

**THE MINISTRY OF LABOUR, SOCIAL AFFAIRS AND FAMILY
OF THE SLOVAK REPUBLIC**

The European Social Charter (revised)

The Report of the Slovak Republic

on non-ratified provisions of the European Social Charter (revised)

(Articles 13/4, 18/3, 19/2, 19/3, 19/4 – c, 19/8, 19/10, 19/12, 31/1, 31/2, 31/3 of the Revised Charter)

Article 13 – The right to social and medical assistance

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

4. to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.

On January 1, 2009 a new act, Act 448/2008 Coll. on Social Services and on amendment of the Act 455/1991 Coll. (Trade-licensing Act) entered into force. The act explicitly regulates the legal status of foreigners in the provision of cash benefits, social services as well as the issuance of licenses for the application of discounts and benefits for people with severe disabilities. The adoption of this act was a reaction to the legislation of the European Communities and obligations arising for the Slovak Republic as an EU Member State. Conditions that would enable social assistance to be provided to all citizens of the EEA Member States which fulfil the conditions laid down by the Social Assistance Act, have been established. It also modified the legal relations regarding foreigners arising for the Slovak Republic from international treaties and international documents.

The act established a precise application of social assistance for two groups of foreigners.

The first group is comprised of foreigners who are citizens of EEA and, under certain circumstances, their family members; foreigners who are not citizens of the EEA and the rights of which are derived from an international agreement; foreigners who are family members of citizens of the Slovak Republic; foreigners who have been granted asylum. These foreigners are able to receive financial support for compensation, social services, they are able to apply for the disabled citizen identification cards, just like citizens of the Slovak Republic.

The second group of foreigners can only be provided with social services. This group is comprised of foreigners who are not citizens of the EEA and they have been granted temporary residence permit and permanent residence permit and the rights of which are not derived from an international agreement; foreigners who have been granted supplementary protection; foreigners who have been granted temporary shelter; citizens of the Slovak Republic living abroad.

The Slovak Republic is not bound by the European Convention on Social and Medical Assistance.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter due to the fact that social assistance, in accordance with section 3 paragraph 2 of the Act 448/2008 Coll. on Social Services and on amendment of the Act 455/1991 Coll. (Trade-licensing Act), is provided only to a selected group of foreigners and also due to the fact that the Slovak Republic is not bound by the European Convention on Social and Medical Assistance. This situation is still stands as of the time of writing of this report – the above mentioned provision is still in effect.

**Article 18 – The right to engage in a gainful occupation in the territory of other Parties
With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:**

3. to liberalise, individually or collectively, regulations governing the employment of foreign workers;

Legal regulations related to employment of foreigners are in accordance with EU legal regulations due to the fact that the Slovak Republic is an EU member state. In this regard, the Slovak legal base has to be in accordance with the EU legal base and cannot be simplified for third country nationals, despite the fact they are citizens of countries which have ratified the European Social Charter or its revised version. Therefore, the Slovak Republic is bound by the primary and secondary EU law related to this topic.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter.

19/2

**Article 19 – The right of migrant workers and their families to protection and assistance
With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:**

2. 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;

3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;

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:

c. accommodation;

8. 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;

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

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

19/2

Conditions of departure, travelling and reception of EU citizens and third country nationals are governed by EU legislation. In facilitating the departure of a migrant worker from the Slovak Republic, whose work permit expired, the Slovak Republic cooperates with the International Organization for Migration in securing voluntary returns (section 2 par. 1 letter a) of the Act no. 404/2011 Coll. on Aliens and on amendments to certain acts)

Section 77 of the Act no. 404/2011 Coll. on Aliens and on amendments to certain acts), as far as administrative expulsion is concerned, states:

(1) Administrative expulsion is the decision of a police department that the alien does not have or has lost the right to stay in the Slovak Republic and is obliged to leave the territory of the Slovak Republic, with the possibility of setting a deadline for his departure, to the country of origin, countries of transit, of any third country, to which third-country voluntarily decides to return and which accepts it, or to the territory of the Member State in which the alien has been granted the right of residence or provided international protection. The decision on administrative expulsion shall also state the country to which the foreigner is expelled, if it is possible to determine that country. In the decision on administrative expulsion, the police department may impose a ban on entry into the Slovak Republic or territory of all Member States. The police department, in the decision on administrative expulsion, may impose a ban on entry into the Slovak Republic or in the territory of all the Member States, if the decision on administrative expulsion does not specify a deadline for departure.

