



# **Economic and Social Council**

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## **Committee on Economic, Social and Cultural Rights**

# **Implementation of the International Covenant on Economic, Social and Cultural Rights**

**Second periodic reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**Slovakia\***

[25 June 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## I. Introduction

1. The Slovak Republic is a State party to the International Covenant on Economic, Social and Cultural Rights signed on behalf of the Czechoslovak Socialist Republic on 7 October 1968. As a legal successor to the Czech and Slovak Federal Republic (the former Czechoslovak Socialist Republic/Czechoslovak Republic), the Slovak Republic became a State party to the Covenant on 28 May 1993 with retroactive effect from 1 January 1993.
2. The Slovak Republic, as a State party to the International Covenant on Economic, Social and Cultural Rights, submits the Committee on Economic, Social and Cultural Rights reports on the implementation of the Covenant in accordance with its articles 16 and 17. Its initial report was submitted in 2001 (E/1990/5/Add.49).
3. The Slovak Republic hereby presents its second periodic report under the International Covenant on Economic, Social and Cultural Rights. The present report gives information on measures taken and the progress achieved in the period of 2002 to 2008 in the implementation of the rights recognized in the Covenant.
4. The present report was drawn up by the Ministry of Foreign Affairs of the Slovak Republic (“Ministry of Foreign Affairs”) in cooperation with the sectors concerned, based on the general guidelines of the Committee on Economic, Social and Cultural Rights containing the recommendations on the content and form of individual periodic reports (E/C.12/1991/1), and in conformity with concrete recommendations from final observations made by the Committee on 29 November 2002 based on the consideration of the initial report of the Slovak Republic (E/C.12/1/Add.81).

## II. Special provisions

### Article 2

#### Guarantee of rights without discrimination

5. The Slovak Republic submitted to the Committee on the Elimination of Racial Discrimination its sixth, seventh and eighth periodic reports under the Convention on the Elimination of All Forms of Racial Discrimination in June 2008. The report elaborates in detail on the measures taken to eliminate all forms of discrimination within the territory of the Slovak Republic.
6. Act No. 365/2004 Coll. on equal treatment in certain areas and on the protection against discrimination and on amending and supplementing other relevant acts (“Antidiscrimination Act”) was approved by the National Council of the Slovak Republic on 20 May 2004 with effect from 1 July 2004. The Antidiscrimination Act was drafted and adopted on the basis of secondary sources of law of the European Communities with due regard to the fact that equality of all persons before the law and prohibition of discrimination laid down in international legal instruments of the United Nations and in the European Convention for the Protection of Human Rights and Fundamental Freedoms are among the key principles of the rule of law and are inextricably engrained in any democratic legal order. Equality before the law is the key premise recognized by all legal systems that adhere to human rights and freedoms.
7. Since “antidiscrimination” provisions were comprised in a number of legal acts even prior to the adoption of the Antidiscrimination Act, the passage of the act made it necessary to amend twenty substantively related legal texts (see annex I, articles II to XXII of the Antidiscrimination Act).

8. The purpose of the Antidiscrimination Act is to provide the entities under the law adequate protection against all forms of discrimination with the aim of ensuring the right of the victims to seek adequate and effective judicial protection, including compensation for material and non-pecuniary damage. The act specifies in greater detail the equality and non-discrimination provisions enshrined in the Constitution of the Slovak Republic (“Constitution”) and in relevant international treaties binding on the Slovak Republic. The Antidiscrimination Act lays down the general prohibition of discrimination in the areas of social security, health care, provision of services and goods, education (para. 5), in labour law relationships and in similar legal relationships (para. 6).

9. The only specialized institution in the Slovak Republic that fulfils the role of overseeing compliance with the principle of equal treatment laid down in the Antidiscrimination Act is the Slovak National Centre for Human Rights.

10. The initial Antidiscrimination Act introduced the possibility, inter alia, of adopting temporary special measures (para. 8 (8)) to compensate for the disadvantages linked with racial or ethnic origin. This provision was included on the basis of article 5 of Directive 2000/43/EC<sup>1</sup> empowering the Member States to take “positive action”.

