allow children to carry out more than one light job per month in order to ensure that the minors benefit of at least two consecutive weeks of rest during the summer holidays.

The Committee recalls that the situation in practice should be regularly monitored and asks the next report to provide information on the monitoring activities and findings of the Labour Inspectorate in relation to the prohibition of employment of children subject to compulsory education, including the number of violations detected and sanctions applied in practice.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

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 notes that there have been no changes to the situation which it has previously found to be in conformity with the Charter (Conclusions 2015).

The Committee previously noted that the maximum working time for young persons aged from 16 to 18 years old shall be 37.5 hours a week and may not exceed 8 hour in the course of 24 hours, even when working for several employers. It further noted that employers may not employ young workers for overtime work (Conclusions 2015).

In its previous conclusion, the Committee asked the next report to provide information 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 (Conclusions 2015).

In this respect, the current report indicates that from the year 2014 to the year 2017 the Labour Inspectorate carried out 454 inspections and found 12 cases of violation of the regulations concerning reduced working time of young persons who are no longer subject to compulsory education. Financial penalties for the employer were imposed by the Labour Inspectorate as sanctions for the violations. Furthermore, follow-up inspections were carried out within the premises of the employer found to be in breach of the regulations concerning working time, with the aim to monitor the compliance with such regulations and to avoid relapses. The Committee asks the next report to provide up-to-date information concerning the monitoring activities and findings of the Labour Inspectorate in relation to regulations concerning reduced working time of young workers who are no longer subject to compulsory schooling, including the number of violations detected and sanctions applied.

Conclusion

The Committee concludes that the situation in the 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.

Young workers

In its previous Conclusions the Committee had repeatedly asked for information on the amount of the minimum net wage of young workers under 18

The report indicates that the legislation provides there is no statutory minimum age for young workers, and there is only the regular nationwide minimum wage set after consultations with the social partners.

The “Fair” or “appropriate” character of the wage is assessed by comparing young workers’ remuneration with the starting wage or minimum wage paid to adults (aged eighteen or above).

The young worker’s wage may be less than the adult starting wage, but any difference must be reasonable and the gap must close quickly. For fifteen/sixteen year-olds, a wage of 30% lower than the adult starting wage is acceptable. For sixteen/eighteen year-olds, the difference may not exceed 20%.

The adult reference wage must in all cases be sufficient to comply with Article 4§1 of the Charter. If the reference wage is too low, even a young worker’s wage which respects these percentage differentials is not considered fair.

According to the table the report provided, the minimum net monthly wage in 2013 was 292.48€ and in 2016 increased to 355.01€. The average net monthly wage in 2013 was 637.17€ and in 2016 it increased to 699.96€. From the table provided, it is visible that the minimum net wage represented about 50.72% of the average net wage compared with 45.9% in 2013.

The report also provides information on the minimum wage and the average wage regarding 2017 & 2018. The minimum net monthly wage in 2017 was 374,11€ (a 8.64% increase compared to the previous year) and in 2018 it increased to 403,18€ (10.4% increase). The average net monthly wage in 2017 was 725,21€ and in 2018 it increased to 756,50€.

According to other sources, the minimum monthly wage in the Slovak Republic increased to 520 euro in 2019 and it is projected to increase to 580 euro in January 2020.

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 persons with low monthly earnings who feel are not provided with adequate resources are able to apply for benefits from the system of state social assistance such as material need allowance, housing allowance etc.

The Committee asks that the next report provides information on net values of both minimum and average wages for the relevant reference period after deduction of taxes and social security contributions. Moreover, it requests information on the specific legislation regarding young workers. In addition it asks that information is provided concerning the benefits the state social assistance system provides and to indicate what minimum level of resources enables workers to apply for these benefits.

Apprentices

Under 7§5 of the Charter, apprentices may be paid lower wages, since the value of the on-the-job training they receive must be taken into account. However, the apprenticeship system must not be deflected from its purpose and be used to underpay young workers. Accordingly, the terms of apprenticeships should not last too long and, as skills are acquired, the allowance should be gradually increased throughout the contract period (Conclusions II (1971), Statement of Interpretation on Article 7§5, starting from at least one-third of the adult starting wage or minimum wage at the commencement of the apprenticeship, and arriving at least at two-thirds at the end (Conclusions 2006, Portugal).

In its previous Conclusion (2015) the Committee noted that a student performing productive work under the practical training pursuant to the school education program is entitled to remuneration. The allowance is paid by the individual or corporate body for which this productive work is carried out. Moreover, apprentices are paid for each finished hour of productive work an allowance amounting to 50% – 100% of the minimum wage per hour of an adult performing similar work. The exact amount to be paid is established based on the overall performance of the apprentice and the quality of the work carried out.

The Committee asked how the Labour Inspectorate monitors the actual allowances paid to apprentices in practice.

According to the report, 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.

The Committee asks in the next report for information to be provided on any violations and sanctions imposed concerning the inspections carried out which guarantee allowances are paid to apprentices.

Conclusion

Pending receipt of the information requested the Committee defers its conclusion.

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 the Slovak Republic.

The Committee notes from the information contained in the report submitted by the Slovak Republic that there have been no changes to the situation which the Committee previously found to be in conformity with Article 7§6 of the Charter (Conclusion 2015)

The Committee requested in its last conclusion up-to-date information on the activities of the Labour Inspectorate of monitoring the inclusion of time spent on vocational training in the normal working time, including the number of violations identified and sanctions applied.

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.

Conclusion

The Committee considers 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 previously noted that workers may not waive their right to annual holiday as guaranteed by the Labour Code.

The Committee previously asked for information on the number and nature of violations detected as well as on sanctions imposed by the Labour Inspectorate for breach of the regulations regarding paid annual holidays for young workers under 18.

According to the report there have been no violations detected as regards breach of the regulations regarding paid annual holidays for young workers under 18.

The Committee requests in the next report up to date information on the Labour Inspectorate's activities and the relevant provisions in the Labour Code concerning sanctions imposed on employers who do not respect the paid annual leave.

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 notes from the information contained in the report submitted by the Slovak Republic that there have been no changes to the situation which the Committee previously found to be in conformity with Article 7§8 of the Charter. (Conclusion 2015)

The Committee requested in its previous Conclusion next up-to-date information on the activities of the Labour Inspectorate of monitoring the prohibition of night work for young persons under 18, including the number of violations identified and sanctions applied.

According to the information provided in the report, 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.

The Committee asks that the next report provides up-to-date information on the activities of the Labour Inspectorate of monitoring the prohibition of night work for young persons under 18, including the number of violations identified and sanctions applied.

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 notes from the information contained in the report submitted by the Slovak Republic that there have been no changes to the situation which the Committee previously found to be in conformity with Article 7§9 of the Charter. (Conclusion 2015)

In its previous Conclusion the Committee asked for the next report provide up-to-date information on the activities of the Labour Inspectorate of monitoring the applicable rules to regular medical examination of young workers, including the number of violations identified and sanctions applied.

According to the report 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.