(2) Collective expulsion of aliens based on one decision is inadmissible.

(3) The police department will not take action on administrative expulsion during

a)

stay in the territory of the Slovak Republic pursuant to § 61a par. 1 letter b), c) or d),

b)

time limits for departure according to § 61a par. 4.

(4) The police department, at the request of the foreigner, shall provide a written translation of the decision of expulsion, reasons for a ban on entry, duty travel, time of access and instructions on the possibility of an appeal in a language the foreigner understands, or in a language which they may reasonably familiar with.

(5) If the alien against whom proceedings on administrative expulsion or prohibition of entry in accordance with this Act are underway shall submit an application for asylum, the police department shall issue a decision on the suspension of expulsion proceedings pending a decision on their application for asylum and shall further proceed under a separate regulation; prohibition of entry proceedings shall be suspended by the decision of the police department. If the alien is not granted asylum or subsidiary protection, the police department which interrupted the expulsion proceedings continues with the administrative expulsion proceedings.

(6) The police department shall issue a decision on suspension of the expulsion if the alien has been granted asylum or subsidiary protection. If the suspension of proceedings pursuant to paragraph 4 lasts for more than two years, the police department will suspend the proceedings.

(7) If the alien makes an application for asylum after enforceability of the decision on administrative expulsion or prohibition of entry, the police department shall not execute the decision until a decision on their application for asylum has been reached. If the decision on administrative expulsion contained a deadline for departure, the deadline shall commence again after the enforcement of the decision on their application for asylum.

(8) The alien against whom proceedings on administrative expulsion or prohibition of entry in accordance with this Act are underway may be represented by an attorney or other representative of their choice; only a natural person with full legal capacity may be a representative, unless specified otherwise in paragraph 8. The person listed in the first sentence may have only one representative in the same case.

(9) The third country national has the right to legal representation within the scope and conditions specified by a separate legislation.

(10) The police department shall inform the foreigner against whom proceedings on administrative expulsion are underway about their rights and obligations, especially on rights specified in paragraphs 8 and 9.

Provision of health and medical care is within the competence of the Ministry of Health. Section 3 paragraph 3. a) of the Act 580/2004 Coll. on health insurance and on amendment of the Act no. 95/2002 Coll. on insurance and on amendments to certain laws, as amended, provides (personal scope of public health insurance) that:

A person who does not have a permanent residence within the territory of the Slovak Republic shall have compulsory health insurance, provided they do not have health insurance in other member state of the EU or EEA or Swiss confederation (further as “member state”) and

a) is employed by an employer who has their seat within the territory of the Slovak Republic or is a branch of a foreign employer within the territory of the Slovak Republic; this does not apply if the person is employed in the Slovak Republic by an employer who enjoys diplomatic privileges and immunities under international law, or if the person is employed by an employer on the basis of agreements on work carried outside employment, except where such a person is subject to separate regulations or international treaty.

Presumptions and requirements prescribed by this provision of the charter are at present not guaranteed by the legislation of the Slovak Republic.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter.

19/3

The provision does not specify whether it deals with social services in a more narrow sense (e.g. specifically for seniors, for people with disabilities or homeless people) or in a broader sense, meaning they also comprise of employment services, services provided by health institutions and education institutions.

The Slovak Republic does not have a coordination mechanism of cooperation between public and private social services of countries from which and to which the related persons have moved. In accordance with the valid legislation, provision of social services has been de-centralised to self-governing regions and municipalities and that is why it is not possible to ensure cooperation of a municipality, a self-governing region or a private social services provider with providers of social services abroad.

