



TOPICS FOR THE INDIVIDUAL SUBMISSION AND CAPACITY-BUILDING OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS

Implementation of the European Social Charter – Group 4 – Articles 7, 8,
16, 17, 19 and 27

Reporting period: 1 January 2018 – 30 December 2021

CYCLE 2023



INTRODUCTION AND METHODOLOGY

This document has been produced as part of the project “*Enhancing the use of the reporting procedure of the European Social Charter in Slovakia with main focus on Group 4 on children, families and migrants*”, which is implemented under the Grant Agreement between the Council of Europe and the Slovak National Centre for Human Rights (hereinafter the “Centre”).

The aim of the document is to provide a preliminary assessment of status of implementation of the reported Articles in Slovakia in order to identify the pressing challenges and gaps in practice. The findings also served as a basis for information exchange with CSOs and background for the Centre’s submission on the implementation of the European Social Charter – Group 4 (families, children and migrants) in 2023.

The assessment of all accepted provisions to be reported in 2023 consists in providing the information on the following:

- Whether the provision was found to be in conformity, not in conformity or deferred: stemming from the previous Conclusions of the European Committee of Social Rights on Slovakia (hereinafter the “Committee”), group 4 (2019).
- Whether the Committee asked specific questions on the provision: either in the latest Conclusions or in the Questions on Group 4 Provisions.
- What were the specific questions asked.
- What are the possible topics to report on in 2023: stemming from the questions above or from the Center’s own monitoring in the reference period.
- What is the potential for reporting: subjective assessment of the Center stemming from the considerations above.

The appendix provides a quick preview of situations of non-conformity and deferred conclusions, as well as a table that includes information the information on acceptance, conformity and the reporting potential.



REVIEW OF ACCEPTED PROVISIONS – GROUP 4

ARTICLE 7 – THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

Article 7 (1)

To provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education.

In conformity/ not in conformity: Conformity.

Asked to report? Yes, both new questions and updates, see below.

Questions for the new cycle:

New questions for 2023: Information on different measures to detect child labour (by Labour Inspectorates or Social Services), on statistics of working children (15-18) and on monitoring sectors where it may be suspected children work illegally (Questions on Group 4 Provisions).

Updates needed: Clarification on meaning of maximum daily work time of 6 hours for children 15-18 years old. Detailed information from Labour Inspectorate findings on violations (Conclusions 2019).

Possible other issues/topics:

The article pertains not only to legislation, but rather practice – e.g. reports on illegal employment of children under the age of 15. Potential lack of detailed data on this issue - can include employees, self-employed or unpaid family helpers. Slovak Labour Inspectorate provides a list of employers that violated the prohibition of illegal employment¹ as well as yearly reports² on illegal employment. The number of illegal employments for children amounts to around 30 cases per year. Further information with regards to monitoring different sectors can be assessed through questions sent to Labour Inspectorate, after assessing gaps in reporting.

Potential for reporting: Low.

¹ National Labour Inspectorate : “List of natural persons and legal entities that violated the ban on illegal employment”, available in Slovak at <https://www.ip.gov.sk/app/registerNZ/>.

² National Labour Inspectorate: “Annual reports on illegal employment”, available in Slovak at <https://www.ip.gov.sk/nelegalne-zamestnavanie-2/>.



Article 7 (2)

To provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy.

In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only an update, see below.

Questions for the new cycle:

Updates needed: Up-to-date information concerning monitoring activities and findings of the Labour Inspectorate in relation to the prohibition of employment of young persons under 18 years old in dangerous or unhealthy activities (Conclusions 2019).

Possible other issues/topics: No further possible issues identified.

Potential for reporting: Low.

Article 7 (3)

To provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education.

In conformity/ not in conformity: Further information needed (deferred).

Asked to report? Yes, but only on questions raised in previous Conclusions 2019 (see below)

Questions for the new cycle:

Pending issues to report on: Information on whether 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. Information on 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. Confirmation 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 (Conclusions 2019).

Possible other issues/topics: No further possible issues identified.

Potential for reporting: Low.



Article 7 (4)

To provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training.

In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only an update, see below.

Questions for the new cycle:

Updates needed: Up-to-date information concerning 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 number of violations and sanctions (Conclusions 2019).

Possible other issues/topics: No further possible issues identified.

Potential for reporting: Low.

Article 7 (5)

To recognise the right of young workers and apprentices to a fair wage or other appropriate allowances.

In conformity/ not in conformity: Further information needed (deferred).

Asked to report? Yes, both on pending information and new questions. See below.