The Committee asks in the next report up-to-date information on the activities of the Labour Inspectorate of monitoring the applicable rules to regular medical examination of young workers, including the number of violations identified and sanctions applied.

Conclusion

Pending receipt of the information requested, 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.

Protection against sexual exploitation

In its previous conclusion (Conclusions 2015), the Committee requested to be informed of the statistical data regarding cases of sexual exploitation of children. It asked whether children, victims of sexual exploitation could be prosecuted.

In response to the second question the report states that child victims of sexual exploitation cannot be prosecuted. However, no information is provided on the number of cases of sexual exploitation of children.

The Committee therefore reiterates its request that the next report provide statistical information on cases of sexual exploitation and sexual abuse of children.

The Committee notes from the Committee on the Rights of the Child Concluding Observations on the combined third to fifth periodic reports of Slovakia (CRC/C/SVK/CO/3-5, 2016) that in the Slovak Republic reporting of suspected physical or sexual abuse by public or other relevant institutions is rare and sanctions are either not imposed or are too lenient. In some cases, instead of being helped, the child victim is subjected to various correctional measures and placed in a detention facility.

The Committee asks for information on assistance provided to child victims of sexual exploitation.

The Committee recalls that in order to guarantee the right provided by Article 7§10, Parties must take specific measures to prohibit and combat all forms of sexual exploitation of children, in particular children's involvement in the sex industry. This prohibition must be accompanied by an adequate supervisory mechanism and sanctions. Furthermore, a national action plan combating the sexual exploitation of children should be adopted.

The Committee therefore requests that the next report provide updated information on the specific measures including legislative measures taken in this regard and on the results achieved in practice.

Protection against the misuse of information technologies

In its previous conclusion (Conclusions 2015), the Committee asked for full information concerning supervisory mechanisms and sanctions for exploitation of children through information technologies. It also asked whether legislation or codes of conduct for Internet service providers are foreseen in order to protect children.

In response the report indicates that, following a recent amendment to the Criminal Code, the new Article 201a stipulates that the sexual exploitation of children through electronic means is a criminal offense. The same applies if a person arranges a meeting with a child through electronic means for the purpose of producing child pornography.

The Committee notes from GRETA 's Report concerning the implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by the Slovak Republic (2015) that there is no direct option to block websites by the police. If criminal proceedings are pending, it is possible to block websites used to disseminate child pornography or recruit victims of trafficking by applying to the court through the prosecution.

The Committee recalls that Internet services providers should be under an obligation to remove or prevent accessibility to illegal material to which they have knowledge and internet safety hotlines should be set up through which illegal material could be reported.

The Committee reiterates its request for 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.

Meanwhile, it reserves its position on this point.

Protection from other forms of exploitation

The Committee notes that the report does not provide information on the protection of children against other forms of exploitation. The Committee asks the next report provide information on this issue. The Committee considers that if this information is not provided there will be nothing to establish that the situation is in conformity with the Charter.

It notes from the UN Committee on the Rights of the Child's Concluding Observations mentioned above that the Slovak Republic has not developed a specific programme of support and protection for children who are the victims of trafficking in human beings, and that children leaving institutional care facilities are often at risk of becoming victims of trafficking due to a lack of sufficient support. Furthermore, Roma children are particularly at risk of trafficking for sexual exploitation within marginalised communities.

The Committee further notes from the GRETA report mentioned above that in 2014, the Slovak Government approved the National Strategy for Protection of Children against Violence that aims at improving the protective environment for children and decreasing their vulnerability to trafficking. The National Strategy considers trafficking in human beings as a form of violence against children.

The Committee requests that 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 be included in the next report.

The Committee also asks 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 area.

The Committee refers to the General Comment No. 21 of the UN Committee on the Rights of the Child which provides authoritative guidance to States on developing comprehensive, long-term national strategies on children in street situations using a holistic, child rights approach and addressing both prevention and response in line with the Convention on the Rights of the Child.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

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.

Right to maternity leave

The Committee noted previously (Conclusions 2015) that the Labour Code provides for 34 weeks maternity leave (37 weeks in the case of a single mother, 43 weeks in the case of multiple births), of which 14 weeks are compulsory, including 6 weeks after birth. The same set of rules applies to all women, whether employed in the private or the public sectors.

Right to maternity benefits

In its previous conclusions (Conclusions 2015 and 2011), the Committee found that the situation was not in conformity with Article 8§1 on the grounds that the level of maternity benefits was inadequate.

The Committee notes from the report that the amount of maternity benefits increased from 65% (Conclusions 2015) to 75% of the employee's salary. It considers that the situation is now in conformity with Article 8§1 of the Charter on this point.

The Committee requests that the next report should provide information regarding the right to any kind of benefits for the employed women who do not qualify for maternity benefit during maternity leave.

In its previous conclusion, the Committee asked whether the minimum amount of maternity benefits corresponded to at least 50% of the median equivalised income.

The Committee recalls that, under Article 8§1, the level of income-replacement benefits should be fixed so as to stand in reasonable proportion to the previous salary (these shall be equal to the previous salary or close to its value, and not be less than 70% of the previous wage) and it should never fall below 50% of the median equivalised income (Statement of Interpretation on Article 8§1, Conclusions 2015). If the benefit in question stands between 40% and 50% of the median equivalised income, other benefits, including social assistance and housing, will be taken into account. On the other hand, if the level of the benefit is below 40% of the median equivalised income, it is manifestly inadequate and its combination with other benefits cannot bring the situation into conformity with Article 8§1.

According to Eurostat data, the median equivalised annual income was €7,183 in 2017, or €599 per month. 50% of the median equivalised income was €3,592 per annum, or €299 per month. According to Eurostat data for 2017, the gross minimum monthly wage was €435 (meaning that 75% corresponded to €326). In view of the above, the Committee notes that the situation is in conformity with Article 8§1 in this respect.

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.

Prohibition of 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 ground that a worker could be dismissed during her pregnancy or maternity leave if she did not accept changes in her employment contract resulting from the relocation of all or part of the employer's activities.

The report states in this connection that according to the Labour Code, as amended during the reference period, dismissal during maternity leave in the event of relocation is only possible if the employee does not agree with the changes to the employment contract resulting from the relocation.

The Committee recalls that Article 8§2 of the Charter permits, as an exception, the dismissal of an employee during pregnancy and maternity leave in certain cases such as misconduct which justifies breaking off the employment relationship, if the undertaking ceases to operate or if the period described in the employment contract has expired. However, these exceptions are strictly interpreted by the Committee. The Committee reiterates that by prohibiting the dismissal of a woman worker during her absence on maternity leave, the Charter seeks to protect her, not only against the economic effects of such action but also against the psychological effects which generally accompany it. Insofar as the situation has not changed and the exception laid down in the Slovak law goes beyond the strict criteria allowing dismissal set out by the Charter, as interpreted by the Committee, the situation remains in non-conformity with Article 8§2 of the Charter.

Redress in case of unlawful dismissal

In its previous conclusion, the Committee asked to provide updated information concerning the means of redress in case of unlawful dismissal, whether reinstatement of the employee to her post was provided for in such case and what other types and levels of compensation were provided for, in case reinstatement should not be possible.

