



REPUBLIC OF SLOVENIA

Report of the Republic of Slovenia
within the framework of the procedure on non-accepted provisions of the
European Social Charter (revised)

Articles 13§1, 13§4 and 18§2

April 2024

Introduction

The European Social Charter (Revised) (hereinafter: the Charter) was adopted by the Council of Europe in 1996. The Republic of Slovenia signed the Charter on 11 October 1997; the Act Ratifying the Charter was adopted by the National Assembly on 11 March 1999 (*Official Gazette of the Republic of Slovenia – International Treaties (Uradni list RS – MP, No. 7/99)*). The Charter was ratified on 7 May 1999 and has been applicable in Slovenia since 1 July 1999.

Slovenia accepted 95 of the 98 paragraphs of the Charter. With ratification of the Charter, the Republic of Slovenia also accepted the supervision over application of the Charter in accordance with the procedure laid down in the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.

Slovenia ratified the Collective Complaints Protocol on 7 May 1999. It has been applicable since 1 July 1999.

Following the decision of the Committee of Ministers of December 2002 Slovenia reports on the **situation regarding the non-accepted provisions: Articles 13§1, 13§4 and 18§2.**

The Report was prepared by the responsible ministries: the Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Health and Ministry of the Interior.

Article 13§1

The Ministry emphasizes that **social security and social assistance available under the general system** in Slovenia are **ensured to all persons legally residing in its territory** under conditions laid by the legislation.

Legislation on social assistance available under the general system is properly regulated. Temporary residence in the Republic of Slovenia is in force (with exceptions laid by the legislation) and is an obstacle to compliance with the Article 13§1.

The Ministry informs the ECSR, that the general conditions for social assistance (*Financial Social Assistance (denarna socialna pomoč) and Supplementary Allowance (varstveni dodatek)*) are defined under the Article 3 of the Social Assistance Payments Act (*Official Gazette of the Republic of Slovenia* [Uradni list RS], No. 61/10, 40/11, 14/13, 99/13, 90/15, 88/16, 31/18, 73/18, 196/21 – ZDOsk in 84/23 – ZDOsk-1). The Article 3 reads as follows:

*“Beneficiaries in accordance with this Act shall be **nationals of the Republic of Slovenia** who have **permanent residence in the Republic of Slovenia** and **foreigners who have permanent residence permit and permanent residence in the Republic of Slovenia** and **persons with granted international protection and their family members who have been granted residence permit in the Republic of Slovenia** and have **permanent or temporary residence in the Republic of Slovenia on the basis of the right to family reunification.**”*

Since 1. 1. 2024 persons with permanent residence in Slovenia who receive social assistance available under the general system or who qualify to do so and who are not insured under another title provided for in the law governing health insurance and their partners enjoy the right to compulsory health insurance and are exempted from co-payments. Compulsory health insurance is provided through the right to pay a compulsory health contribution and the right to pay a contribution to compulsory health insurance. **This has widened the range of beneficiaries of the right to pay a contribution to compulsory health insurance.**

The Ministry informs the ECSR that the ratification of Article 13§1 **is currently not under consideration in Slovenia.**

Article 13§4

The Ministry would like to emphasize that the situation with respect to emergency social and medical assistance for foreigners lawfully present in Slovenia **has been in conformity with the Article 13§4 of the Charter since 2004¹**.

The general principle of the Social Assistance Act and the Social Assistance Payments Act (*Official Gazette of the Republic of Slovenia* [Uradni list RS], No. 61/10, 40/11, 14/13, 99/13, 90/15, 88/16, 31/18, 73/18, 196/21 – ZDOsk in 84/23 – ZDOsk-1), which govern the general system, is conditioned on permanent residence in the Republic of Slovenia. Foreigners with permanent residence regulated according to regulations governing it, have their rights guaranteed to the same extent as the citizens of the Republic of Slovenia.

The right to first social assistance is guaranteed to all. In the Republic of Slovenia anyone who finds himself in social distress and difficulty, regardless of nationality, can be entitled to social assistance service, first social assistance at the social work centres in accordance with the Social Assistance Act. First social assistance includes help in identifying and defining social distress and problems, assessment of possible solutions and provision of information to beneficiaries on all the possible types of services and benefits which they can claim, on the obligations arising from the type of service or benefit chosen, and on the network and programmes of providers offering such services and benefits.