Questions for the new cycle:

Pending issues to report on: Net values of both minimum and average wages; specific legislation regarding young workers; information on benefits by the social assistance and on minimum level of resources enabling workers to apply for benefits; information by the Labour Inspectorate on violations and sanctions imposed concerning inspection of allowances paid to apprentices (Conclusions 2019).

New questions for 2023: Updated information on net minimum wages and allowances paid to persons under 18 years old and measures taken to ensure fair remuneration in atypical jobs, gig or platform jobs and with zero hours contracts; and how are these enforced (e.g. Labour Inspectorates or trade unions) (Questions on Group 4 Provisions).



Possible other issues/topics: Possible issues with fair remunerations in gig work for young workers during the pandemic.

Potential for reporting: Low.

Article 7 (6)

To provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day.

In conformity/ not in conformity: Conformity.

Asked to report? No.

Questions for the new cycle: No questions.

Possible other issues/topics: N/A

Potential for reporting: Low.

Article 7 (7)

To provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay.

In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only an update, see below.

Questions for the new cycle:

Updates needed: Up-to-date information on the Labour Inspectorate's activities and relevant provisions in the Labour Code concerning sanctions imposed on employers (Conclusions 2019).

Possible other issues/topics: No further possible issues identified.

Potential for reporting: Low.

Article 7 (8)

To provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations.

In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only an update, see below.

Questions for the new cycle:



Updates needed: 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 and sanctions (Conclusions 2019).

Possible other issues/topics: No further possible issues identified.

Potential for reporting: Low.

Article 7 (9)

To provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control.

In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only an update, see below.

Questions for the new cycle:

Updates needed: Up-to-date information on the activities of the Labour Inspectorate of monitoring of applicable rules to regular medical examination of young workers, including the number of violations and sanctions (Conclusions 2019).

Possible other issues/topics: No further possible issues identified.

Potential for reporting: Low.

Article 7 (10)

To ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

This article pertains to a) **protection against sexual exploitation**, b) **protection against misuse of information technologies and social media** (including online bullying, child pornography, grooming and harassment), and c) **protection from other forms of exploitation**. This applies also to foreign children in irregular situation and unaccompanied minors.

In conformity/ not in conformity: Further information needed (deferred).

Asked to report?: Yes, both on pending information and new questions. See below.

Questions for the new cycle:



Pending issues to report on: Information on protection against sexual exploitation, statistical information on cases of sexual exploitation and sexual abuse of children; information on assistance provided to child victims of sexual exploitation; updated information on the specific measures, including legislative measures taken with regards to combatting sexual exploitation of children and results achieved in practice. Information regarding protection against the misuse of information technologies, information on supervisory mechanisms and sanctions for sexual exploitation of children through information technologies and whether legislation or codes of conduct for Internet service providers are foreseen in order to protect children. Regarding protection from other forms of exploitation – no information provided last time, so all information needed; plus, information on implementation of the national strategy for protection of children against violence; effectiveness of measures to prevent child trafficking; measures to protect children in street situations and children at risk of child labour, including in rural areas (Conclusions 2019).

New questions for 2023: Updated information on measures to strengthen the protection of children, including migrants, refugees and displaced children from sexual exploitation and abuse, including incidence and impact of COVID-19; impact of COVID-19 on monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms; information on protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming) (Questions on Group 4 Provisions).

Possible other issues/topics:

As reported per the Concluding observations on the combined third to fifth periodic review of Slovakia (CRC/C/SVK/CO/3-5) adopted by the UN Committee on the Rights of the Child, suspected physical or sexual abuse by public authorities is rare and sanctions are either not imposed or are too lenient³. In some cases, instead of being helped, the child victim is subjected to various correctional measures and placed in detention facility. Roma children at particular risk of trafficking for sexual exploitation within marginalized communities (Conclusions 2019).

Sexual and other exploitation of children: Lack of proper sanctions against perpetrators (including clergy), lengthy process, lack of trust in proper handling of the case, and support to victims.

³ 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, point 28/a, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/159/57/PDF/G1615957.pdf?OpenElement>.



Misuse of information technologies: As was reported during the COVID-19 period, harassment online, either sexual harassment or online bullying was on the rise. Bullying of LGBTI children.

Children in irregular situation: As the reporting period ends in December 2021, this does not include Ukrainian refugees after February 2022. However, the report can address issues of victims of trafficking and unaccompanied minors.

