



European  
Social  
Charter

Charte  
sociale  
européenne



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

European Committee of Social Rights  
Comité européen des Droits sociaux

3 September 2019

# **SECOND REPORT ON THE NON-ACCEPTED PROVISIONS OF THE EUROPEAN SOCIAL CHARTER**

## **SLOVAK REPUBLIC**

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## I. SUMMARY

With respect to the procedure provided by Article 22 of the 1961 Charter – examination of non-accepted provisions - the Committee of Ministers in December 2002 decided that "states having ratified the revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and had "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned" (Decision of the Committee of Ministers of 11 December 2002).

Following this decision, the European Committee of Social Rights examines - in a meeting or by written procedure - the actual legal situation and the situation in practice in the countries concerned from the point of view of the degree of conformity of the situation with non-accepted provisions. This review is done for the first time five years after the ratification of the revised European Social Charter, and every five years thereafter, to assess the situation on an ongoing basis and to encourage States to accept new provisions. Indeed, experience has shown that States tend to overlook that the selective acceptance of the provisions of the Charter should be only a temporary phenomenon and not a rule.

As the Slovak Republic ratified the revised Charter on 23 April 2009, the European Committee of Social Rights, in March 2013, invited the Slovak authorities to organise a meeting with a view to applying, for the first time, the procedure provided by Article 22 of the 1961 Charter. Following the request of the Slovak authorities, the Committee decided to apply the written procedure and it invited the Slovak Republic to provide written information on any progress achieved towards accepting new provisions and, if appropriate, the reason for the delay in accepting these provisions. The Slovak authorities sent the requested report on 30 September 2014.

After examining the information provided, the European Committee of Social Rights adopted in May 2015 its first report on the provisions of the Charter not yet accepted by the Slovak Republic<sup>1</sup>.

With a view to carrying out the procedure for the second time, the European Committee of Social Rights decided to invite the Slovak Republic to provide updated written information on the actual situation regarding the possible acceptance of additional provisions.

In response to this request, the Ministry of Labour, Social Affairs and Family of the Slovak Republic sent a report on 30 April 2019. The report covers the following non-accepted provisions: Articles 13§4, 18§3, 19§2, 19§3, 19§4c, 19§8, 19§10, 19§12 et 31§§1-3. It does not provide information in relation to Article 15§3.

Having examined the written information provided by the Ministry, the Committee observes that no progress has been made with regard to the acceptance of the remaining provisions, since the report sent by the Government on 30 April 2019 contains substantially the same information as that contained in the report of 30 September 2014.

The Committee therefore reiterates its conclusions adopted in 2014, namely:

- that the Slovak Republic could consider acceptance of Articles 18§3, 19§4 (c) and 31§2;
- that practical co-operation should be developed on a needs basis that could be sufficient to ensure conformity with Article 19§3 of the Charter and thus allow acceptance of this provision;

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<sup>1</sup> See: <https://www.coe.int/fr/web/european-social-charter/slovak-republic-and-the-european-social-charter>

- that Article 19§12 could possibly be accepted by the Slovak Republic subject to further analysis by the Committee, in particular as regards the situation of adults with regard to mother-tongue teaching;
- that further information on the current legal situation and practice related to Articles 13§4 and 19§2 is needed to allow the Committee to take the view on the possibility of accepting these provisions of the Charter by the Slovak Republic;
- that the situation did not appear to be fully in conformity with the following provisions of the Charter: Articles 19§8, 19§10, 31§1, 31§2 and 31§3. However, the Committee considers that for several of these provisions only minor adjustments to the law or practice would be sufficient to remove obstacles to acceptance.

In addition, the Committee was not in a position to assess the situation regarding Article 15§3, as no information had been provided by the Government of the Slovak Republic.

The Committee encourages the Slovak Republic to consider accepting additional provisions of the Charter as soon as possible so as to consolidate the paramount role of the Charter in guaranteeing and promoting social rights.

The Committee also encourages the Slovak Republic to consider ratifying the Additional Protocol providing for a system of collective complaints, which it signed on 18 November 1999. In this respect, the Committee refers to the Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter (Appendix 2).