The report states that in the event of unlawful dismissal, the employer is obliged to allow the employee to return to her post if she wishes. The employers must grant employee compensation for loss of earnings incurred during the unemployment period. Women workers are also entitled to additional wage compensation equivalent to 36 months' wages. The Committee recalls that compensation for unlawful dismissal must be both proportionate to the loss suffered by the victim and sufficiently dissuasive for employers. Any ceiling on compensation that may preclude damages from being commensurate with the loss suffered and sufficiently dissuasive are proscribed. If there is such a ceiling on compensation for pecuniary damage, the victim must be able to seek compensation for non-pecuniary damage through other legal avenues (e.g. anti-discrimination legislation), and the courts competent for awarding compensation for pecuniary and non-pecuniary damage must decide within a reasonable time (Conclusions 2011, Statement of interpretation of Article 8§2).

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 woman worker can be dismissed during her pregnancy or maternity leave if she does not accept changes in 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 report confirms that there have been no changes to the situation which was previously found to be in conformity with Article 8§3 of the Charter (Conclusions 2015). The report confirms that the same rules apply to employees in the public sector (see Conclusions 2015).

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.

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§4 and asked whether the same rules applied to employees in the public sector. In response to the Committee's question, the report confirms that the public and the private sector are subject to the same rules regarding the protection of women who are pregnant, have recently given birth or are nursing their infant. Therefore, the Committee refers to its previous conclusion for a description of the situation and finds that it remains in conformity with Article 8§4 of the Charter.

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.

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity and asked to clarify whether the female civil servants concerned were exposed to a loss of pay during their period of reassignment to a suitable post (Conclusions 2015 and 2011).

The report states that the same rules apply to civil servants under the Civil Servants Act (Articles 32 and 76) including as regards the "balancing allowance" awarded to employees reassigned to posts with less favourable salary conditions. Therefore, the Committee refers to its previous conclusion for a description of the situation and finds that it is still in conformity with Article 8§5 of the Charter.

The Committee points out that Article 8 of the Charter provides specific rights protecting employed women during pregnancy and maternity (Statement of Interpretation on Articles 8§4 and 8§5, Conclusions 2019). Since pregnancy and maternity are gender-specific, any less favourable treatment due to pregnancy or maternity is to be considered as direct gender discrimination. Consequently, the non-provision of specific rights aimed at protecting the health and safety of a mother and a child during pregnancy and maternity, or the erosion of their rights due to special protection during such a period are also direct gender discrimination. It follows that, in order to ensure non-discrimination on the grounds of gender, employed women during the protected period may not be placed in a less advantageous situation, also with regard to their income, if an adjustment of their working conditions is necessary in order to ensure the required level of the protection of health. It follows that, in the case a woman cannot be employed in her workplace due to health and safety concerns and as a result, she is transferred to another post or, should such transfer not be possible, she is granted leave instead, States must ensure that during the protected period, she is entitled to her average previous pay or provided with a social security benefit corresponding to 100% of her previous average pay. Further, she should have the right to return to her previous post. In this respect, the Committee asks the next report to confirm that the women concerned retain the right to return to their previous posts at the end of the protected period.

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.

Legal protection of families

Rights and obligations, dispute settlement

The Committee previously asked for up-to-date information on the system governing the **rights and obligations of spouses** in respect of one another and their children, as well as on the legal means for the **settlement of disputes** between spouses and disputes concerning children (Conclusions 2011 and 2015).

The report provides information on the maintenance obligations in family matters, in particular the maintenance obligation of parents towards their children and maintenance allowances. Under 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. Failure to pay the maintenance allowance willingly constitutes a criminal offense in accordance with Article 207 of the Criminal Code and the offender can be sentenced to prison for up to 5 years.

The Committee asks for information in the next report on the rights and obligations of spouses within the couple (reciprocal responsibility, ownership, administration and use of property) and on the in case of marital conflicts (divorce).

As regards **mediation services**, the Committee previously considered that the situation was in conformity with the Charter (see Conclusions 2017). It asked for more detailed information on the legislative framework of family mediation, range of matters covered by this mediation, functioning of the said services and relevant figures to show its effectiveness (Conclusions 2017).

The current report provides information on the mediation procedure as established by Act No. 420/2004 on Mediation according to which parties can settle conflicts arising out of family relationships through mediation. The report states that mediation 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. If no mediation agreement is reached, the matter can be pursued in court. Mediation services are freely available to everyone in need of them. The Committee asks 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.

Issues related to **restrictions to parental rights** and **placement of children** are examined under Article 17§1.

Domestic violence against women

The Committee takes note of the information in the report concerning the relevant legal framework, namely Section 208 of the Criminal Code which prohibits “battering a close person and a person entrusted into one’s care” and Section 127 defining the “close person” for the purposes of Section 208 beyond family members (spouses, siblings and children) to include ex-spouses and persons living with the perpetrator in a shared household. Persons convicted under Section 208 face penalties of 3 to 25 years in prison. The report also states that Section 199 of the Criminal Code prohibits rape through force, the threat of force, or taking advantage of “a woman’s vulnerability,” and perpetrators may be convicted to 5 to 25 years imprisonment. Victims of rape, sexual assault and similar violent crimes may apply for compensation for any mental and physical harm suffered.

As regards measures taken for the protection of victims, the report indicates that police have the power to exclude violent offenders from a “shared dwelling” for a 48-hour period after domestic violence has been reported, and a court may issue a longer-term protective order if repeated offenses are reasonably anticipated. The 48-hour period will start running the next working day (not in the weekend or holidays). Offenders who violate the conditions of protective orders may be convicted to up to two years in prison by court.

The Committee notes however that the report does not provide information as regards prosecution of domestic violence and case-law examples/number of convictions applied in practice. No information is provided regarding the prevention of domestic violence through assistance to victims and information and awareness raising, nor on integrated policies.

The Committee notes that the Slovak Republic signed the Istanbul Convention on 11 May 2011, but has not ratified it yet. It further notes that in November 2019 the Secretary General of the Council of Europe has stated that the decision by the Slovak Parliament rejecting the ratification of the Council of Europe’s Istanbul Convention is a regrettable step backwards.

The Committee notes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), in its Concluding observations on the combined fifth and sixth periodic reports of Slovakia (25 November 2015) expressed concern about certain shortcomings such as: the long delays in adopting comprehensive legislation on violence against women, including domestic violence, and in ratifying the Istanbul Convention; the underreporting of violence against women by victims, the low numbers of prosecutions and convictions of perpetrators and the limited application of protection orders by the police, in particular in cases of sexual violence; the lack of a coordinated system for preventive measures and victim assistance, including the provision of shelters and legal, medical and psychological assistance, in cases of gender-based violence against women.

The Committee asks that the next report provide comprehensive and updated information on actions and measures taken in this field (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 counseling as well as data on shelters and crisis centres for victims; the effective implementation of legislation/measures in the field and their impact in preventing and reducing domestic violence. In the light of all the information available and its case-law, it considers, in the meantime, that the measures taken to address the problem of domestic violence have been insufficient.