Sexual crimes online during COVID-19: Online activity during COVID-19 and heightened incidence of sexual harassment and exploitation of children. The General Prosecutor's Office of the Slovak Republic reported a 145 % increase in sexual crimes committed against children in relation to pandemic measures in 2020. The increase in crimes included sexting, grooming and sexual solicitation. Distribution of child pornography raised by 170 % and sexual exploitation raised by 50 % according to the same monitoring⁴. The research conducted by the National Coordination Center for Violence against Children also reported that the pandemic had an impact on confrontation of children and young people with sexual content. A third of the children and almost half of young people aged 15-17 who participated in the research reported to have received a message with sexual connotations (text, picture or video). 29 % of girls and 12 % of boys also reported they were solicited to send intimate information⁵.

Online bullying during COVID-19: The National Coordination Center for Violence against Children reported on findings from research made in June 2021 on experience and behaviour of children and young people during the pandemic⁶. The research showed a raise in the number of cases of bullying in physical and online environment. 26 % of children and young people reported having had experience with bullying, most often face-to-face in form and among children 9-11 in age. In case of online bullying, boys and girls experience bullying in different types of online environment – whereas boys are victims in the online gaming environment, girls experience bullying mostly on social media. Most often, these include receiving of “uncomfortable and vile

⁴ The News Agency of the Slovak Republic: “Prosecutor General’s Office registered 145 % increase in violence”, 29 June 2020, available in Slovak at <https://www.teraz.sk/slovensko/gp-sr-sexualne-nasilie-na-detoch-po/477124-clanok.html>.

⁵ Ministry of Labour, Social Affairs and Family: “Experiences and behaviour of children and youth in Slovakia during the pandemic”, 08 December 2021, available in Slovak at <https://www.employment.gov.sk/sk/uvodna-stranka/informacie-media/aktuality/prezivanie-spravanie-deti-mladeze-slovensku-pocas-pandemie.html>.

⁶ Research based on responses from 1423 children and young people (9-17 years old). Ministry of Labour, Social Affairs and Family: “Experiences and behaviour of children and youth in Slovakia during the pandemic”, 08 December 2021, available in Slovak at <https://www.employment.gov.sk/sk/uvodna-stranka/informacie-media/aktuality/prezivanie-spravanie-deti-mladeze-slovensku-pocas-pandemie.html>.



messages”. Children and young people stated that they talk about these experiences mostly with their friends, but almost 29 % of children do not talk about bullying with anyone⁷.

A survey among school prevention coordinators also showed a deterioration of the situation as compared to 2016. The survey noted that in the school year 2019/2020, bullying occurred in a majority of primary (91.3 %) and secondary (73.9%) schools. The most common forms of bullying were reported to be use of ridicule and insults, vulgar swearing directed at the child or use of social exclusion. Physical attacks were recorded in around 40 % of schools.⁸ Slovak National Centre for Human Rights also reported on bullying and cyberbullying at primary schools in 2018 and 2019.⁹

The Centre provides education activities and workshops on the topic of bullying and cyberbullying since 2017 and provides practical prevention and intervention tools for teachers, students and parents¹⁰. For example, in 2020 and 2021, the Centre provided over a hundred activities and workshops for students and teachers of primary and secondary schools on bullying and cyberbullying. The Centre also organized roundtables with state authorities and non-governmental organizations to discuss the implementation of a new crime of dangerous online harassment that was added into the Act No. 300/2005 Coll. Criminal Code in July 2021 and to discuss the new action plan on bullying and cyberbullying in schools, which is currently in preparation¹¹.

Potential for reporting: High.

ARTICLE 8 – THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

Article 8 (1)

To provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks.

⁷ Ministry of Labour, Social Affairs and Family: “Experiences and behaviour of children and youth in Slovakia during the pandemic”, 08 December 2021, available in Slovak at <https://www.employment.gov.sk/sk/uvodna-stranka/informacie-media/aktuality/prezivanie-spravanie-deti-mladeze-slovensku-pocas-pandemie.html>.

⁸ Rehúš, M.: “School week: Half of the children experienced bullying. And the state is just copying what it has done so far”, 10 February 2020, *Denník N*, available in Slovak at <https://dennikn.sk/2714185/skolsky-tyzden-polovica-deti-sa-stretla-so-sikanovanim-a-stat-len-kopiruje-to-co-robil-doteraz/?ref=mwat>.

⁹ Available at <https://www.snslp.sk/nasa-cinnost/vyskumna-cinnost/publikovane-vystupy-vyskumnej-cinnosti/>.

¹⁰ Slovak National Centre for Human Rights: “Bullying has no place at schools”, 12 January 2022, available in Slovak at <https://www.snslp.sk/aktuality/sikana-na-skolach-nema-miesto/>.

¹¹ Information from colleagues working on Trainings and Education.



In conformity/ not in conformity: Conformity.

Asked to report? Yes, both new questions and updates, see below.

Questions for the new cycle:

Updates needed: Information regarding the right to any kind of benefits for the employed women who do not qualify for maternity benefit during maternity leave (Conclusions 2019).