Persons granted international protection and their family members who have obtained a residence permit in the Republic of Slovenia based on the right to family reunification and who have a registered permanent or temporary residence in the Republic of Slovenia have the right to social assistance available under the general system (Financial social assistance and Supplementary Allowance).

In addition to the beneficiaries referred to in the preceding paragraph, the right to social assistance available under the general system may also be claimed by persons who may claim these social security benefits based on international instruments binding on the Republic of Slovenia.

¹ See The Report on the meeting with the Slovenian Government within the framework of Article 22 procedure, prepared by the Secretariat. 15th September 2004.

Foreigners with temporary residence in the Republic of Slovenia (or in the process of issuing or extending a temporary residence permit) pursuant to Article 51(2) of the Foreigners Act (Official Gazette of the Republic of Slovenia, [Uradni list RS], No. 91/21 - officially consolidated text, 95/21 - corrected version, 105/22 - ZZNŠPP, 48/23 and 115/23) or under Article 50 of the Foreigners Act (victims of trafficking in human beings, victims of illegal employment and victims of domestic violence) may, in accordance with the Foreigners Act, be entitled to financial assistance in the amount of the social assistance available under the general system.

The Ministry informs the ECSR that the relevant provision (indent 14 of the Article 7) of the Health Care and Health Insurance Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 72/06 – uradno prečiščeno besedilo, 114/06 – ZUTPG, 91/07, 76/08, 62/10 – ZUPJS, 87/11, 40/12 – ZUJF, 21/13 – ZUTD-A, 91/13, 99/13 – ZUPJS-C, 99/13 – ZSVarPre-C, 111/13 – ZMEPIZ-1, 95/14 – ZUJF-C, 47/15 – ZZSDT, 61/17 – ZUPŠ, 64/17 – ZZDej-K in 36/19, 189/20 – ZFRO, 51/21, 159/21, 196/21 – ZDOsk, 15/22, 43/22, 100/22 – ZNUZSZS, 141/22 – ZNUNBZ, 40/23 – ZČmIS-1 in 78/23) remain in force and reads as follows.

*“The Republic of Slovenia thus **provides funds from the national budget** for the emergency treatment of **persons of unknown residence, foreigners from countries with which no international treaties have been signed**, and foreigners and citizens of the Republic of Slovenia **with permanent residence abroad** who are temporarily residing in the Republic of Slovenia or who are on their way through the country and for whom it has not been possible to ensure the payment of medical services, as well as for **other persons** who, according to the provisions of this Act, are **not covered by compulsory health insurance** and who are **not insured by a foreign health insurance institution.**”*

The Ministry informs the ECSR that the ratification of Article 13§4 is **currently not under consideration in Slovenia.**

Article 18§2

The Ministry would like to emphasize that the situation **has been in conformity with the Article 18§2 of the Charter since 2004.**²

The Slovene legislation guarantees **foreigners employed in Slovenia equal treatment as regards employment, payment and working conditions**, given that the provisions of the Employment Relationships Act – ZDR-1 (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 21/2013) **apply fully to employed migrant workers.**

Slovenia is **constantly working to remove unnecessary administrative barriers** to employment, self-employment and the work of foreigners. Thus, in 2023, amendments to the Employment, Self-employment and Work of Foreigners Act (ZZSDT-D, 2023) and the Foreigners Act (ZTuj-2G, 2023) were adopted, **removing administrative obstacles and allowing for faster management of the procedures for issuing permits and certificates.** We will continue to monitor the situation in this area and, if necessary, develop and propose to the legislator solutions that will reduce administrative barriers and ensure the effective exercise by foreigners of their right to engage in gainful activity in the territory of the Republic of Slovenia.

Slovenia will consider the **acceptance of Article 18§2 in the near future.**

² See The Report on the meeting with the Slovenian Government within the framework of Article 22 procedure, prepared by the Secretariat. 15th September 2004.