The next examination of the provisions not accepted by the Slovak Republic will take place in 2024.

## **II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS**

### ***13§4 - Specific emergency assistance for non-residents***

#### **Situation in the Slovak Republic**

The report of the Government reproduces the information provided in 2014: the Slovak Republic is not able to accept Article 13§4 of the Charter since - in accordance with Section 3 paragraph 2 of Act No. 448/2008 Coll. on Social Services and on amendment of Act No. 455/1991 Coll. (Trade-licensing Act) which entered into force on 1 January 2009 - social assistance is provided only to a selected group of foreigners and also because the Slovak Republic is not bound by the European Convention on Social and Medical Assistance.

#### **Opinion of the Committee**

The Committee recalls that under Article 13§4 States Parties have an obligation to provide only emergency assistance (food, clothing, shelter and emergency care) to persons in need. Moreover, in 2013 it adopted a statement of interpretation in which it held that the scope of Article 13§4 in terms of persons protected includes only nationals of other Parties who are lawfully within the territory of the Party concerned. The Committee therefore considered that by virtue of the provisions of Article 13§1 of the Charter, which states that any person lacking sufficient resources be granted adequate assistance and, in case of sickness, the care necessitated by his/her condition, States Parties are under an obligation to provide foreign migrants in an irregular situation within the territory of the State with urgent medical assistance and any basic social assistance necessary to cope with an immediate state of need. Consequently, as from 2017, the Committee considers issues in respect of this obligation within the framework of Article 13§1 of the Charter, already accepted by the Slovak Republic, rather than under Article 13§4 as was previously its practice.

In addition, accordingly to the Appendix to the Charter, Governments not Parties to the European Convention on Social and Medical Assistance may ratify the Charter in respect of Article 13§4 provided that they grant to nationals of other Parties a treatment which is in conformity with the provisions of the said convention.

Given the above, the Committee reiterates its request for further information on the current legal situation and practice in order to enable it to express its opinion on the possibility of accepting Article 13§4 of the Charter by the Slovak Republic.

### ***Article 15§3 - Promoting the full social integration of persons with disabilities***

#### **Situation in the Slovak Republic**

The report of the Government does not provide information in relation to Article 15§3.

#### **Opinion of the Committee**

Information on the current legal situation and practice is needed to allow the Committee to take the view on the possibility of accepting Article 15§3 of the Charter by the Slovak Republic.

### ***Article 18§3 - Liberalising regulations governing the employment of foreign workers***

#### **Situation in the Slovak Republic**

As in 2014, the report of the Government confirms that the Slovak Republic is not in a position to accept Article 18§3 of the Charter since – due to the fact that the State is a member of the EU - its legal regulations on the employment of foreigners comply with EU legal provisions. The Slovak legal basis must comply with the EU legal basis and cannot therefore be simplified for third-country nationals.

#### **Opinion of the Committee**

The Committee recalls that Article 18§3 requires States to periodically liberalise the regulations governing the employment of foreign workers in the following areas: access to the national labour market, the right to engage in an occupation and rights in the event of loss of employment.

In view of ensuring the effective exercise of this right, States Parties' engagement in liberalisation shall include regulations governing the recognition of foreign certifications, professional qualifications and diplomas, to the extent that such qualifications and certifications are necessary to engage in a gainful occupation as employees or self-employed workers.

The Committee confirms its view expressed in its first Report on the non-accepted provisions by the Slovak Republic that there is almost no risk of conflict between the duties imposed by Article 18§3 of the Charter and EU law, the latter establishing minimum standards in this area. Measures adopted to liberalise regulations governing the employment of foreign workers in order to facilitate access to the national labour market will therefore not necessarily be incompatible with EU law.

On this basis, the Committee reiterates its invitation to the Government of the Slovak Republic to consider accepting Article 18§3 of the Charter.

## ***Article 19§2 - Departure, journey and reception of migrant workers and their families***

### **Situation in the Slovak Republic**

As in 2014, the report of the Government states that the Slovak Republic is not able to accept Article 19§2 of the Charter because presumptions and requirements prescribed by this provision are at present not guaranteed by the legislation of the Slovak Republic.