New questions for 2023: Information on whether COVID-19 crisis had impact on the right to paid maternity leave (benchmark is 70 % - whether all employed women concerned, both in the private and public sector continue to receive at least 70 % of their salary during the whole length of the compulsory maternity leave during the pandemic and above 50 % of the median equivalized income) (Questions on Group 4 Provisions).,

Possible other issues/topics: Current situation with regards to parallel or separate parental leave up to the end of 2021 (so not including newest changes to paternity leave in 2022). Overview of benefits.

Potential for reporting: Medium.

Article 8 (2)

To consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period.

In conformity/ not in conformity: Not in conformity: 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.

Asked to report? Yes. Both with regards to non-conformity and new questions. See below.

Questions for the new cycle:

Issues of non-conformity to report on: Slovakia not in conformity, due to the possibility, according to the Labour Code, for dismissal of a worker 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 employee's activities. According to the Committee, this goes beyond the strict criteria for dismissal as according to the interpretation of the Charter Art. 8(2). Slovakia to explain whether and how was the problem remedied (Conclusions 2019).



New questions for 2023: Information on whether COVID-19 crisis had an impact on possibility of dismissing pregnant employees and employees on maternity leave; and on any exceptions to the prohibition of dismissal during pregnancy and maternity leave during the pandemic (Questions on Group 4 Provisions).

Possible other issues/topics: Confirmation of the status quo, any possible cases of the Centre during the period of 2018-2022.

Potential for reporting: Medium.

Article 8 (3)

To provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose.

In conformity/ not in conformity: Conformity.

Asked to report? No.

Questions for the new cycle: N/A

Possible other issues/topics: N/A

Potential for reporting: Low.

Article 8 (4)

To regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants.

In conformity/ not in conformity: Conformity.

Asked to report? Yes. Only new questions.

Questions for the new cycle:

New questions for 2023: Updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave (Questions on Group 4 Provisions).

Possible other issues/topics: Verify the situation in Slovakia per above question.

Potential for reporting: Low.



Article 8 (5)

To prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

In conformity/ not in conformity: Conformity.

Asked to report? Yes, both new questions and updates, see below.

Questions for the new cycle:

Updates needed: Information whether concerned women have right to return to their previous post at the end of the protected period (Conclusions 2019).

New questions for 2023: Updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that the women concerned retain the right to return to their previous employment at the end of the protected period (Questions on Group 4 Provisions).

Possible other issues/topics: Same issue as under Art. 8(2) – assess right to return to their previous employment (this article therefore could have been assessed as not in conformity).

Potential for reporting: Medium.

ARTICLE 16 – THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

This Article applies to a) **all forms of violence against women and domestic violence** and protection against such violence in law and practice; b) **social economic and legal protection of family** including family or child benefits, adequate family benefits, childcare facilities, housing for families, vulnerable families



In conformity/ not in conformity: Not in conformity: Inadequate protection of women against domestic violence; and inadequate protection of Roma families with respect to housing, including in terms of eviction conditions.

Asked to report?: Yes. Both with regards to non-conformity, updates and new questions. See below.

Questions for the new cycle:

Issues of non-conformity to report on:

Violence against women: No information was provided and thus needed regarding prosecution of domestic violence and case-law examples/numbers of convictions; information on prevention of domestic violence through assistance to victims and information and awareness-raising; information on integrated policies. 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 counselling 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 (Conclusions 2019).

Housing situation of Roma families: Previous negative assessment of the situation and a lack of relevant information on the improvement of the situation. Detailed information needed on implementation of measures adopted to improve Roma housing situation; number of rental housing units built/renovated for Roma families; statistics on segregated settlements and Roma living in them; number of forced evictions (Conclusions 2019).

Updates needed:

Rights and obligations of spouses: Rights and obligations of spouses in case of marital conflicts; functioning of mediation in practice, including statistics and coverage over the country; developments in law and practice with regards to family counselling services, including psychological support (Conclusions 2019).

Equal access to family benefits: Unequal treatment of foreign nationals of States Parties in respect to childbirth allowance – information on updated eligibility for the one-off childbirth benefit for foreigners. Information on eligibility criteria for other benefits (parent benefit and child-minding benefit) and proportion of families entitled to them (Conclusions 2019).



Childcare facilities: With regards to childcare facilities, need for comprehensive information on childcare facilities (types of facilities, coverage with respect to children 0-6, ratio of staff to children, staff training, suitable premises and cost of childcare to parents) (Conclusions 2019).

Vulnerable families: Special measures to protect single-parent families and Roma families (Conclusions 2019).

