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EUROPEAN SOCIAL CHARTER

Addendum to the
3rd National Report on the implementation of
the European Social Charter
submitted by

THE GOVERNMENT OF THE SLOVAK REPUBLIC

(Article 23 for the period
01/01/2008 – 31/12/2011)

Report registered by the Secretariat on
24 May 2013

CYCLE 2013

Article 23 (Right of elderly persons to social protection)

Please specify what additional cash benefits/allowances are available for recipients of minimum old age pension (or guarantee pension for low income elderly persons, as the case may be). Please indicate the exact amounts of such benefits and all applicable eligibility conditions. With consideration to such additional benefits/allowances, please indicate the applicable minimum income guarantee for low income elderly persons.

The Committee also notes that the questions asked in its previous conclusion have not been addressed and asks for the missing information.

The concept of a minimum old age pension does not exist in the Slovak Republic. As was stated in the report by the Slovak Republic on this provision, act no. 461/2003 Coll. regulates the conditions for the granting of each type of pension and their respective amounts (old-age pension, invalidity pension, widow's pension, widower's pension and survivors' pensions) from the first, pay-as-you-go pillar. Act no. 43/2004 Coll. regulates old-age pension saving (the second pillar) and act no. 650/2004 Coll. regulates supplementary pension saving (the third pillar).

The provision of effective means for elderly person to exercise their right to social protection is closely linked to and depends on the existence of a comprehensive system of effective social protection against the risk of poverty and social exclusion for elderly persons. The social protection system is based primarily on instruments for assistance in material need (act no. 599/2003 Coll. on assistance in material need and amending certain acts). Under article 39(2) of the Constitution of the Slovak Republic whoever is in material need has the right to assistance necessary to ensure basic living conditions. For the purposes of this act, basic living conditions mean one hot meal daily, essential clothing and shelter.

The material need assistance system includes not only basic assistance in material need via material need benefit but also allowances for specific purposes.

The material need benefit is currently set as follows (provided on a monthly basis):

- 60.50 EUR for a single person,
- 115. 10 EUR for a single person with up to four children,
- 105. 20 EUR for a couple without children,
- 157. 60 EUR for a couple with up to four children,
- 168. 20 EUR for a single person with more than four children,
- 212. 30 EUR for a couple with more than four children.

To apply for this benefit, the person is obliged to submit a material need benefit application form to the local office of labour, social affairs and family. The office will then evaluate the situation of each individual applicant and issue verdict whether these person are eligible or not. The material need benefit is granted to a person in material need and every other person that is evaluated for the purpose of material need with this person.

Eligibility conditions:

- Earnings of the evaluated persons do not reach a sum set by a law.
- The person is unable to increase its earnings on their own.

- The person is unable to secure basic living conditions with their current belongings.
- They have to submit an application form for material need benefit.

The healthcare allowance is granted to a person in material need and every other person that is evaluated for the purpose of material need with this person to cover the costs of healthcare services. The allowance is currently set at 2 EUR per month. Here we would like to inform the committee that the provision of healthcare in the Slovak Republic is free of charge and this allowance could be used, e.g. for acquisition of medicines.

The housing allowance is granted to a person in material need and every other person that is evaluated for the purpose of material need with this person to cover the costs of housing. The housing allowance is set as follows:

- 55.80 EUR for a single person in material need,
- 89.20 EUR for a single person in material need and every other person that is evaluated for the purpose of material need with this person.

To be able to apply for the housing allowance, the person requesting the allowance has to:

- Be an owner of a flat or of a house, live in a rented flat, in a rented house or in a rented room designated as a space for living (when living in a facility that provides social care services the person can also receive the housing allowance, the conditions are the same),
- Prove that they have been paying for the expenses for living in the previous six calendar months.

The protective allowance is granted to a person in material need and every other person that is evaluated for the purpose of material need with this person if they are unable to secure basic living conditions and they have been recognized as being in a material need. The allowance is currently set at 63.07 EUR each month.

The one time material need benefit is granted to a person in material need and every other person that is evaluated for the purpose of material need with this person to cover the costs of unexpected expenses for the necessary clothing, basic household equipment or unexpected health care expenses. The allowance can currently be provided up to the amount of the unexpected expenses, the maximum being the sum equal to three times the subsistence minimum. The subsistence minimum is currently set as follows:

- 194.58 EUR for a single person,
- 283.40 EUR for a single person with one dependent child,
- 330.32 EUR for a single person with one adult child,
- 330.32 EUR for a couple without children,
- 419.44 EUR for a couple with one dependent child,
- 596.78 EUR for a couple with three dependent children,
- 554.88 EUR for a couple with one adult child and one dependent child.

We would like to also point out that if a pensioner is taking care of a dependent child, they are eligible to claim all the benefits that are related to taking care of a child and family benefits. There is also an obligation of adult and working children to take care of their parents, should their parents be unable to secure their living on their own.

As far as the questions of the Committee from the previous conclusions that have not been answered, we would like to state that:

Deprivation of autonomous decision-making by elderly persons is prohibited. Article 24 of the Constitution of the Slovak Republic guarantees freedom of thinking and decision-making for everyone. Article 26 guarantees the right to expressing one's ideas and decisions and sets the right to information.

Abuse (elderly abuse as well) is strictly prohibited by the Constitution of the Slovak Republic. In its article 16, the Constitution states that no one can be subject to cruel, inhuman or degrading behaviour or sentence. Article 16 guarantees personal freedom for everyone. Article 19 states that everyone has the right to human dignity, honour, reputation and protection of one's name.

Regarding the development of social services, we would like to inform the Committee that the Ministry of Labour, Social Affairs and Family of the Slovak Republic has in 2009 prepared a study called National Priorities of Social Services Development for the period of 2009 – 2013. In this document, the government monitors the situation of social services provision. National priorities of social services development set in the document are aimed at the individual self-governing regions and local administration to help them form community plans and new concepts for the provision of social services. As a result, providers of social services will enhance the provided outpatient social services as well as social care services for individuals who are dependent on a constant social assistance. Another important outcome will be increasing the quality of the provided social services, reconstruction of selected facilities providing social services, new equipment for social services providers and further trainings for employees working in the field of social services.

If a person receiving social care feels their rights have been violated or if they would like to submit a complaint regarding the standards of services, they can freely do so by submitting a written notice to the management of the given social service provider, or directly to the respective local administration body. Submitting a claim may never be a reason for causing the harm to the person who submits it.

Regarding the supervising the quality and inspection of institutions providing the social services, it is important to note that the self-governing regions or local administration bodies are the entities responsible for founding of facilities providing social services and are therefore responsible for the quality of the provided services. There is not central institution responsible for inspection, because different deficiencies are taken care of by different institutions (e.g. if there is a problem with hygiene, regional offices of public healthcare carry out the inspection; if there is a problem with the quality of meals, State Veterinary and Food Administration carries out the inspection).