As in its previous report on non-accepted provisions, the Government confirms that conditions of departure, travelling and reception of EU citizens and third country nationals are governed by EU legislation. In facilitating the departure from the Slovak Republic of a migrant worker whose work permit expired, the Slovak Republic cooperates with the International Organisation for Migration in securing voluntary returns (Section 2 par. 1 letter (a) of Act No. 404/2011 Coll. on Residence of Aliens and Amendment and Supplementation of Certain Acts). Furthermore, the report again refers to the regulations on administrative expulsion (Section 77 of Act No. 404/2011 Coll. on Residence of Aliens and Amendment and Supplementation of Certain Acts) and health and medical care (Section 3 paragraph 3. (a) of Act No. 580/2004 Coll. on health insurance and on amendment of the Act No. 95/2002 Coll. on insurance and on amendments to certain laws).

More details on the situation in the country are reflected in the first Report of the Committee on the non-accepted provisions by the Slovak Republic.

### **Opinion of the Committee**

The Committee recalls that Article 19§2 obliges States to adopt special measures for the benefit of migrant workers, beyond those which are provided for nationals, to facilitate their departure, journey and reception. Reception must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures.

In its first Report on the non-accepted provisions by the Slovak Republic, the Committee indicated that the information provided on the situation in the State in the context of Article 19§2 did not directly address the measures foreseen by this provision and that it would therefore need additional information to reach its opinion.

The Committee notes that the report sent by the Government of Slovakia on 30 April 2019 reproduces in full the content of the report of 30 September 2014, without taking into account the call for relevant information.

## ***Article 19§3 - Co-operation between social services of emigration and immigration States***

### **Situation in the Slovak Republic**

As in 2014, the report of the Government states that the Slovak Republic is not able to accept Article 19§3 of the Charter because the legal situation is not in conformity with the requirements of this provision.

The situation described in the report of the Government reproduces the information which have been reflected in the first Report of the Committee, already quoted.

## **Opinion of the Committee**

The Committee notes that no progress has been made over the past five years by the Slovak Republic in order to develop practical co-operation on a needs basis that could be sufficient to ensure conformity with Article 19§3 of the Charter, and thus allow the acceptance of this provision. It therefore reiterates its encouragement expressed in 2014.

### ***Article 19§4 (c) - Equality of migrant workers regarding accommodation***

#### **Situation in the Slovak Republic**

As in 2014, the report of the Government states that the Slovak Republic is not able to accept Article 19§4 (c) of the Charter because the requirement of housing cannot be guaranteed to migrant workers (employees) or foreigners in the Slovak Republic, as the State does not even guarantee housing for its citizens.

The situation described in the report of the Government reproduces the information which have been reflected in the first Report of the Committee, already quoted.

## **Opinion of the Committee**

The Committee recalls that the commitment of States Parties under this sub-heading is to eliminate all legal and *de facto* discrimination in access to public and private housing.

Given the information provided, the Committee reiterates its view that there are no major obstacles to the acceptance of Article 19§4 (c) of the Charter by the Slovak Republic. It recalls that Article 19§4 does not require States to provide housing for everyone but to ensure non-discrimination in access.

### ***Article 19§8 - Guarantees concerning deportation of migrant workers***

#### **Situation in the Slovak Republic**

As in 2014, the report of the Government indicates that the Slovak Republic is not in a position to accept Article 19§8 of the Charter because the expulsion of foreigners (migrant workers) is also possible for reasons other than those provided for by this provision.

The situation described in the report of the Government reproduces the information which have been reflected in the first Report of the Committee, already quoted.

## **Opinion of the Committee**

The Committee notes that no progress has been made over the past five years by the Slovak Republic in order ensure conformity with Article 19§8 of the Charter. Thus, the Committee wishes to encourage the authorities to take the necessary measures to remove any remaining obstacles and proceed to accepting Article 19§8 of the Charter.