In accordance with section 5 of the Act 448/2008 Coll. on Social Services and on amendment of the Act 455/1991 Coll. (Trade-licensing Act), social services and financial support for compensation of health disabilities are provided to foreigners, provided they meet the requirements.

With respect to the above mentioned situation, the legal situation in the Slovak Republic remains unchanged and does not allow for the ratification of this provision of the charter.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter.

19/4-c)

Section 6 of the Labour Code (Act 311/2001 Coll.) states - Conditions under which an alien or a stateless person may be admitted into a labour-law relation, shall be stipulated by a special regulation (Act 5/2004 Coll. on employment services, section 21 – 24 – employment of foreigners, Act 404/2011 Coll. on aliens, Act 480/2002 Coll. on asylum).

Section 5 paragraph 1 of the Labour Code states - Labour-law relations between employees performing work on the territory of the Slovak Republic and foreign employer, as well as between aliens and stateless persons working on the territory of the Slovak Republic and employers registered in the territory of the Slovak Republic shall be governed by this Act, unless stipulated otherwise by legal regulations on international private law.

Section 13 of the Labour Code

(1) Employer shall be obliged to treat with employees in labour-law relations in accordance with principle of equal treatment stipulated for the area of labour-law relations by separate Act on Equal Treatment in Certain Areas and on the Protection against Discrimination and on Amending and Supplementing Certain Acts (Antidiscrimination Act).

(2) In labour-law relations, discrimination shall be prohibited on the grounds of sex, marital and family status, sexual orientation, race, colour of skin, language, age, unfavourable health state or health disability, genetic traits, belief or religion, political or other conviction, trade union activity, national or social origin, national or ethnic group affiliation, property, lineage or other status.

(3) The enforcement of rights and obligations arising from labour-law relations must be in compliance with good morals. Nobody may abuse such rights and obligations to the damage of another participant to a labour-law relation, or of co-employees. In the workplace, nobody may be persecuted or otherwise sanctioned in the performance of labour-law relations for submitting a complaint, charge or proposal for the beginning of criminal prosecution against another employee or the employer.

(4) An employer shall not, except for grave reasons relating to the specific character of the employer's activities, intrude upon the privacy of an employee in the workplace and common areas of the employer by monitoring him/her, keeping records of telephone calls made using the employers' equipment and checking e-mail sent from a work e-mail address and delivered to such an address without giving notice in advance. If an employer implements a control mechanism, the employer shall consult with employees' representatives on the extent of control, its method of implementation and its duration and shall inform employees of the extent of control, its method of implementation and its duration.

(5) The employer must not impose on the employee the obligation to maintain confidentiality about his working conditions, including wage conditions and conditions of employment. No one may be persecuted or otherwise penalized in the workplace for not maintaining confidentiality about their working conditions, including wage conditions and employment conditions.

(6) An employee shall have the right to submit a complaint to the employer in connection with the infringement of rights and obligations stated in paragraphs (1) and (2) and failure to comply with the conditions according to paragraphs (3) and (4); the employer shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.

(7) An employee, who assumes that his/her rights or interests protected by law were aggrieved by failure to comply with the principle of equal treatment or by failure to comply with the conditions according to paragraph 3, may have recourse to a court and claim of legal protection

stipulated by separate Act on Equal Treatment in Certain Areas and on the Protection against Discrimination and on Amending and Supplementing Certain Acts (Antidiscrimination Act).

(8) An employee who deems that his/her privacy has been intruded upon in the workplace or common areas as a result of a violation of paragraph (4) may apply to a court for legal protection.

According to section 4 of the Act 365/2004 Coll. (Antidiscrimination act):

(1) This act does not apply to:

a) different treatment based on conditions of entry and stay of foreigners within the territory of the Slovak Republic, including their treatment, stipulated by separate legislation (e.g. Act no. 404/2011 Coll. on Aliens and on amendments to certain acts, Act 480/2002 Coll. on asylum), except for citizens of other EU member state, EEA and Swiss Confederation, persons without citizenship and their family members,

b) different treatment based on health disability or age which derives from provisions of separate legislation governing state service of professional soldiers, armed security services, security services, National Security Office, Slovak Information Service and fire brigade; this does not apply when dealing with an employee carrying out work in a labour-law relationship.