Social and economic protection of families

Family counselling services

The Committee refers to its previous conclusion (Conclusions 2011) where it found the situation to be in conformity with the Charter. It asks for updated information in the next report on any developments in law and in practice with regard to the family counselling services available, including provision of psychological support, counselling and information on issues related to childcare and upbringing of children.

Childcare facilities

The Committee recalls that under Article 16, States Parties are required to ensure that childcare facilities are available, affordable and of good quality. The current report does not provide any information on this point. The Committee asks that the next report provide comprehensive information on childcare facilities available in Slovak Republic (types of facilities, coverage with respect to the number of children aged 0-6, ratio of staff to children, staff training, suitable premises and cost of childcare to parents). Meanwhile, it reserves its position on this point.

Family benefits

Equal access to family benefits

In its previous conclusion (Conclusions 2015) the Committee noted that the equality of treatment was ensured for child benefit, parent allowance, childcare allowance and child bonus benefit. However, not all foreign nationals of States Parties were treated equally with nationals in respect of childbirth allowance. It therefore considered that the situation was not in conformity with the Charter.

The Committee notes from the report that the allowance in question is a one-off allowance paid upon the birth of a child. The Government is undertaking steps to re-evaluate the conditions for application for this allowance. The report reiterates that all foreigners who are legally within the territory of the Slovak Republic are able to apply for all other family allowances, which are paid on a monthly basis. The Committee asks the next report to provide information concerning new developments as regards eligibility to childbirth benefit.

Level of family benefits

In its previous conclusion (Conclusions 2015) the Committee considered that the situation was not in conformity with the Charter on the ground that the level of child benefit did not constitute an adequate income supplement. In particular, the monthly amount of child benefit constituted 4.1% of the median equivalised income.

The Committee notes from the report in this regard that the benefit in question 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 all these also constitute income supplement. According to the report, these are benefits provided for children on a monthly basis. Besides, there are several one-off benefits, such as childbirth benefit (€ 829.86).

The Committee notes from MISSOC that the child benefit stood at € 23.68 per child monthly. Child benefit is paid from 0 to 16 years old (end of compulsory school) or up to 25 years old in case of full-time vocational trainees, university students and those who cannot work or study due to sickness or injury. Moreover, a supplement to a child benefit (*Príplatok k prídavku na dieťa*) in the amount of € 11.10 is paid monthly to pensioners taking care of a child with no earnings and not receiving the Tax Bonus (*Daňový bonus*).

According to Eurostat, the median equivalised income for 2017 was € 598.5. The Committee notes that the child benefit alone constitutes 3.9% of the median equivalised income and therefore, is not an adequate income supplement. However, having noted from the report that other benefits, such as parent benefit and child-minding benefit are cumulative to child benefit, the Committee asks for more clarification concerning the eligibility criteria for these two benefits. It asks in particular, what is the proportion of families that would be entitled to them, in addition to the child benefit. In the meantime, the Committee reserves its position as regards the adequacy of family benefits.

Measures in favour of vulnerable families

In reply to the Committee's question the report states that all family and child benefits 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. The Committee asks what special measures are taken to protect single-parent families and Roma families.

Housing for families

The Committee previously requested comprehensive information concerning access to adequate housing for families, including on protection against eviction, in the light of the principles established in its case-law (Conclusions 2015).

The report indicates that forced eviction can only be ordered by a court. During judicial proceedings, both parties attempt to find alternative solutions and only if this fails, the court orders eviction, taking account of the individual situation of the tenant and setting up periods within which the tenant must leave the rented housing. Everyone has the right to apply to a court and to contact the regional office of the Centre for Legal Aid, which is a public organisation under the Ministry of Justice. The Centre provides legal aid in civil law disputes, including disputes related to lease of flats and non-payment of loans. There is also a possibility to submit an appeal against the court's decision.

The Committee takes note of the information provided in the report. It asks nevertheless the next report to provide detailed information on the applicable notice periods before eviction, and to clarify whether these periods are established by law or by the courts on a case-by-case basis. The Committee further requests information on whether the applicable legal framework provides for:

- an obligation to adopt measures to re-house or financially assist the persons evicted in case of eviction justified by the public interest;
- compensation in case of illegal eviction;
- prohibition to carry out evictions at night or during winter.

In the meantime, the Committee reserves its position on this point.

The Committee finds no relevant information in the report on the provision of an adequate supply of housing for families. It takes note however of the adoption of an Action Plan for Housing for the period 2016-2018, which included a measure (measure 6.1) aimed at analysing the legislative conditions of some of the broader aspects of housing, proposing a concept of social housing, and taking into account advice on the provision of a housing allowance. The Committee asks the next report to provide information on the specific results of this measure and on any legislative developments in this field. It also wishes to be provided with figures on the overall availability of housing support (social housing and housing allowances, demand and supply) for low-income and vulnerable families. On the specific issue of adequacy of housing for families, the Committee notes from another source (European Index of Housing Exclusion 2019, FEANTSA and Abbé Pierre Foundation, Eurostat-EU-SILC 2017) that the overcrowded housing rate for Slovakian households in 2017 was 36.4%, well above the average rate for the European Union (15.7%). The Committee asks next report to provide up-to-date figures on the adequacy of housing (water, heating, sanitary facilities, electricity, living size/overcrowding). Pending receipt of all the information requested, the Committee reserves its position on whether there is a sufficient supply of adequate housing for families.

As regards Roma families, the Committee previously considered (Conclusions 2011, 2015) that the right to housing of Roma families was not effectively guaranteed and asked for information on the outcomes of the measures taken to improve their housing situation (Conclusions 2015).

The current report indicates that the Action Plan for Housing for the period 2016-2018 includes activities that cover all the problematic areas associated with the housing of Roma. Some of them are aimed at the direct improvement of living conditions and infrastructure in socially excluded localities, mainly targeting residents of marginalized Roma communities. The report also refers in this context to the granting of micro-loans for construction. The Committee does not find however in the current report any information on the implementation of the measures referred to in its previous conclusions and their impact on the improvement of the current housing situation of Roma, including for example the number of housing units made available for members of the Roma minority (see for details Conclusions 2015: Strategy for the integration of Roma up to 2020 and the number of

apartments built for Roma under the Program for Housing Development). The Committee takes note of the concerns expressed by several international and Council of Europe bodies on the housing conditions of Roma, including on the issue of forced evictions and segregation (United Nations Human Rights Committee, Concluding observations on the fourth report of Slovakia, 31 October 2016, § 16; United Nations Committee on the Elimination of Racial Discrimination, Concluding observations on the combined eleventh and twelfth periodic reports of Slovakia, 6 December 2017, § 21; United Nations Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Slovakia, 18 October 2019, outside the reference period, § 30; Council of Europe Commissioner for Human Rights, Report of 13 October 2015 following his visit to the Slovak Republic from 15 to 19 June 2015, §§ 95-101).