11. The above provision (para. 8 (8)) of the initial Antidiscrimination Act) was challenged by a motion filed on 14 October 2004 with the Constitutional Court of the Slovak Republic, alleging violation of article 125 (1) (a) of the Constitution of the Slovak Republic. The aforesaid provision of the Antidiscrimination Act was worded as follows: “With a view to ensuring full equality in practice and compliance with the principle of equal treatment, specific positive actions to prevent disadvantages linked to racial or ethnic origin may be adopted.” The Constitutional Court found the provision in question to be in conflict with article 1 (1) and article 12 (1), first sentence, and (2) of the Constitution. The Constitutional Court held that the challenged provision did not stipulate the provisional applicability of such measures, did not outline the methods for achieving the above objective, and did not specify the areas in which temporary special measures may be adopted or the criteria for defining their content. As from the date of the publication of the finding of the Constitutional Court in the Collection of Laws of the Slovak Republic,<sup>2</sup> the provision in question ceased to be in effect and became null and void upon the expiry of the six-month time limit.

12. The Antidiscrimination Act was amended<sup>3</sup> in the light of formal communications from the Commission of the European Communities concerning incomplete and incorrect transposition of Council Directive 2000/43/EC and Council Directive 2000/78/EC.<sup>4</sup>

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<sup>1</sup> Council Directive of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

<sup>2</sup> No. 539/2005 Coll. of 7 December 2005.

<sup>3</sup> By means of Act No. 326/2007 Coll. amending and supplementing Act No. 2004/ Coll. on equal treatment in certain areas and on the protection against discrimination, and on amending and supplementing other relevant acts (the Antidiscrimination Act) in the wording of the Finding of the Constitutional Court of the Slovak Republic No. 539/2005 Coll. that entered into effect on 1 September 2007.

<sup>4</sup> Council Directive of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

13. Its next amendment<sup>5</sup> was made for a number of reasons. The main reason was the obligation of the Member States set out in article 17 of Council Directive 2004/113/EC<sup>6</sup> to transpose the directive into their national legislations by 21 December 2007. The main purpose of this particular amendment was to broaden protection against discrimination. To this end, the amendment included also changes in the structure of the act that made it necessary to modify several of its provisions. These changes contributed to increasing the legal certainty.

14. The latest amendment to the Antidiscrimination Act strengthened the role of the Slovak National Centre for Human Rights; it was granted the competence to conduct independent inquiries into allegations of discrimination, to prepare and publish reports and recommendations concerning discrimination issues, and to monitor the reports submitted to the Centre by State authorities in order to ascertain whether the reasons for applying temporary special measures still exist.

15. Moreover, the Antidiscrimination Act introduced the definitions of various forms of discrimination such as: direct discrimination, indirect discrimination, harassment and victimisation including incitement or an instruction to discriminate, and the definition of discrimination of legal persons stipulating (para. 2 (a) (9)) that a legal person may be deemed to be a victim of discrimination if the principle of equal treatment has been violated with regard to its members, associates, shareholders, members of its bodies, employees, persons acting on its behalf or persons on behalf of whom the legal person is acting (para. 2 (1)).

16. The amendment to the Antidiscrimination Act<sup>7</sup> introduced the definition of sexual harassment (para. 2 (5)) and expanded the grounds of discrimination to cover all the areas falling under the substantive scope of the act, i.e. not only labour law and similar legal relationships, but also social security, health care, provision of goods and services, and education (para. 2 (a) (11)).

17. Under the initial Antidiscrimination Act it was possible to waive the application of the equal treatment principle if “the application of this principle in a concrete case was or could be in conflict with the measures taken under specific legislation.” In contrast, the current legislation effective from 1 April 2008 provides that “everyone is obliged to respect the principle of equal treatment in the area of labour law and similar legal relationships, social security, health care, provision of goods and services and in education” (para. 3 (1)).

18. The amendment to the Antidiscrimination Act<sup>8</sup> extended its application to the citizens of the member States of the European Union, the citizens of the contracting parties to the Agreement on the European Economic Area and of the Swiss Confederation, and to stateless persons and their family members (para. 4 (1)).

19. The amended Antidiscrimination Act<sup>9</sup> introduced the so-called temporary special measures (para. 8) that may be adopted in case of a demonstrable inequality. The aim of these measures, which must be appropriate and necessary to achieve the specified objective,

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<sup>5</sup> Act No. 85/2008 Coll. amending and supplementing Act No. 365/2004 Coll. on equal treatment in certain areas and on the protection against discrimination, and on amending and supplementing other relevant acts (the Antidiscrimination Act) as amended, and on amending and supplementing Act No. 308/1993 Coll. of the National Council of the Slovak Republic on establishing the Slovak National Centre for Human Rights as amended.