(2) Provisions of this act do not interfere with the right to organise, nor the right to establish trade unions.

The requirement of housing cannot be guaranteed for a migrant worker (employee) or foreigner in the Slovak Republic, as the state does not even guarantee housing for the citizens. The situation remains unchanged as of 2024.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter.

19/8

This provision of the charter could be applied under section 87 paragraph 1 and 2 of the Act 404/2011 Coll. on aliens which apply only to citizens of the EU and their family members. Expulsion of other categories of foreigners is possible also due to other reasons that those listed in article 19 paragraph 8 of the Charter.

Section 82 of the Act 404/2011 Coll. on aliens governs the reasons for administrative expulsion:

(1) The police department shall apply administrative expulsion on third country national if they

- a) Illegally cross the state border, intentionally avoid or refuse to undergo border control when crossing the external border,
- b) Have illegal residence within the territory of the Slovak Republic.

(2) The police department may administratively expel third country national when

- a) They represent a serious threat for the security of the state or public order,
- b) They threaten national security, public order or public health,

- c) They have been convicted of an intentional criminal act and they have not been sentenced to expulsion,
- d) They have violated the law on narcotic drugs and psychotropic substances,
- e) They submitted false or forged documents or documents of another person when undergoing control within the boundaries of this act,
- f) They have entered into purposeful marriage,
- g) They obstruct the execution of state body decision,
- h) They have had their visa annulled or revoked by a police department,
- i) They stated false, incomplete or misleading information or presented false or forged documents during proceedings in accordance with this act,
- j) They perform a different activity than that to which they have been granted temporary residence or visa,
- k) They reside within the territory of the Slovak Republic on the basis of an international agreement or a decision of the Government of the Slovak Republic and they act contrary to the international agreement or the decision of the Government of the Slovak Republic,
- l) They refuse to prove their identity in a credible way,
- m) The purpose for which the third country national has been granted a temporary residence does no longer exist and the third country national has not informed the police department of this fact,
- n) They did not depart within the deadline stipulated by section 111 paragraph 1 letter p) or,
- o) They otherwise seriously or repeatedly violated generally binding legal regulations,
- p) They have carried out illegal work within the period of the preceding two years.

(3) The police department may in the decision on administrative expulsion issue a ban of entry

- a) for 10 years in accordance with paragraph 2 letter a),
- b) for 1 to 5 years in accordance with paragraph 1 and paragraph 2 letters b) to i),
- c) for 1 to 3 years in accordance with paragraph 2 letter j), k) and o),
- d) for 1 year in accordance with paragraph 2 letters l) to n).

(4) During the administrative expulsion proceedings the police department specifically takes into account if more than one decision on administrative expulsion have been issued for the third country national, or if the third country national has entered the territory of the Slovak Republic during their ban of entry.

(5) The police department shall decide on the ban of entry to the territory of the Slovak Republic or all member states for the period in accordance with paragraph 3, if the third country national did not depart within the period specified in the decision on administrative expulsion; this does not apply if the ban of entry has been already listed in the decision on administrative expulsion.

(6) The police department may decide on the ban of entry to the territory of the Slovak Republic for the period of 3 to 5 years for a third country national who has submitted false or forged documents or documents of other person during border control.

(7) If several reasons for administrative expulsion in accordance with paragraph 1 and 2 exist and the police department imposes a ban of entry within the decision on administrative expulsion, the time of the ban of entry shall be equal to the most stringent provision.

(8) The police department shall issue a decision on administrative expulsion in accordance with paragraph 1 letter b) without the ban of entry, if the third country national voluntarily comes to the police department and asks to return to their home country within the assisted voluntary return.

(9) The ban of entry period starts

a) on the day of execution of the administrative expulsion,

b) on the day of departure within the assisted voluntary return, or

c) after the period for departure specified in the decision on administrative expulsion if it is not the case according to letter a) or b).