In view of the abovementioned negative assessments and the lack of relevant information on the improvement of the situation, the Committee asks the next report to provide detailed information on the implementation of all the measures adopted or envisaged to improve the housing situation of Roma families, including on the number of rental housing units built/renovated and made available for Roma families. In this connection, it also wishes to be provided with 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. In the meantime, the Committee reiterates its previous conclusion of non-conformity with the Charter on this ground.

Finally, the Committee refers to its Statement of Interpretation on the rights of refugees under the Charter (Conclusions 2015). The Committee accordingly asks for information in the next report on the housing situation of refugee families.

Participation of associations representing families

The Committee refers to its previous conclusion (Conclusions 2017) where it found the situation to be in conformity with the Charter.

In this regard, the report reiterates that associations representing families may participate in the family policy-making process by presenting their positions on legislative proposals through the Economic and Social Council. The report also further indicates that the said Council and social partners need to approve the proposal prior to submission of the relevant document for the Government's approval.

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 with respect to housing, including in terms of eviction conditions, is inadequate.

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 legal status of the child

The Committee previously wished to be informed of any developments in the legislation and the case law regarding the establishment of paternity as well as the right of an adopted child to know his/her origins. The report provides no information on these issues, therefore the Committee repeats its request for this information.

The Committee has noted with concern the increasing number of children in Europe registered as stateless, as this will have a serious impact on those children's access to basic rights and services such as education and healthcare.

According to EUROSTAT in 2015 there were 6,395 first time asylum applications in the EU by children recorded as stateless and 7,620 by children with an unknown nationality. This figure only concerns EU states and does not include children born stateless in Europe, nor those who have not applied for asylum. In 2015, UNHCR estimated the total number of stateless persons in Europe at 592,151 individuals

The Committee asks what measures have been taken by the State to reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures for obtaining nationality, and taking measures to identify children unregistered at birth).

The Committee asks further what measures have been taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation.

Protection from ill-treatment and abuse

The Committee previously concluded that the situation was non-conformity with the Charter on the ground that not all forms of corporal punishment are prohibited in the home (Conclusions 2015).

According to the report following an amendment of the Criminal Code all forms of physical violence, including corporal punishment, against children are prohibited and corporal punishment is classified as a criminal act of violence against a dependent person.

However the Committee notes from the Global Initiative to End Corporal Punishment that prohibition is still to be achieved in the home. There is no specific defence available to parents and others who use corporal punishment but the Family Law provides for the right to use "adequate upbringing measures": corporal punishment is tolerated in society and legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing. The Committee asks for the Government's comments on this.

In the meantime the Committee concludes that the situation is still not in conformity with the Charter.

Rights of children in public care

In its previous conclusion the Committee asked what were the criteria for the restriction of custody or parental rights and what procedural safeguards existed to ensure that children were removed from their families only in exceptional circumstances. It also asked for information on the number of children in institutions (and the maximum number in a single institution) and in foster care. It concluded that if this information was not provided there would be nothing to establish that the situation was in conformity with the Charter.

According to the report where a child's life, health or development is seriously endangered, or disturbed, a court may order as a preliminary measure, the placement of a child, temporarily, in the care of a natural person, or a legal person .

The report further states that a situation of financial need is not sufficient to justify taking a child into care. In such a case, the family must receive adequate support in the form of social assistance to ensure the child's well-being.

However the Committee notes that despite repeated requests no information has been provided on the number of children in the care of the state, either in institutions or in foster care. Nor has it been made clear what is the maximum number of children in a single institution. Further no information has been provided on the measures taken to reduce the number of children institutions. It therefore finds that there is nothing to establish that the state is in conformity on this point. The Committee repeats its request for this information and also requests information on the monitoring of childcare institutions and foster care to ensure that it is appropriate.

In the meantime it concludes that it has not been established that the situation of children in care is in conformity with the Charter.

Right to education

As regards the issue of education, the Committee refers to its conclusion under Article 17§2.

Children in conflict with the law

In its previous conclusion the Committee held that the situation was not in conformity with the Charter as children could be detained for up to two years pending trial, which it found excessive (Conclusions 2015).

According to the report the Code of Criminal procedure has been amended and the new maximum length of pre-trial detention has been set at 7 months. The Committee seeks confirmation that is an absolute maximum. The Committee considers that while this is a considerable improvement in the situation 7 months is still excessive.

The Committee asks for information on the maximum prison sentence that maybe imposed on a child. It asks further whether children maybe held in solitary confinement and if so for how long and under what circumstances.

Right to assistance

Article 17 guarantees the right of children, including children in an irregular situation and non-accompanied minors to care and assistance, including medical assistance and appropriate accommodation[International Federation of Human Rights Leagues (FIDH) v. France, Complaint No 14/2003, Decision on the merits of September 2004, § 36, *Defence for Children International (DCI) v. the Netherlands* Complaint No.47/2008, Decision on the merits of 20 October 2009, §§70-71, European Federation of National Organisations working with the Homeless (FEANTSA) v, Netherlands, Complaint No.86/2012, Decision on the merits of 2 July 2014, §50].

In its previous report, the Committee asked for information on what assistance is given to children in irregular situation to protect them against negligence, violence or exploitation.

According to the report the Office of Labour, Social Affairs and Family (OLSAF) – (of the Department of Social and Legal Protection of Children and Social Curatorship), in whose territorial district a child is found, is responsible for the unaccompanied child until the child is placed in the care of a guardian, or a tutor. At the same time the OLSAF is responsible for searching for the parents or other members of the child's family for the purpose of family reunification.

The Committee considers that the detention of children on the basis of their or their parents' immigration status is contrary to the best interests of the child. Likewise unaccompanied minors should not be deprived of their liberty and detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status or lack thereof.

The Committee notes from the Concluding Observations of the UN Committee on the Rights of the Child on the combined third to fifth report of Slovakia [CRC/C/SVK/CO/3-5 July 2016] that the UN Committee on the Rights of the Child noted that asylum-seeking families with children are being systematically detained for lengthy periods in highly unsuitable conditions, and alternatives to detention are often not available to them and almost all unaccompanied children placed in foster homes in the past five years have disappeared and no specific effort has been made to find them.

Therefore the Committee requests further information on measures taken to find alternative to detention for asylum seeking families, to ensure that accommodation facilities for migrant children in an irregular situation whether accompanied or unaccompanied, are appropriate and adequately monitored. It also requests further information 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. Meanwhile it reserves its conclusion on this point.

The Committee seeks confirmation that children in an irregular situation have access to quality health care.

As regards age assessments, the Committee recalls that, in line with other human rights bodies, it has found that the use of bone testing in order to assess the age of unaccompanied children 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]. The Committee asks whether the Slovak Republic uses bone testing to assess age and, if so, in what situations the state does so. If the state does use such testing, the Committee asks what are the potential consequences of such testing (e.g., can the results of such a test serve as the sole basis for children being excluded from the child protection system?).

Child poverty

Article 17 guarantees the right of children, including children in an irregular situation and non-accompanied minors to care and assistance, including medical assistance and appropriate accommodation [International Federation of Human Rights Leagues (FIDH) v. France, Complaint No 14/2003, Decision on the merits of September 2004, § 36, *Defence for Children International (DCI) v. the Netherlands* Complaint No.47/2008, Decision on the merits of 20 October 2009, §§70-71, European Federation of National Organisations working with the Homeless (FEANTSA) v, Netherlands, Complaint No.86/2012, Decision on the merits of 2 July 2014, §50].