Housing for families: Detailed information on applicable notice periods before eviction and relevant rules (including prohibition to carry night/winter evictions, compensation in illegal evictions, obligation to assist eviction in public interest cases). Statistics on adequacy of housing. Housing situation of refugee families (Conclusions 2019).

New questions for 2023: Measures taken to reduce all forms of domestic violence against women, including statistics on incidence and conviction rates; updated information on the availability of adequate affordable housing for families (for those who did not accept Art. 31 including Slovakia); existence of a means-test for family/child benefits, if yes, percentage of families covered; information on the amounts paid in child/family benefits and median equivalized income; existence of length of residence requirement for nationals of other State Parties for eligibility for child/family benefits; measures taken to ensure that vulnerable families can meet their energy needs, in order to ensure right to adequate housing which includes access to essential services; effect of withdrawal of temporary measures to financially support vulnerable families during COVID-19 (Questions on Group 4 Provisions).

Possible other issues/topics:

Protection of victims of gender-based violence: Lack of proper protection for victims of violence against women, including domestic violence (issue of non-conformity); non-adequacy of legal protection (including Istanbul Protocol); due diligence in restraining orders and penal sanctions for perpetrators, adapted judicial procedures, adequate compensation for victims, training for police officers, collection and analysis of reliable data; access to and number of shelter and protected accommodation; services to reduce risks; rehabilitation for victims; victim empowerment including through minimum or supplemented income. Lack of proper support and spike in incidence during COVID-19. Issues can include GBV against trans women.

Economic protection of families: Family benefits as an adequate income supplement (its calculation is provided in Questions on Group 4 provisions, p.7). Lack of measures to ensure that vulnerable families can meet their energy needs (although data before energy crisis due to Russian war in Ukraine). Lack of access to clean water and energy for Roma families living in marginalized communities. With regards to availability, affordability and good quality of childcare facilities - lack of thereof, including for children with disabilities. With regards to allowance for the birth of



the child, potential discrimination of families with 4+ children with racial connotations against Roma families. For good overview of all current benefits see link¹².

Affordable housing for families: Ongoing inadequacy of protection of Roma families with respect to housing, including in terms of evictions (issue of non-conformity) This is also an avenue for reporting on affordable housing for families with respect to countries who did not accept Art. 31, including Slovakia. Issues of segregation and forced evictions of Roma families and non-adequacy of housing (water, heating, sanitary facilities, electricity, living size/overcrowding) – especially for Roma families in marginalized communities, but also other families. Risk of homelessness for vulnerable families, including single-parent families. Spike in housing and rent process, lack of affordable accommodation. Housing situation of refugee families and migrant workers.

In its concluding observations on the third periodic review of Slovakia, adopted in 2019, the Committee on Economic, Social and Cultural Rights noted their concern with information about high incidence of violence against women, including sexual harassment and domestic violence.¹³ The Committee recommended Slovakia to develop dedicated legislation addressing violence against women, to provide full protection to victims and improve their access to justice, to systematically collect disaggregated data on violence against women and to ratify the Istanbul Convention.¹⁴ Slovakia signed the Istanbul Convention in 2011, but the Parliament approved a resolution calling on the Government not to pursue the ratification process in 2019.¹⁵ A Spike in gender-based violence, including domestic violence was reported during COVID-19 pandemic and resulting household isolations.¹⁶

With regards to housing situation of Roma families, despite some state efforts (including the 2030 Strategy and related action plans) and some social housing projects, the living conditions of Roma

¹² Podnikajte.sk: “Cash benefits for parents in 2022”, 24 August 2021, available in Slovak at <https://www.podnikajte.sk/socialne-a-zdravotne-odvody/penazne-davky-pre-rodica-2022>.

¹³ Committee on Economic, Social and Cultural Rights: *Concluding observations on the third periodic report of Slovakia*, E/C.12/SVK/CO/3, 14 November 2019, reissued for technical reasons on 9 December 2019, para. 28.

¹⁴ Ibid., para. 29.

¹⁵ SITA Slovak News Agency: “Parliament opposed ratification of the Istanbul Convention”, 29 March 2019, SME, available in Slovak at <https://domov.sme.sk/c/22086807/parlament-ziada-vladu-aby-zastavila-ratifikaciu-istanbulskeho-dohovoru.html>.

¹⁶ Očenášová, Z.: Impact of anti-pandemic COVID-19 measures on violence against women, 2021, Institute for Labour and Family Research, available in Slovak at https://ivpr.gov.sk/wp-content/uploads/2021/08/vplyv_protipandem_opatreni_na_nasilie_na_zenach_ocenasova_2021.pdf.



families living in marginalized communities remains largely inadequate,^{17,18} with further deterioration during the COVID-19 pandemic^{19,20}.

