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## **EUROPEAN SOCIAL CHARTER**

Comments submitted by EUROMIL  
(the European Organisation of Military Associations and Trade  
Unions)  
concerning the 14<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by  
**THE GOVERNMENT OF THE SLOVAK REPUBLIC**  
Articles 2, 3, 4, 5, 6, and 20

Report registered by the Secretariat  
on 12 June 2025

**CYCLE 2024**



European Organisation of  
Military Associations and  
Trade Unions

Brussels, Belgium  
<http://euromil.org/>

## **Comments by EUROMIL on the Slovak Republic's 14th National Report on the European Social Charter Article 5 – The right to organise**

**Brussels, 12 June 2025**

EUROMIL (the European Organisation of Military Associations and Trade Unions) welcomes the Slovak Republic's commitment to the principles of the European Social Charter, including the right to organise for members of the armed forces.

In its 14th National Report, the Slovak authorities state that "members of the police and armed forces have the right to organise," and that their trade unions are members of the Confederation of Trade Unions of the Slovak Republic (KOZ SR). While this statement accurately reflects the legal situation for certain uniformed services such as the police, fire brigade, and prison and court corps, EUROMIL would like to provide additional clarification regarding the specific case of professional soldiers.

### **1. Legal Framework and Constitutional Developments**

The right of professional soldiers in Slovakia to organise has historically been restricted. Section 12(4) of Act No. 281/2015 Coll. on the State Service of Professional Soldiers prohibited them from associating with trade unions operating in the armed forces or in workplaces where they perform civil service. This was in contradiction to Article 12 of the Constitution of the Slovak Republic, which guarantees equality before the law and protects fundamental freedoms.

Following an application from the Ombudsman, the Constitutional Court of the Slovak Republic declared both Section 12(4) of Act No. 281/2015 and Section 2(4) of Act No. 83/1990 Coll. on the Association of Citizens unconstitutional. The Court found that these provisions unjustifiably restricted the rights of professional soldiers.

On 14 June 2024, the Constitutional Court of the Slovak Republic issued Ruling No. 130/2024 Coll., which rendered Section 12(4) of the Act on the Civil Service of Professional Soldiers invalid. The ruling confirmed that this restriction was unconstitutional, effectively removing the legal barrier that had prohibited professional soldiers from associating with trade unions in these contexts.



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## 2. Current Situation

Following the Constitutional Court's decision professional soldiers now legally enjoy the right to associate, including the right to establish or join trade unions. However, this right is not yet exercised in practice: professional soldiers in Slovakia have not created a trade union. Instead, they are represented by the Association of Soldiers of the Slovak Republic (ZVSR), a civic association that engages in advocacy regarding pensions, social welfare, and legislative issues. While ZVSR plays an important role, it does not have the legal status or competencies of a trade union.

## 3. EUROMIL's Observations and Recommendations

EUROMIL welcomes the positive impact of the Constitutional Court's ruling in aligning national legislation with the European Social Charter. Nevertheless, we would like to underscore the following:

- The statement in the national report, while legally accurate, omits critical context: the recognition of association rights for professional soldiers is based on judicial ruling, not proactive legislative reform.
- The absence of a formal trade union for professional soldiers reflects the limited implementation of Article 5 in practice, especially in terms of access to collective representation and bargaining.
- The Slovak government is obliged to bring its legislation in line with the Court's ruling and to facilitate a legal and institutional environment that allows soldiers to effectively exercise their rights.

We respectfully urge the European Committee of Social Rights to:

- take note of the importance of the Constitutional Court's decision as a corrective measure,
- encourage the Slovak authorities to complete the legislative amendments and ensure clear and enforceable protections for the right of professional soldiers to organise,
- monitor whether professional soldiers are able to exercise this right in practice, including through the establishment of representative trade unions if they so choose.

EUROMIL remains ready to support its Slovak partners and institutions in building a rights-based, inclusive framework for freedom of association in the armed forces.