The Committee notes that according to EUROSTAT in 2017 22.5% of children in the Slovak Republic were at risk of poverty or social exclusion, lower than the EU average (24.9%).

The Committee asks the next report to provide information on the rates of child poverty as well as on the measures adopted 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. Information should also be provided on measures focused on combatting discrimination against and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty

Conclusion

The Committee concludes 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;
- the maximum length of pre-trial detention is excessive;
- it has not been established that children in public care are adequately cared for.

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.

Enrolment rates, absenteeism and drop-out rates

According to UNESCO the net enrolment rate for primary education for both sexes was 83.09% in 2017, the corresponding rate for secondary education was 81.92%. The Committee notes that these figures are low and asks for the Government's comments. Meanwhile the Committee concludes that the situation is not in conformity in this respect.

The Committee asks the next report to provide information on enrolment rates, absenteeism and drop out rates as well as information on measures taken to address issues with these rates.

Costs associated with education

The Committee asks for updated information on measures taken to mitigate the hidden costs of education such as transport, books and stationary.

Vulnerable groups

In its previous conclusion (Conclusions 2015) the Committee found that the situation was not in conformity with the Charter on the ground that Roma children were disproportionately represented in special classes.

According to the report, in light of recommendations from international bodies, notably ECRI, the Slovak Republic has begun to develop pre school facilities for Roma children in order to improve their access to education. It also intends to introduce new legislation on the diagnosis of mental capabilities of children to minimise the number of Roma children who are placed in special classes. The Government has recently updated the National Strategy for the Integration of Roma up to 2020, in particular the Government has created educational programs for Roma children and their parents focusing on informing parents about the importance of pre-primary education for their children. The Government has also allocated additional financial resources to increase personal and professional capacities of primary schools to hire education assistants to assist Roma children in overcoming any difficulties they might have during in mainstream education. Another measure is the introduction of a career coach, a person who specifically helps Roma children finishing their primary education in choosing the right secondary school for them. Further the adoption of the Act 336/2015 on Support of the Least Developed Districts of the Slovak Republic enables the Government to adopt an action plan specifically tailored to the needs of Individuals in the least developed regions and the Government can then allocate additional financial resources to improve the situation in this region.

The Committee notes these positive developments. It notes further however that the Commissioner for Human Rights of the Council of Europe following his visit to the Slovak Republic in 2018 (outside the reference period) called on the Slovak authorities to start addressing the continuing segregation of Roma children in education in a more comprehensive manner. He noted that that little meaningful progress had been achieved in this field since his visit in June 2015.

Further the UN Committee on the Rights of the Child in its Concluding Observations on the combined third to fifth report of Slovakia [CRC/CSVK/CO/3-5], noted in 2016 that Roma children continue to be the victims of de facto segregation in the State party's school system, with over 50% being taught in Roma-only classes or attending classes in separate school pavilions, often providing inferior education, that the school enrolment rate among Roma children remains low and the dropout rate high and that despite the recent legislative

amendments, the number of Roma children placed in schools for children with mild disabilities continued to be disproportionately high.

In light of the lack of concrete information on the measures taken to include Roma children in mainstream education, the lack of data on the number of Roma children in special schools and the lack of data on the number of Roma-only classes and schools, as well as on trends in the area, 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 it has not been established that adequate measures have been taken to include Roma children in mainstream education, resulting in the perpetuation of segregation in education.

The Committee previously asked whether irregularly present children have a right to education (Conclusions 2015). No information on this issue is provided in the report. The Committee considers that if this information is not provided in the next report there will be nothing to establish that the situation is in conformity with the Charter.

The Committee notes that according to the Concluding Observations of the UN Committee on the Rights of the Child on the combined third to fifth report of Slovakia[CRC/C/SVK/CO/3-5, 2016], asylum-seeking and refugee children only have access to education after they have spent three months in detention. The Committee asks the next report to provide full 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.

As the Slovak Republic has accepted Article 15§1 of the Charter the Committee will examine the rights of children with disabilities to education under that provision.

Anti –bullying measures

Under Article 111 of the Foundations of Education System Law any physical, psychological, sexual, digital and any other bullying, abuse and neglect at the institution of a pupil, by an adult, parent, or lawful representative or third party shall not be allowed. The Committee asks what measures have been taken to introduce anti bullying policies in schools, i.e., measures relating to awareness raising, prevention and intervention.

The voice of the child in education

Securing the right of the child to be heard within education is crucial for the realisation of the right to education in terms of Article 17§2. This requires states to ensure 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 Committee asks what measures have been taken by the State to facilitate child participation in this regard.

Conclusion

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§2 of the Charter on the grounds that:

- the net enrolment rate in compulsory education is too low;
- it has not been established that adequate measures have 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.

Migration trends

The Committee has assessed the migration trends in Slovakia in its previous conclusion (Conclusions [2015](#)). The report does not address this point and the Committee asks that the next report provide up-to-date information on the developments in this respect.

Change in policy and the legal framework

The Committee notes that it has previously assessed the policy and legal framework relating to migration matters (Conclusions 2015). It asked for information on the concrete measures taken to implement the migration policy.

The report states, in reply, that the Integration Policy 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. It 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 and increases the possibilities for the monitoring, collecting, analysing and publicizing of statistics concerning integration and evaluation of integration policies. The 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.

The Committee asks the next report to provide examples of the actions and measures adopted or envisaged by the Integration Policy.

Free services and information for migrant workers

The Committee recalls that this provision guarantees the right to free information and assistance to nationals wishing to emigrate and to nationals of other States Parties who wish to immigrate (Conclusions I (1969), Statement of Interpretation on Article 19§1). Information should be reliable and objective, and cover issues such as formalities to be completed and the living and working conditions they may expect in the country of destination (such as vocational guidance and training, social security, trade union membership, housing, social services, education and health) (Conclusions III (1973), Cyprus).

The Committee considers that free information and assistance services for migrants must be accessible in order to be effective. While the provision of online resources is a valuable service, it considers that due to the potential restricted access of migrants, other means of information are necessary, such as helplines and drop-in centres (Conclusions 2015, Armenia).

The Committee has made an assessment of available services and information for migrant workers in its previous conclusion (see detailed description in Conclusions 2015). The report states that additional sources of information for migrants besides online sources, are free helplines widely available for migrants, such as the helpline of the Migration Information Centre and the helpline of the International Organisation for Migration.

The Committee asks the next report to specify in what languages the relevant services and information are provided.

Measures against misleading propaganda relating to emigration and immigration

The Committee recalls that measures taken by the government should prevent the communication of misleading information to nationals leaving the country and act against false information targeted at migrants seeking to enter (Conclusions XIV-1 (1998), Greece).