Potential for reporting: High.

ARTICLE 17 - THE RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

This article pertains to issues of prevention of child statelessness, protection from ill-treatment and abuse, rights of children in public care, children in conflict with the law, child poverty and social exclusion, accessible and effective education system (including accessibility and quality of public education) and right to assistance.

Article 17 (1) (a)

To ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose.

Article 17 (1) (b)

To protect children and young persons against negligence, violence or exploitation.

¹⁷ Office of the Plenipotentiary for the Development of the Roma Community: “The latest EU SILC_MRK survey also confirmed a significant difference between the living conditions of the inhabitants of Roma communities and the majority”, 22 December 2021, available in Slovak at https://www.romovia.vlada.gov.sk/archiv-tlacovych-sprav/aj-posledne-zistovanie-eu-silc_mrk-potvrdivlo-znacny-rozdiel-medzi-zivotnymi-podmienkami-obyvateľov-romskych-komunit-a-majority/?csrt=2222071011245876546.

¹⁸ Škobla, D.: *Report of the living conditions of Roma households Slovakia*, 2007, available at https://www.researchgate.net/publication/318440893_Report_on_the_living_conditions_of_Roma_households_in_Slovakia.

¹⁹ Hidas, S., et al.: “The impact of the pandemic on marginalized Roma communities”, 19 January 2022, Institute for Financial Policy, available in Slovak at https://www.mfsr.sk/files/archiv/80/2022_1_Vplyv-pandemie-na-MRK_final.pdf?fbclid=IwAR2tnCUk6kBUpZ0mdtseymLzP0t82Vd9SeusDTYazICX7okS6pNEs8viZvs.

²⁰ Kadlečíková, J.: “Situation in Roma communities – when will we move on? ”, 29 March 2022, Minority Policy in Slovakia, available at <https://mensinovapolitika.eu/en/situation-in-roma-communities-when-will-we-move-on/>.



Article 17 (1) (c)

To provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support.

In conformity/ not in conformity: Not in conformity: Not all forms of corporal punishment are prohibited in all settings; excessive maximum length of pre-trial detention; lack of adequate care for children in public care.

Asked to report? Yes. Both with regards to non-conformity, updates and new questions. See below.

Questions for the new cycle:

Issues of non-conformity to report on: Toleration of corporal punishment in society and lack of legal interpretation to prohibit all forms; excessive maximum length of pretrial detention; lack of information provided on children in foster care (procedural safeguards and statistics, measures to reduce the number of children institutions) (Conclusions 2019).

New questions for 2023: Information on measures taken by the state to reduce statelessness and facilitation of birth registration (Roma, asylum seekers, children in irregular situation); information on measures to reduce child poverty (and issues of health, education and housing), combatting discrimination and promotion of equal opportunities for children from vulnerable groups (ethnic minorities, Roma children, children with disabilities, children in care), protection of children in crisis situations and emergencies (Questions on Group 4 Provisions).

Updates needed: Developments in legislation and case law regarding establishment of paternity, as well as the right of an adopted child to know his/her origins. Information on measures taken to find alternative to detention for asylum seeking families, to ensure appropriate monitoring of accommodation facilities for migrant children in irregular situation. Information on assistance given to unaccompanied children, including protection from exploitation and abuse and to ensure they do not go missing (this issue resulted in deferral of conclusion). Information on access of children in irregular situation to quality health care, information on bone testing to assess the age of unaccompanied children (Conclusions 2019).

Possible other issues/topics: Use of corporal punishment, segregation in healthcare and housing, discrimination of Roma children, migrant children, children with disabilities, LGBTI children, migrant children; child poverty (rates and measures to reduce it), child participation in these issues, protection of children during COVID-19 (including mental health), migrant and asylum-seeking children in detention with their families (lack of alternatives against best interest of the child), use of bone density measuring for age assessment, children in care (lack of professional families, institutionalization, exploitation, procedural safeguards, Roma children), large prevalence of



institutionalization of children due to family poverty or risk of homelessness, overrepresentation of Roma children in care of state. Information of the Centre on cases of discrimination against children in the reporting period (2018-2021). Regressing mental health of children and young people during COVID-19²¹.

Potential for reporting: High.

Article 17 (2)

To provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

In conformity/ not in conformity: Not in conformity: Too low net enrolment rate in compulsory education; lack of adequate measures to include Roma children in mainstream education (Roma children overrepresented in special classes).

Asked to report? Yes. Both with regards to non-conformity, updates and new questions. See below.