(10) If the police department finds out that the person did not depart from the Slovak Republic after the start of the ban of entry period has been marked in the register of undesirable persons, this period shall begin to run anew from the date of execution of the administrative expulsion.

(11) The ban of entry period shall expire on the day which coincides with the day when the event marking the start of the period occurs. If such a day in the given month does not exist, the period ends on the last day of the given month.

(12) The police department shall mark the country in which the third country national has long-term residence as a country, to which the person shall be expelled, in the decision on administrative expulsion; this does not occur when the administrative expulsion is carried out in accordance with paragraph 2 letter a) or b).

Due to the fact that expulsion of foreigners (migrant workers) is possible also due to different reasons than those specified in Article 19 paragraph 8 of the Charter, the Slovak Republic is unable to ratify this provision of the charter. The situation remains unchanged as of 2024.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter.

19/10

The protection and assistance specified in Article 19 paragraphs 1, 5, 6, 7, 9, 11 and 12 of the Charter can be directly or analogically applied in the Slovak Republic also for migrant self-employed persons. Pre-requisites and conditions prescribed by paragraphs 2, 3, 4 and 8 of this provision of the Charter cannot be applied for foreigners – migrant self-employed persons.

Self-employed persons are especially entrepreneurs, activities of whom are governed by act 455/1991 Coll. on trade licensing. Trade licensing is a systematic activity pursued independently, on the person's own behalf, on their own responsibility for profit and under conditions laid down by the Act. These persons also have their own interest organization – The Slovak Trades Association.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter.

19/12

Section 12 of the Act 245/2008 Coll. on education (School Act) specifies the use of education language:

- (1) The language of education according to this act is the language of education and instruction.
- (2) The language of education and instruction within state education institutions is the state language (Act 270/1995 Coll. on the state language of the Slovak Republic), unless specified otherwise by this act.
- (3) Children and pupils from the national minorities have the right to education, beside the state language, in their own language under conditions stipulated by this act. A compulsory subject dealing with the Slovak language and literature at the level required to master the state language has to be included in the curriculum of primary and secondary schools with language of education different from the state language.

In accordance with section 146 paragraph 7 of the Schools Act, schools other than state schools which provide education in a language different than the state language for financial compensation may be established for children of foreigners residing legally in the Slovak Republic.

From the point of view of application of the above mentioned provision of the Schools Act, this provision of the charter is not ratifiable, as there is no indication whether education in a language other than the state language has to be free of charge or not. The situation remains unchanged as of 2024.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter.

Article 31 – The right to housing

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.**

31/1

The Act 443/2010 Coll. on housing development funds and on social housing, the notice of the Ministry of Construction and Regional Development of the Slovak Republic on issuing the decree which amends the decree of the Ministry of Construction and Regional Development of the Slovak Republic from December 7, 2006 number V-1/2006 on the provision of funding for the development of housing (the Notice 576/2007 Coll.) and the notice of the Ministry of Construction and Regional Development of the Slovak Republic on issuing the decree which amends the decree of the Ministry of Construction and Regional Development of the Slovak Republic from November 28, 2007 number V-1/2007 (the Notice 275/2008 Coll.) may provide grants for

- a) acquisition of a rental flat for the purpose of social housing under this act,
- b) acquisition of technical equipment,
- c) removal of systemic malfunction of an apartment building.

The provision of support from the State Housing Development Fund is governed by the Act 150/2013 Coll. on the State Housing Development Fund.

The Ministry of Transport and Construction of the Slovak Republic pursuant to § 21 of Act no. 150/2013 Coll. the State Housing Development Fund may issue a regulation setting out

the details of the types and amounts of the support for various purposes from the State Housing Development Fund.

State Housing Development Fund is established to finance state aid in expanding and building housing for natural and legal persons. Support may take the form of loans and non-repayable contribution. Grant assistance is provided for a specific group of applicants, t. j. for people with severe disabilities (according to law).

The State Fund for Housing Development resources are designed especially for vulnerable groups of the society - for groups of citizens with limited household income.