The Committee considers that in order to be effective, action against misleading propaganda should include legal and practical measures to tackle racism and xenophobia, as well as women trafficking. Such measures, which should be aimed at the whole population, are necessary inter alia to counter the spread of stereotyped assumptions that migrants are inclined to crime, violence, drug abuse or disease (Conclusion XV-1 (2000), Austria).

The Committee also recalls that statements by public actors are capable of creating a discriminatory atmosphere. Racist misleading propaganda indirectly allowed or directly emanating from the state authorities constitutes a violation of the Charter (Centre on Housing Rights and Evictions (COHRE) v Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010). The Committee stresses the importance of promoting responsible dissemination of information, and of deterring the promulgation of discriminatory views.

The Committee further recalls that in order to combat misleading propaganda, there must be an effective system to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere. It underlines that the authorities should take action against misleading propaganda as a means of preventing illegal immigration and trafficking in human beings (Conclusions 2006, Slovenia).

Finally, the Committee recalls that States must also take measures to raise awareness amongst law enforcement officials, such as awareness training of officials who are in first contact with migrants.

The report provides the Slovak Republic 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 and how to avoid trafficking in human beings.

The report further states that the Integration Policy supports the adoption and implementation of measures designed to eliminate expressions of racism, xenophobia, discrimination and other forms of hatred and intolerance towards foreigners. However, the report does not provide any comprehensive information on these measures.

The Committee also notes that the report does not reply to the questions put by the Committee in its previous conclusion (see Conclusions 2015), namely:

- details of the activities of the Ombudsman and other monitoring bodies operating in the Slovak Republic;
- what action has been taken to combat discrimination in political discourse;
- what monitoring bodies exist with responsibility for other forms of media than press;
- what specific measures were taken to combat misleading propaganda relating to immigration and emigration.

The Committee considers that it cannot assess the situation in this respect with the information in its disposal. Accordingly, it recalls its questions and underlines that should the next report not provide comprehensive information in this respect, there will be nothing to show that the situation is in conformity with the Charter on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

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.

Remuneration and other employment and working conditions

The Committee recalls that States are obliged to eliminate all legal and de facto discrimination concerning remuneration and other employment and working conditions, including in-service training, promotion, as well as vocational training (Conclusions VII (1981), United-Kingdom).

The Committee refers to its positive assessment of the non-discrimination in employment and the same legal status for nationals and non-nationals in its previous conclusion ([Conclusions 2015](#)). It then asked whether vocational training was available on the same basis for migrants and nationals. The report states that foreigners have the same right to undertake vocational education and training (VET) as the nationals, and that the access to education is free.

In reply to the Committee's request for information regarding practical measures taken to implement the relevant legal and policy framework; the report states that under the 2015 VET Act, closer partnerships are supported between schools and companies to shift to labour market demand-driven VET. In this new approach, companies take responsibility for training provision and in exchange are awarded financial and other benefits from the state.

Membership of trade unions and enjoyment of the benefits of collective bargaining

The Committee recalls that this sub-heading requires States to eliminate all legal and de facto discrimination concerning trade union membership and as regards the enjoyment of the benefits of collective bargaining (Conclusions XIII-3 (1995), Turkey). This includes the right to be founding member and to have access to administrative and managerial posts in trade unions (Conclusions 2011, Statement of interpretation on Article 19§4(b)).

The report confirms in this regard that migrant workers are free to join or form trade unions and benefit from collective bargaining, on the same footing as 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 right to join and form trade unions and benefit from collective bargaining for everyone (including foreigners), is also guaranteed by the Constitution.

Furthermore, 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 apply to foreigners posted to the territory of the Slovak Republic.

Accommodation

The Committee recalls 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 recalls 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).

The Committee asks the next report to provide comprehensive information on this point.

Monitoring and judicial review

The Committee recalls that it is not enough for a government to demonstrate that no discrimination exists in law alone but also that it is obliged to demonstrate that it has taken adequate practical steps to eliminate all legal and de facto discrimination concerning the rights secured by Article 19§4 of the Charter (Conclusions III (1973), Statement of interpretation).

In particular, the Committee considers that in order to monitor and ensure that no discrimination occurs in practice, States Parties should have in place sufficient effective monitoring procedures or bodies to collect information, for example disaggregated data on remuneration or information on cases in employment tribunals (Conclusions XX-4 (2015), Germany).

The Committee further recalls that under Article 19§4(c), equal treatment can only be effective if there is a right of appeal before an independent body against the relevant administrative decision (Conclusions XV-1 (2000) Finland). It considers that existence of such review is important for all aspects covered by Article 19§4.

It notes from the previous report that persons who feel that they are being discriminated against may file a complaint to the local labour inspection body, and if discrimination is discovered in the inspection process, the employer shall be penalised by fines in accordance with the Act No. 125/2006 on Labour Inspection. The Committee asks for further details on the competences of the Labour Inspection, and any available statistics in this regard. Furthermore, it asks for an up-to-date description of any legal avenue to contest possible discrimination for all aspects covered by Article 19§4.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Slovak Republic is in conformity with Article 19§4 of the Charter.

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.

It recalls that this provision recognises the right of migrant workers to equal treatment in law and in practice in respect of the payment of employment taxes, dues or contributions (Conclusions XIX-4 (2011), Greece).

The Committee has assessed the legal framework in this respect in its previous conclusion and considered it to be in conformity with the Charter ([Conclusions 2015](#)).

In reply to the Committee's query what contributions were payable in relation to employment, the report states that both nationals and foreigners equally pay two types of contributions: compulsory health insurance contribution and social security contribution.

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.

Scope

This provision obliges States Parties to allow the families of migrants legally established in the territory to join them. The worker's children entitled to family reunion are those who are dependent and unmarried, and who fall under the legal age of majority in the receiving State. "Dependent" children are understood as being those who have no independent existence outside the family group, particularly for economic or health reasons, or because they are pursuing unpaid studies (Conclusions VIII (1984) Statement of Interpretation on Article 19§6).

The Committee has provided a detailed description of the scope of the right to family reunion in Slovak Republic in its previous conclusion ([Conclusions 2015](#)). It recalls that the right is granted to spouses of those holding any form of residence permit (except temporary study permits), provided both partners are over 18; minor children of either spouse and dependent parents of either spouse. The permit may be granted no earlier than one year after the entry of the sponsor family member, if his or her residence will last at least two years. The Committee considers the legal framework in this respect to be in conformity with the Charter.

Conditions governing family reunion

The Committee recalls that a state must eliminate any legal obstacle preventing the members of a migrant worker's family from joining him (Conclusions II (1971), Cyprus). Any limitations upon the entry or continued present of migrant workers' family must not be such as to be likely to deprive this obligation of its content and, in particular, must not be so restrictive as to prevent any family reunion (Conclusions XVII-1 (2004), the Netherlands; Conclusions 2011, Statement of Interpretation on Article 19§6).

The Committee furthermore recalls taking into account the obligation to facilitate family reunion as far as possible under Article 19§6, States Parties should not adopt a blanket approach to the application of relevant requirements, so as to preclude the possibility of exemptions being made in respect of particular categories of cases, or for consideration of individual circumstances (Conclusions 2015, Statement of Interpretation on Article 19§6).