Questions for the new cycle:

Issues of non-conformity to report on: The net enrolment rate in compulsory education is too low; segregation and overrepresentation in special classes of Roma children - lack of adequate measures to include Roma children in mainstream education (Conclusions 2019).

New questions for 2023: Measures to reduce bullying at schools, right to participation of children at schools, measures to address effects of education of COVID-19 on schools, including on vulnerable children, allocation of resources to private education (Questions on Group 4 Provisions).

Updates needed: Information on enrolment rates, absenteeism and drop out rates and measures taken to address these issues. Information on measures taken to mitigate the hidden costs of education, such as books, transport and stationery. Information on measures to introduce anti-bullying policies in schools (Conclusions 2019).

Possible other issues/topics: segregation in education, Roma-only classes, overrepresentation of Roma children in special schools, lack of accessible education for disadvantaged groups, closures of schools and provision of distance education during COVID-19 pandemic, including for children with disabilities and other categories of disadvantaged children (Roma living in marginalized

²¹ See the Centre's input on right to education during COVID-19, p. 11: <https://www.ohchr.org/en/calls-for-input/2022/call-input-report-impact-covid-19-pandemic-realization-equal-enjoyment-right>



communities, refugee children and children living in institutions or deprived of liberty), right to participation in education, hidden costs (transport, books, computers), rights of asylum-seeking and refugee children and children in irregular situation to education (*note: inclusive education for children with disabilities is reported under Art. 15 (1), so not in 2023, but can report here on discrimination/bullying etc. for children with disabilities*) Inequalities in access to distance education during COVID-19 and ongoing issues of segregation of Roma children.²² The Centre has been also providing monitoring and reporting on hate speech and extremist hate crimes since 2010.²³

Potential for reporting: High.

ARTICLE 19 – THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

Article 19 (1)

To maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.

In conformity/ not in conformity: Further information needed (deferred).

Asked to report? Yes, but specifically only on questions raised in previous Conclusions 2019 (see below).

Questions for the new cycle:

Pending issues to report on: Information on new migration trends, examples and actions envisaged by the Integration Policy. Comprehensive information on following issues:

- 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;

²² Please see inputs of the Centre - <https://www.ohchr.org/en/calls-for-input/2022/call-input-report-impact-covid-19-pandemic-realization-equal-enjoyment-right> and https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/SVK/INT_CERD_IFN_SVK_49201_E.pdf

²³ Available at <https://www.snslp.sk/nasa-cinnost/vyskumna-cinnost/publikovane-vystupy-vyskumnej-cinnosti/>.



- what specific measures were taken to combat misleading propaganda relating to immigration and emigration (Conclusions 2019).

Possible other issues/topics: Anti-migrant propaganda (including research done by the Centre), lack of accessible services, including for migrant registration, lack of language skills of employees,

Potential for reporting: Medium.

Article 19 (2) – NOT ACCEPTED

To adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey.

Article 19 (3) – NOT ACCEPTED

To promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries

Article 19 (4)

To secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

- (a) remuneration and other employment and working conditions**
- (b) membership of trade unions and enjoyment of the benefits of collective bargaining**

In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only updates from previous Conclusions.

Questions for the new cycle:

Updates needed: Measures to eliminate all legal and de facto discrimination of migrants concerning access to public and private housing, details on competences of Labour Inspection and up-to-date description of legal avenues to contest possible discrimination by migrant workers (Conclusions 2019).



Possible other issues/topics: Discrimination of migrant workers, any cases assessed by the Centre on discrimination of migrants during the reporting period (2018-2021).

Potential for reporting: Medium.

(c) accommodation - NOT ACCEPTED

Article 19 (5)

To secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons.

In conformity/ not in conformity: Conformity.

Asked to report? No.

Questions for the new cycle: N/A

Possible other issues/topics: N/A

Potential for reporting: Low.

Article 19 (6)

To facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory.

In conformity/ not in conformity: Not in conformity: Family members of migrant workers are not granted an independent right to stay after exercising their right to family reunion.

Asked to report? Yes, only with regards to non-conformity. See below.

Questions for the new cycle:

Issues of non-conformity to report on: Not in conformity on the ground that family members of the migrant worker are not granted an independent right to stay after exercising their right to family reunion (Conclusions 2019).

Possible issues/topics: Lack of independent right to stay for spouses after divorce, migrant women victims of domestic violence and abuse.

What happened in 2018-2021?: N/A



Potential for reporting: Medium.

Article 19 (7)

To secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article.

In conformity/ not in conformity: Conformity.

Asked to report? No.

Questions for the new cycle: N/A

Possible other issues/topics: N/A

Potential for reporting: Low.

Article 19 (8) – NOT ACCEPTED

To secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality.