Application of the rent regulation is based on the Measure of the Ministry of Finance of the Slovak Republic of April 23, 2008 number 01/R/2008 on regulation of rent for apartments (the Notice 158/2008 Coll. – this notice is published in the Financial Bulletin 4/2008) in accordance with the Measure of the Ministry of Finance of the Slovak Republic of September 25, 2008 number 02/R/2008 (the Notice 372/2008 Coll. – this notice is published in the Financial Bulletin 9/2008).

Section 14 paragraph 3, 4, 5 of the Act 417/2013 Coll. on material need assistance governs the housing allowance:

- (3) Housing allowance is granted if a member of the household
 - a) is the owner or co-owner of the apartment, owner or co-owner of the house, who lives in the given household,
 - b) rents the apartment, the house or a room in an establishment for permanent living, who lives in the given household.

- (4) Housing allowance is granted if members of the household live
 - a) In assisted living facilities, facilities for the elderly, social services facilities or in a specialised facility which provides social services to an adult person living in the facility all year round, in a shelter, in a halfway home, in an emergency shelter or in a crisis centre, or
 - b) In an apartment or a house on the basis of the life-time use law; provision of reimbursement for services related to housing is not required.

- (5) Housing allowance is granted if a member of the household or all members of the household
 - a) Pay for services and utilities related to housing and property tax in an apartment in accordance with paragraph 3 letter a), or in case when they have overdue payments related to the payment for services and utilities related to housing and they submit an agreement on repayment and a confirmation of proper fulfilment of rescheduling,
 - b) Pay property tax and fees for municipal waste when living in a house in accordance with paragraph 3 letter a),
 - c) Pay rent and cover the cost of housing services when living in an apartment, in a house or in a room in an establishment for permanent living in accordance with paragraph 3 letter b), if such a rent is agreed on in a rental contract or when they have overdue payments related to the payment for services and utilities related to housing and they submit an agreement on repayment and a confirmation of proper fulfilment of rescheduling,

- d) Cover the expenses for social services in a social services establishment or pay for care in a social protection of children and social guardianship facility.

The act 73/1998 Coll. on state service of the members of the Police forces, the Slovak Information Service, the Prison and Court Guard and the Railway Police introduces a housing allowance in its section 141a. It states that a member of the above mentioned forces is eligible for a housing allowance amounting to 500 EUR on a monthly basis, unless specified otherwise. The Minister of Interior decides on the provision of this allowance, on the basis of geographic position of the workplace and character of the work carried out by the organisational unit. Reasons for not providing the allowance are also specified.

In accordance with section 1 paragraph letter i) of the Notice of the Ministry of Health of the Slovak Republic number 259/2008 Coll. on requirements of indoor environment of facilities and on minimum standards of lower standard apartments and on housing facilities, the housing facilities of lower standards are especially shelters and seasonal housing facilities.

The Notice of the Ministry of Economy of the Slovak Republic number 277/2008 Coll. on classification features of housing facilities and their categorisation stipulates categories and classification of housing facilities, as well as requirements which have to be met by individual housing facilities in order to be classified in particular categories. This categorisation also applies to housing facilities maintained by entrepreneurs providing accommodation and related services on the basis of trade license.

The issue of housing as a fundamental social need and its availability and sustainability is directly related to the necessity of legal relations adoption in the limited housing stock, which is still influenced by rent regulation and where the owner is not part of the public sector, both in the interest of tenants of this apartment fund, but also its private owners.

This represents a problem that has not been solved for a long time. Finding a fair and balanced legal solution is very complicated, but necessary as the final coping with the past, especially when it comes to the impact of restitution measures to be adopted, as far as persons living in this property are concerned.

The charter contains vested rights that have to be guaranteed by the state to its citizens. However, no citizen of the Slovak Republic has and automatic right to housing in any form, even if they have no housing at their disposal.