In its previous conclusion (Conclusions 2015), the Committee noted that a possible rejection of a family reunion application can occur due to the applicant carrying a specific disease or if the applicant would pose a threat to public health or security and asked what diseases or other qualities of an applicant may be taken, in practice, to constitute a jeopardy to the health of others. In reply, the report submits that these are quarantine requiring diseases listed in International Health Regulations of the WHO. The Committee recalls that a state may not deny entry to its territory for the purpose of family reunion to a family member of a migrant worker for health reasons. A refusal on this ground may only be admitted for specific illnesses which are so serious as to endanger public health. These are the diseases requiring quarantine which are stipulated in the World Health Organisation's International Health Regulations of 1969, or other serious contagious or infectious diseases such as tuberculosis or syphilis (Conclusions XVI-1 (2002), Greece). It thus considers that the requirements of the Charter are satisfied in this respect.

As to the means requirement, the report specifies, in reply to the Committee's request for more detailed information, that the sponsoring family members must prove they have financial resources amounting to the level of the minimum wage for one month. All legal income is taken into account when evaluating a solemn statement of a sponsoring family

member along with proof of that family member's income. Social security benefits are calculated as available financial means.

The report provides statistics on family reunion residence permits, which indicate a very low rejection quota (between 0.2 and 1% of all applications in the reference period). In the light of the above, the Committee considers that the requirements set in the law are not so restrictive as to prevent any family reunion.

The Committee also noted in its previous conclusion (Conclusion 2015) 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". The Government did not provide requested comments on these observations. The Committee recalls 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 understands that this is 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.

Remedy

The Committee recalls that restrictions on the exercise of the right to family reunion should be subject to an effective mechanism of appeal or review, which provides an opportunity for consideration of the individual merits of the case consistent with the principles of proportionality and reasonableness (Conclusions 2015, Statement of Interpretation on Article 19§6).

In reply, the report states that the refusal for a family reunion may be appealed before administrative courts.

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 family members of a migrant worker are not granted an independent right to stay 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 recalls that States must ensure that migrants have access to courts, to lawyers and legal aid on the same conditions as their own nationals (Conclusions 2015, Armenia).

It further recalls that any migrant worker residing or working lawfully within the territory of a State Party who is involved in legal or administrative proceedings and does not have counsel of his or her own choosing should be advised that he/she may appoint counsel and, whenever the interests of justice so require, be provided with counsel, free of charge if he or she does not have sufficient means to pay the latter, as is the case for nationals or should be by virtue of the European Social Charter. Whenever the interests of justice so require, a migrant worker must have the free assistance of an interpreter if he or she cannot properly understand or speak the national language used in the proceedings and have any necessary documents translated. Such legal assistance should be extended to obligatory pre-trial proceedings (Conclusions 2011, Statement of interpretation on Article 19§7).

The Committee notes that there have been no changes to the situation which it has assessed in detail in its previous conclusion ([Conclusions 2015](#)) found to be in conformity with the Charter.

Conclusion

The Committee concludes that the situation in the 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 recalls that this provision obliges States Parties not to place excessive restrictions on the right of migrants to transfer earnings and savings, either during their stay or when they leave their host country (Conclusions XIII-1 (1993), Greece).

The Committee notes that there have been no changes to the situation which it has previously found to be in conformity with the Charter ([Conclusions 2015](#)).

In the previous conclusion (Conclusions 2015) the Committee referred to its Statement of Interpretation on Article 19§9 ([Conclusions 2011](#)), affirming that the right to transfer earnings and savings includes the right to transfer movable property of migrant workers. It asked whether there were any restrictions in this respect.

In reply, the report states that there are no restriction on the transfer of movable property of migrant workers.

Conclusion

The Committee concludes that the situation in the 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 recalls that the teaching of the national language of the receiving state is the main means by which migrants and their families can integrate into the world of work and society at large. States should promote and facilitate the teaching of the national language to children of school age, as well as to the migrants themselves and to members of their families who are no longer of school age (Conclusions 2002, France).

Article 19§11 requires that States shall encourage the teaching of the national language in the workplace, in the voluntary sector or in public establishments such as universities. It considers that a requirement to pay substantial fees is not in conformity with the Charter. States are required to provide national language classes free of charge, otherwise for many migrants such classes would not be accessible (Conclusions 2011, Norway).

The language of the host country is automatically taught to primary and secondary school students throughout the school curriculum but this is not enough to satisfy the obligations laid down by Article 19§11. The Committee recalls that States must make special effort to set up additional assistance for children of immigrants who have not attended primary school right from the beginning and who therefore lag behind their fellow students who are nationals of the country (Conclusions 2002, France).

The Committee notes that it previously addressed the teaching of the national language to migrant workers and their families (most recently in its Conclusions 2015 which addressed also the relevant statistics provided) and found it to be in conformity with the requirements of the Charter. It will focus in the present assessment on any changes or outstanding issues.

The Committee notes in its previous conclusion (Conclusions 2015), that the Integration Policy which included measures on a programme for teaching Slovak as a foreign language, entered into force outside the reference period. The report confirms that the Integration Policy is being implemented, in line with relevant laws on access to education. It recalls that children of migrant workers have the same rights and conditions to education of the children of Slovak citizens. For all these children, basic and supplementary Slovak language courses are available.

The Committee asks 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 asks for data on adult migrants who benefit from the Slovak language classes in line with the Integration Policy.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the 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.

It already examined the situation with regard to the right of workers with family responsibilities to equal opportunity and treatment (employment, vocational guidance and training, conditions of employment, social security, child day care services and other childcare arrangements) in its previous conclusion (Conclusions 2015). It will therefore only consider the recent developments and additional information.

Employment, vocational guidance and training

In its previous conclusion, the Committee found that the situation was in conformity with the Charter and asked for detailed information regarding vocational guidance and training services available for persons wishing to re-enter employment.

In response, the report states that advisory services under the employment services system, offer vocational guidance and training services for those (male and female) wishing to return to the labour market, for example after parental leave. Pursuant to the Employment Services Act, vocational guidance and training services cover various topics, such as career choice, job selection, including changing employment; helping an employee to adapt to a new job, etc.

Child day care services and other childcare arrangements

The Committee notes that, as the Slovak Republic has accepted Article 16 of the Charter, measures taken to develop and promote child day care structures are examined under that provision.

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.

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 27§2 of the Charter. Since the situation remains unchanged, it reiterates its previous finding of conformity.

Conclusion

The Committee concludes that the situation in the 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.

It already examined the situation with regard to the illegality of dismissal on the ground of family responsibilities in its previous conclusion (Conclusions 2015). It will therefore only consider the recent developments and additional information.

In its previous conclusion (Conclusions 2015), the Committee requested information on compensation in case of unlawful dismissal. In reply, the report states that in the event of unlawful dismissal, employers are obliged to allow employees to return to their post if they wish and to grant employees compensation for the loss of salary during the period in which they were unemployed. Furthermore, employees are entitled to additional wage compensation equivalent to 36 months' wages.

Conclusion

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