### ***Article 19§10 - Equal treatment for the self-employed migrants***

#### **Situation in the Slovak Republic**

As in 2014, the report of the Government states that the Slovak Republic is not able to accept Article 19§10 of the Charter because requirements and conditions set out in paragraphs 2, 3, 4 and 8 of Article 19 cannot be applied to self-employed migrant workers. The current legal

situation allows the Slovak Republic to apply directly or by analogy only paragraphs 1, 5, 6, 7, 9, 11 and 12 of Article 19 of the Charter to self-employed migrant workers.

### **Opinion of the Committee**

The Committee recalls that Article 19§10 requires States to ensure that the rights provided for in paragraphs 1 to 9, 11 and 12 are extended to self-employed migrant workers and their families. A finding of non-conformity under these paragraphs may lead to a finding of non-conformity under paragraph 10.

Given the information provided, the Committee wishes to encourage the authorities to take the necessary measures to remove any remaining obstacles and proceed to accepting Article 19§10 of the Charter.

### ***Article 19§12 - Teaching mother tongue of migrant***

#### **Situation in the Slovak Republic**

As in 2014, the report indicates that the Slovak Republic is not in a position to accept Article 19§12 of the Charter because, from the point of view of the application of Slovak School Act, this provision of the Charter is not ratifiable, as there is no indication as to whether teaching in a language other than that of the State should be free of charge or not.

As in its previous report, the Government quotes relevant provisions of the School Act (Act No. 245/2008 Coll. on Education).

### **Opinion of the Committee**

The Committee recalls that under Article 19§12 States Parties undertake to promote and facilitate the teaching, in schools or other structures, such as voluntary associations, of those languages that are most represented among migrants within their territory.

Given the information provided, the Committee reiterates its view that, taking into account the fact that children and pupils belonging to national minorities have the right to education, alongside the state language, in their own language, this provision could possibly be accepted by the Slovak Republic subject to further analysis, in particular as regards the situation of adults in this respect.

### ***Article 31§1 - Adequate housing***

#### **Situation in the Slovak Republic**

As in 2014, the report states that the Slovak Republic is not able to accept Article 31§1 of the Charter due to corresponding financial burden and the country's inability to meet the prescribed requirements. In particular, there is no law on housing assistance or any other similar legislation.

The information on the legal situation in the State, provided by the Government, is reflected in the first Report of the Committee on the non-accepted provisions by the Slovak Republic, already quoted.

### **Opinion of the Committee**

Recalling its interpretation of Article 31§1, which has been mentioned in its first Report, the Committee wishes to encourage the authorities to take the necessary measures to remove any remaining obstacles and proceed to accepting Article 31§1 of the Charter.

## ***Article 31§2 - Reduction of homelessness***

### **Situation in the Slovak Republic**

As in 2014, the report of the Government states that the Slovak Republic is not in a position to accept Article 31§2 of the Charter because, despite some measures adopted to prevent homelessness, the actual operation of shelters and the provision of food cannot be qualified as “prevention of homelessness with a view of its gradual elimination”. The fact that a person lives in a shelter and receives food does not mean that he/she has ceased to be homeless. These transitional measures help to reduce the burden of homeless persons, but they do not eliminate or reduce the level of homelessness. There is no legislation to prevent and reduce homelessness.

Further details on the legal situation in the Slovak Republic appear in the first Report of the Committee on the non-accepted provisions by this country.

### **Opinion of the Committee**

Bearing in mind its interpretation of Article 31§2, which have been mentioned in its first Report, and in the light of the information provided by the report of the Government, the Committee reiterates its view that the Slovak Republic could consider acceptance of this provision, in particular having regard to the listed measures taken to prevent homelessness in practice.

## ***Article 31§3 - Affordable housing***

### **Situation in the Slovak Republic**

The report of the Government indicates that the Slovak Republic is not in a position to accept Article 31§3 of the Charter for the same reasons as those listed in the context of Article 31§1 of the Charter.

### **Opinion of the Committee**

Given the information provided, the Committee reiterates its view expressed in the first Report and wishes to encourage the authorities to take the necessary measures to remove any remaining obstacles and proceed to accepting Article 31§3 of the Charter.