The measures adopted by the state, as listed above, are only of partial and supplementary nature. Even though the legislation of the Slovak Republic regulates grants for the development of housing, this cannot be listed as a guarantee of housing, as is prescribed by the Article 31 paragraph 1 of the charter. Acquisition of rental apartments is in direct competence of the self-governing regions and municipalities and the citizens do not have any direct rights from this. The municipalities may, or may not make use of rental housing. If a municipality decides not to build facilities with the aim of establishing rental housing, citizens cannot claim their rights that would be listed in this provision of the Charter. On top of that, there is no legal measure on direct support of housing or similar legislation.

The provision of housing allowance, an allowance bound by specific pre-conditions, cannot be considered adequate, because this allowance is only provided to natural persons in material need, who usually are owners of a property or rent it. On top of that, this allowance

does not automatically have to be granted in full amount, because this allowance and any other allowances related to material need are provided in a single sum and its amount is calculated as a difference between the amount of claims as stipulated by the Act on material need and income. As a result, this allowance is aimed for different groups of individuals than those covered by this provision of the charter. The housing allowance does not therefore target individuals without any sort of housing but those, who have their housing needs covered in a certain way. On top of that, it is questionable whether it is provided at “adequate level”.

The Slovak Republic is bound by the International Covenant on Economic, Social and Cultural Rights (Decree of the Minister of Foreign Affairs 120/1976 Coll. and point 9 of the Notice 53/1994 Coll.). Article 11 paragraph 1 of the Covenant states: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

This provision of the covenant uses the phrase “recognize the right of everyone to an adequate standard of living”, which is of declarative nature. The second sentence states “will take appropriate steps to ensure the realization of this right” which is of bounding character. Article 31 paragraph 1 of the Charter states “With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to promote access to housing of an adequate standard“.

Comparing article 11 paragraph 1 of the Covenant and article 31 paragraph 1 of the Charter leads to the conclusion that the Charter prescribes a much more extensive commitment than the Covenant.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter due to the financial burden associated with it and due to country’s inability to meet the prescribed requirements. On top of that, there is not act on housing support or any other similar legislation. The situation stands in 2024 as well, even though certain minor changes have been adopted.

31/2

Pursuant to section 26 of the Act 448/2008 Coll. on Social Services and on amendment of the Act 455/1991 Coll. (Trade-licensing Act), self-governing regions and municipalities establish social services facilities which also include shelters. Municipalities also establish personal hygiene centres and laundries. These social services facilities provide social services to homeless persons as well.

Section 26 of the Act 448/2008 Coll. on Social Services and on amendment of the Act 455/1991 Coll. (Trade-licensing Act) states that:

- (1) Pursuant to section 2 paragraph 2 letter a), a person who does not have housing at their disposal, or is unable to keep living in their present housing:
 - a) Is, in a shelter, provided with
 - a. Housing for a specified period of time,
 - b. Social counselling,
 - c. Assistance with application for their rights and protected interests,

- d. Necessary clothing and shoes,
- b) Shall, in a shelter, have conditions for
 - a. Preparation of food, provision of food or provision of groceries,
 - b. Necessary personal hygiene,
 - c. Cleaning,
 - d. Washing, ironing and repairing of their clothes,
 - e. Leisure activities.

(2) Social service providers shall provide this social service separately for individuals and separately for families with children or for individuals with children.

In order to prevent and lower homelessness with the aim of its total elimination, it is necessary to develop on-going coordinated efforts of central public administration bodies, self-governing regions, municipalities and towns, as well as private subjects, religious institutions and to develop adequate measures to reach this goal together with the homeless persons themselves.

Despite the facts listed above, as far as prevention of homelessness is concerned, it has to be stated that the actual operation of shelters and provision of food cannot be characterised as “prevention of homelessness with the view of its gradual elimination”. That fact that a person lives in a shelter and is provided with food does not mean that they have ceased to be homeless. These transitional measures help to ease the burden of the homeless persons, but they do not eliminate or lower the level of homelessness. There is no legislation aimed at prevention and reduction of homelessness.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter. The situation remains unchanged in 2024.

31/3

The same arguments as those listed against ratification of Article 31 paragraph 1 apply here, so the conclusion is the same as well.

Conclusion: The Slovak Republic is not able to ratify the given provision of the Charter.