<sup>6</sup> Council Directive of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

<sup>7</sup> See footnote 5.

<sup>8</sup> By means of Act No. 326/2007 with effect from 1 September 2007.

<sup>9</sup> See footnote 5.

is to reduce or eliminate these inequalities. The Act also defines the categories of entities that are entitled to benefit from such provisional measures, setting out these measures in a demonstrative manner. Temporary special measures can be adopted only in the areas that are specified in the Antidiscrimination Act and the State administration authorities are obliged to lift them as soon as their purpose has been achieved. Moreover, the right to apply temporary special measures is restricted only to the areas set out in the Antidiscrimination Act, and only for the time that is necessary to eliminate the inequality that led to their adoption.

20. The provisions of the Antidiscrimination Act relating to temporary special measures were drafted in line with the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination; article 2 (2) of the Convention urges the States parties to take special and concrete measures to ensure the full and equal enjoyment of human rights and fundamental freedoms. Moreover, the legislation on temporary special measures takes due regard of relevant constitutional provisions and of the finding of the Constitutional Court concerning the already repealed paragraph 8 (8) that provided for special measures.

### **Development cooperation**

21. The Slovak Republic is an active member of the donor community. It belongs among the most developed countries of the world grouped within the European Union and the Organization for Economic Cooperation and Development. Slovakia as the emerging donor assumes its share of responsibility for addressing global problems such as poverty, deadly diseases, famine or environmental devastation. Its unique experience with the transformation of society and transition to market economy gives it a comparative advantage over the traditional donors.

22. The national coordinator for the provision of official development assistance of the Slovak Republic is the Ministry of Foreign Affairs. Since 2003, Slovakia has implemented bilateral programmes and projects in the developing countries based on the Medium-Term Strategy for Official Development Assistance of the Slovak Republic for 2003–2008. The practical outcome of the activities to date is 230 implemented development projects representing a total value of SKK 700 million.

23. In geographical terms, assistance is mainly oriented on Serbia and Montenegro — the programme countries — with which the Slovak Republic signed intergovernmental agreements on official development assistance in 2007. Other priority — project — countries are: Afghanistan, Albania, Belarus, Bosnia and Herzegovina, Cambodia, Kazakhstan, Kenya, Kyrgyzstan, Macedonia (FYROM), Mongolia, Mozambique, Tajikistan, Ukraine, Uzbekistan and Sudan.

24. Specific sectoral priorities defined for programme countries are: the development of civil society, social recovery and regional development, reconstruction and development of local infrastructure and assistance in the integration into international structures and organizations. In terms of sectoral focus, the projects for project countries are mainly aimed at promoting democratic institutions and the market environment, technical and social infrastructure, agriculture, food security, environmental protection and the use of mineral raw materials.

25. In 2007, the Slovak Republic completed the building of its institutional and legal system for the provision of official development assistance. The Slovak Agency for International Development Cooperation was established on 1 January 2007 by decision of the minister of foreign affairs. Slovakia provides development assistance under Act No. 617/2007 Coll. on official development assistance that entered into effect on 1 February 2008.

26. The Ministry of Foreign Affairs is preparing a new Medium-Term Strategy for Official Development Assistance for 2009–2013 which will enhance the effectiveness of the assistance.

27. Slovak non-governmental (development) organizations are significantly represented among project-implementing entities. However, the Slovak Republic provides project support also to the business sector, State institutions and local government authorities.

28. The total value of Slovak development assistance (ODA) in 2006 was SKK 1,638 million, representing a 0.01 per cent share of ODA/GNP (gross national product); in 2007, it reached the value of SKK 1,652 million, representing a 0.09 per cent share of ODA/GNP.

29. According to the act on official development assistance, ODA objectives include the safeguarding of peace and security in the world, especially through strengthening democracy, the rule of law, human rights and good governance in the developing countries. The support provided in connection with the first sectoral priority of Slovak Aid (i.e. the building of democratic institutions) is channelled also to projects promoting human rights, including economic, social and cultural rights. In the form of Slovak Aid projects, Slovakia shares the know-how it acquired in the process of transformation and reform with the countries that currently go through a similar process.