## APPENDIX I

### — The Slovak Republic and the European Social Charter —

#### Signatures, ratifications and accepted provisions

The Slovak Republic ratified the European Social Charter and the Additional Protocol to the Charter on 22/06/1998, accepting 60 of the Charter's 72 paragraphs, and all 4 articles of the Additional Protocol. It also ratified the Amending Protocol to the Charter on 22/06/1998.

It ratified the Revised European Social Charter on 23/04/2009, accepting 87 of the Revised Charter's 98 paragraphs.

It signed the Additional Protocol providing for a system of collective complaints on 18/11/1999 but has not yet accepted the procedure.

#### The Charter in domestic law

Article 11 of the Constitution: "International instruments on human rights and freedoms ratified by the Slovak Republic and promulgated under statutory requirements shall take precedence over national laws provided that the international treaties and agreements guarantee greater constitutional rights and freedoms."

#### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4 <sup>1</sup>	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3						Grey= Accepted provisions				

<sup>1</sup> Sub-paragraphs a. and b. accepted

#### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted a [report concerning the Slovak Republic](#) in 2015. The Committee was of the view that the Slovak Republic could consider acceptance of Article 18§3 - Liberalising regulations and Article 19§4 (c) - Equality regarding accommodation.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

# Monitoring the implementation of the European Social Charter <sup>2</sup>

## I. Reporting system <sup>3</sup>

### Reports submitted by the Slovak Republic

Between 2001 and 2019, Slovak Republic has submitted 7 reports on the application of the 1961 Charter and 9 reports on the application of the Revised Charter.

The 8<sup>th</sup> report, submitted on 15/11/2017 covers the accepted provisions of the Revised Social Charter relating to thematic group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29).

Conclusions with respect to these provisions have been published in March 2019.

The 9<sup>th</sup> report, which was submitted on 12/11/2018, concerns the accepted provisions relating to Thematic group 4 "Children, families, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (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 opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in January 2020.

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<sup>2</sup> The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>3</sup> Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

### **Thematic Group 1 « Employment, training and equal opportunities » - Conclusions 2016**

► *Article 153- Right to work – Free placement services*

The public employment services do not operate in an efficient manner.

► *Article 154 - Right to work - Vocational guidance, training and rehabilitation*

It has not been established that vocational guidance services are operated in an efficient manner.

► *Article 9 - Right to vocational guidance*

It has not been established that vocational guidance services are operated in an efficient manner.

► *Article 1051 - Right to vocational training - Promotion of technical and vocational training; access to higher technical and university education*

It has not been established that the right to vocational education is effectively guaranteed.

► *Article 1052 - Right to vocational training – Apprenticeship*

During the reference period there was no well-functioning system of apprenticeships.

► *Article 1054 - Right to vocational training - Long term unemployed persons*

It has not been established that special measures for the retraining and reintegration of the long-term unemployed have been effectively provided or promoted.

► *Article 1852 - Right to engage in a gainful occupation in the territory of other States Parties – Simplifying existing formalities and reducing dues and taxes*

It has not been established that the formalities for issuing work and residence permits have been simplified during the reference period.

► *Article 24 - Right to protection in case of dismissal*

It is not established that the law provides an appropriate adjustment of the burden of proof between employee and employer in proceedings relating to dismissal.

### **Thematic Group 2 « Health, social security and social protection » - Conclusions 2017**

► *Article 351 - Right to safe and healthy working conditions - Health and safety and the working environment*

- It has not been established that there is an adequate occupational health and safety policy;
- It has not been established that occupational risk prevention is organised at company level, work-related risks are assessed and preventive measures geared to the nature of risks are adopted;
- It has not been established that the national policy on health and safety includes training, information, quality assurance and research in a satisfactory manner.

► *Article 352 – Right to safe and healthy working conditions – Safety and health regulations*

- It has not been established that there is specific legislation on the main occupational risks;
- It has not been established that levels of prevention and protection required by the legislation and regulations in relation to the establishment, alteration and upkeep of workplaces are in line with the level set by international reference standards;
- It has not been established that levels of protection against asbestos and ionising radiation are adequate;
- It has not been established that self-employed and domestic workers are protected by occupational health and safety regulations;
- It has not been established that consultation with employers' and workers' organisations is ensured.