Article 19 (9)

To permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire.

In conformity/ not in conformity: Conformity.

Asked to report? No.

Questions for the new cycle: N/A

Possible other issues/topics: N/A

Potential for reporting: Low.

Article 19 (10) – NOT ACCEPTED

To extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.

Article 19 (11)

To promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families.



In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only updates from previous Conclusions, see below.

Questions for the new cycle:

Updates needed: Statistics concerning number and percentage of migrant children with regards to access to the education system, data on adult migrants who benefit from Slovak language classes in line with the Integration Policy (Conclusions 2019).

Possible other issues/topics: Quality of Slovak language courses for foreigners, access to education of migrant children during COVID-19.

Potential for reporting: Medium.

Article 19 (12) – NOT ACCEPTED

To promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

ARTICLE 27 - THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT

Article 27 (1)

- (a) **To enable workers with family responsibilities to enter and remain in employment, as well as to reenter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training.**
- (b) **To take account of their needs in terms of conditions of employment and social security.**
- (c) **To develop or promote services, public or private, in particular child daycare services and other childcare arrangements.**

In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only new questions, see below.

Questions for the new cycle:



New questions for 2023: Information on whether COVID-19 crisis had impact on possibilities for and consequences of remote work on the right of workers with family responsibilities to equal opportunities and treatment (Questions on Group 4 Provisions).

Possible other issues/topics: Pressures to reconcile family life with teleworking, home-schooling and childcare during COVID-19 with a disproportionate impact on women; lack of available kindergartens, including for children with disabilities (to be reported under Art.16). Reconciliation of work and family life during COVID-19 pandemic.

Potential for reporting: Medium.

Article 27 (2)

To provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice.

In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only new questions, see below.

Questions for the new cycle:

New questions for 2023: Information whether the COVID-19 crisis had an impact on the right to parental leave (Questions on Group 4 Provisions).

Possible other issues/topics: N/A

Potential for reporting: Low.

Article 27 (3)

To ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

In conformity/ not in conformity: Conformity.

Asked to report? Yes, but only new questions, see below.

Questions for the new cycle:

New questions for 2023: Information whether the COVID-19 crisis had impact on prohibition of dismissal on the ground of family responsibilities during the pandemic. Information whether a



ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the COVID-19 crisis (Questions on Group 4 Provisions).

Possible other issues/topics: N/A

Potential for reporting: Low.

Article 31 – The right to housing - NOT ACCEPTED

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

- 1 to promote access to housing of an adequate standard;**
- 2 to prevent and reduce homelessness with a view to its gradual elimination;**
- 3 to make the price of housing accessible to those without adequate resources.**



APPENDIX

1. SITUATIONS OF NON-CONFORMITY AND DEFERRED CONCLUSIONS

Situations of non-conformity:

Article 8 (2): Right of employed women to protection of maternity – *illegality of dismissal during maternity leave*

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

Inadequate protection of women against domestic violence; inadequate protection of Roma families with respect to housing, including in terms of eviction conditions.

Article 17 (1) Right of children and young persons to social, legal and economic protection – *assistance, education and training*

Not all forms of corporal punishment are prohibited in all settings; excessive maximum length of pre-trial detention; lack of adequate care for children in public care.

Article 17 (2) Right of children and young persons to social, legal and economic protection – *free primary and secondary education – regular attendance at school*

Too low net enrolment rate in compulsory education; lack of adequate measures to include Roma children in mainstream education.

Article 19 (6) Right of migrant workers and their families to protection and assistance – *family reunion*

Family members of migrant workers are not granted an independent right to stay after exercising their right to family reunion.



Further information needed (deferred conclusion):

Article 7 (3) Right of children and young persons to social, legal and economic protection – prohibition of employment of children subject to compulsory education

Article 7 (5) Right of children and young persons to social, legal and economic protection – fair pay

Article 7 (10) Right of children and young persons to social, legal and economic protection – special protection against physical and moral dangers

Article 19 (1) Right of migrant workers and their families to protection and assistance – family reunion

2. QUICK REPORTING TABLE

See the following page.



Provision	Conformity	Potential for reporting
7 (1)		
7 (2)		
7 (3)		
7 (4)		
7 (5)		
7 (6)		
7 (7)		
7 (8)		
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8 (1)		
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17 (1)		
17 (2)		
19 (1)		
19 (2)		
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19 (5)		
19 (6)		

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19 (7)		
19 (8)		
19 (9)		
19 (10)		
19 (11)		
19 (12)		
27 (1)		
27 (2)		
27 (3)		
31		

Reference:

Conformity: yes deferred no

Potencial for reporting: low medium high

Non-accepted provisions