► *Article 1151- Right to protection of health - Removal of the causes of ill-health*

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<sup>4</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

It has not been established that sufficient measures have been taken to reduce the number of premature deaths.

► *Article 11§3 - Right to protection of health - Prevention of diseases and accidents*

It has not been established that appropriate measures have been taken to ensure a healthy environment.

► *Article 12§1 – Right to social security - Existence of a social security system*

- The minimum level of unemployment benefit is inadequate;
- It has not been established that there is a reasonable initial period during which an unemployed person may refuse an unsuitable job offer without losing his/her unemployment benefit;
- The minimum level of sickness benefit is inadequate.

► *Article 12§4 - Right to social security - Social security of persons moving between states*

It has not been established that the right to maintenance of accruing rights is guaranteed to nationals of all other States Parties.

► *Article 13§1 - Right to social security - Right for every person in need to adequate assistance*

The level of social assistance paid to a single person without resources is not adequate.

► *Article 23 - Right of the elderly to social protection*

It has not been established that the existing capacities in residential care are sufficient to match the demand of elderly people.

► *Article 30 - Right to be protected against poverty and social exclusion*

There is no adequate overall and coordinated approach to combat poverty and social exclusion.

### **Thematic Group 3 « Labour rights » - Conclusions 2018**

► *Article 2§1 - Right to just conditions of work - Reasonable working time*

The length of the authorized working week is excessive and that the legal guarantees are insufficient.

► *Article 2§2 - Right to just conditions of work - Public holidays with pay*

Work performed on a public holiday is not adequately compensated, when the minimum standards of compensation are applied.

► *Article 4§2 - Right to a fair remuneration - Increased remuneration for overtime work*

The time off to compensate overtime work is not sufficient.

► *Article 4§4 - Right to a fair remuneration - Reasonable notice of termination of employment*

- Notice periods in cases of dismissal on grounds of conduct and performance and certain other grounds are not reasonable for employees with more than five years of service;
- The notice period applicable to dismissal during the probationary period is not reasonable for workers with more than three months of service.

► *Article 4§5 - Right to a fair remuneration - Limits to deduction from wages*

- Workers may waive their right to limitations on deductions from wages;
- After all authorised deductions, the wages of workers with the lowest pay do not enable them to provide for themselves or their dependants.

► *Article 6§4 - Right to bargain collectively - Collective action*

The right to strike for a large number of state/public sector employees is prohibited and the restrictions go beyond the limits permitted by Article G of the Charter.

### **Thematic Group 4 « Children, families, migrants » - Conclusions 2015**

► *Article 7§5 – Right of children and young persons to protection - Fair pay*

Young workers' wages are not fair.

► *Article 8§1 – Right of employed women to protection - Maternity leave*

The level of maternity benefits is inadequate.

► *Article 8§2 – Right of employed women to protection - Illegality of dismissal during maternity leave*

A 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*

- The right to housing of Roma families is not effectively guaranteed;
- The level of child benefits does not constitute an adequate income supplement;
- Equal treatment of nationals of States Parties regarding the payment of childbirth allowance is not ensured

► *Article 17§1 – Right of children and young persons to social, legal and economic protection - Assistance, education and training*

- All forms of corporal punishment are not prohibited in the home;
- Juveniles may be held in pre-trial detention for up to two years.

► *Article 17§2 – Right of children and young persons to social, legal and economic protection - Free primary and secondary education - regular attendance at school*

Roma children are disproportionately represented in special classes.

**The Committee has been unable to assess compliance with the following provisions and has invited the Government of the Slovak Republic to provide more information in the next report thereon:**

**Thematic Group 1 « Employment, training and equal opportunities »**

- ▶ Article 1§1 - Conclusions 2016
- ▶ Article 10§3 - Conclusions 2016
- ▶ Article 15§2 - Conclusions 2016

**Thematic Group 2 « Health, social security and social protection »**

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**Thematic Group 3 « Labour rights »**

- ▶ Article 2§5 - Conclusions 2018
- ▶ Article 4§1 - Conclusions 2018
- ▶ Article 4§3 - Conclusions 2018
- ▶ Article 6§2 - Conclusions 2018
- ▶ Article 26§2 - Conclusions 2018
- ▶ Article 28 - Conclusions 2018
- ▶ Article 29 - Conclusions 2018

**Thematic Group 4 « Children, families, migrants »**

- ▶ Article 19§6 - Conclusions 2015
- ▶ Article 27§3 - Conclusions 2015

## **II. Examples of progress achieved in the implementation of rights under the Charter** ***(non - exhaustive list)***

### **Thematic Group 1 « Employment, training and equal opportunities »**

- ▶ Measures taken by employers to deal with the decline in skilled labour in the face of technological and/or economic progress (Act No. 386/1997 on the system of further training).
- ▶ Equal treatment in relation to vocational continuing training is guaranteed to nationals of other states party to the Charter and the Revised Charter who reside legally and work regularly in Slovakia (Act No. 5/2004).
- ▶ Act 184/2009 Coll. on Vocational Education and Training is one of the pillars of the reform of the educational system. The Act was amended in September 2012 and the amendment strengthened the coordination of vocational training and education to be better suited to the needs of the labour market. The amendment also introduced the obligation to publish information about the employability of graduates in each individual self-governing region, according to the fields of study and type of the secondary education facility.
- ▶ The Anti-Discrimination Act was amended in 2012 to cover the definition of indirect discrimination and it now enables public administration bodies and legal entities, including employers, to adopt temporary compensatory measures to eliminate disadvantages due to gender.

### **Thematic Group 2 « Health, social security and social protection »**

- ▶ Adoption of several laws and regulations on minimum safety and health requirements at work, covering most of the relevant risks, i.e. among others, those related to health protection at work with ionising radiations, carcinogens, biological and chemical agents, asbestos, noise and vibrations, as well as minimum safety and health requirements for the use of work equipment and for the manual handling of loads at work.
- ▶ Incorporation of health education and promotion in school curricula.

### **Thematic Group 3 « Labour rights »**

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### **Thematic Group 4 « Children, families, migrants »**

## **APPENDIX II**

### **Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter**

*(Adopted by the Committee of Ministers on 12 October 2011  
at the 1123rd meeting of the Ministers' Deputies)*

The Committee of Ministers of the Council of Europe,

Considering the European Social Charter, opened for signature in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996 ("the Charter");

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated;

Stressing its attachment to human dignity and the protection of all human rights;

Emphasising that human rights must be enjoyed without discrimination;

Reiterating its determination to build cohesive societies by ensuring fair access to social rights, fighting exclusion and protecting vulnerable groups;

Underlining the particular relevance of social rights and their guarantee in times of economic difficulties, in particular for individuals belonging to vulnerable groups;

On the occasion of the 50th anniversary of the Charter,

1. Solemnly reaffirms the paramount role of the Charter in guaranteeing and promoting social rights on our continent;
2. Welcomes the great number of ratifications since the Second Summit of Heads of States and Governments where it was decided to promote and make full use of the Charter, and calls on all those member states that have not yet ratified the Revised European Social Charter to consider doing so;
3. Recognises the contribution of the collective complaints mechanism in furthering the implementation of social rights, and calls on those members states not having done so to consider accepting the system of collective complaints;
4. Expresses its resolve to secure the effectiveness of the Social Charter through an appropriate and efficient reporting system and, where applicable, the collective complaints procedure;
5. Welcomes the numerous examples of measures taken by States Parties to implement and respect the Charter, and calls on governments to take account, in an appropriate manner, of all the various observations made in the conclusions of the European Committee of Social Rights and in the reports of the Governmental Committee;

6. Affirms its determination to support States Parties in bringing their domestic situation into conformity with the Charter and to ensure the expertise and independence of the European Committee of Social Rights;

7. Invites member states and the relevant bodies of the Council of Europe to increase their effort to raise awareness of the Charter at national level amongst legal practitioners, academics and social partners as well as to inform the public at large of their rights.