30. The Slovak Aid has implemented more than 60 projects since 2004 with the aim of promoting democracy and human rights in such countries as Afghanistan, Belarus, Bosnia and Herzegovina, Kenya, Kyrgyzstan, Mongolia, Montenegro, Mozambique, Serbia and Ukraine with a total value of USD 8 million.

### **Article 3**

#### **Equal rights of men and women**

31. The key documents on gender equality in Slovak society are the National Action Plan for Women in the Slovak Republic and the Policy Document on Equal Opportunities for Women and Men. The policy document identifies the tasks of the State and of other actors in the areas with the most pronounced gender discrimination, and defines 31 measures and recommendations to be implemented with active participation of non-State entities.

32. The National Strategy for the Prevention and Elimination of Violence against Women and in Family<sup>10</sup> was adopted in 2004 with the aim of ensuring a coordinated and integrated cooperation of all relevant actors in the prevention of violence, in the provision of timely and effective assistance, in an effective implementation of applicable legislation, and in the development of an adequate data base on violence against women. To ensure a consistent implementation of the Strategy, the Slovak Government approved the National Action Plan for the Prevention and Elimination of Violence against Women for 2005–2008. The implementation of the National Action Plan for the Prevention and Elimination of Violence against Women was reviewed in 2007 and 2008, and a new action plan for 2009–2012 was under preparation in 2008. A new policy document on gender equality issues — the Gender Equality Strategy — will be prepared in 2008 as well.

33. An important change that took place in the relevant period concerned institutional arrangements for ensuring gender equality. At the level of Parliament (the National Council of the Slovak Republic), the gender equality agenda was assigned to the Committee on

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<sup>10</sup> By means of Resolution of the Government of the Slovak Republic No. 1092/2004 of 16 November 2004.

Human Rights and National Minorities which, as a result, was transformed into the Committee on Human Rights, National Minorities and the Status of Women. In conformity with the rules of procedure, the Commission on Equal Opportunities and on the Status of Women in Society set up within the Committee in 2002 played the role of advisory body to the parliamentary Committee on Human Rights, National Minorities and the Status of Women. The task of the Commission was to review legislative proposals for their compliance with gender equality requirements and to address certain other issues facing the society. After the 2006 parliamentary election, the Commission's agenda was taken up by the Standing Commission on Gender Equality and Equal Opportunities set up within the parliamentary Committee on Social Affairs and Housing.

34. At the level of government, the gender equality and equal treatment agenda in the relevant period was assigned to the family and gender policy department of the Ministry of Labour, Social Affairs and Family of the Slovak Republic ("Ministry of Labour, Social Affairs and Family"); the position of the department within the ministry was strengthened in 2007 when it became a gender equality and equal opportunities department.

35. The Expert Group on the Prevention and Elimination of Violence against Women created within the Government Council on Crime Prevention continued to focus mainly on promoting and monitoring the National Action Plan for the Prevention and Elimination of Violence against Women in the period of 2005–2008.

36. The Slovak Government pledged in its Manifesto that it will promote equality between women and men, which it considers to be an important prerequisite for strengthening democracy and implementation of human rights with a view to fulfilling the commitments arising from the Lisbon Strategy and from international instruments. To this end, the Government ensured the creation of institutional structures necessary for respecting gender mainstreaming requirements in all policies and decisions taken at all levels of governance of the society, including the creation of the Government Council on Gender Equality in 2007. The tasks of the Council include the formulation of measures aimed at ensuring coordination of gender-equality activities of government ministries and of other central State administration authorities with a view to achieving a synergy between these activities both in terms of their substantive content and timetable.

## **Article 6**

### **Right to work**

#### **Employment**

37. Employment and unemployment trends in the Slovak Republic in the last 10 years were influenced by the on-going process of transformation and economic reform. Total employment reached a turning point in 2000 when the gradual decrease in the number of workers that was taking place since 1997 came to a halt. In the 2001–2007 period, employment recorded a year-on-year growth of between 1 per cent and 3.8 per cent; as a result, the number of workers increased by 2007 to more than 2,350 thousand persons. This represented an increment of more than 230 thousand persons compared with 2001.

38. However, in the situation of growing employment and falling unemployment, Slovakia's labour market continued to display gender, age and regional disparities. Certain sectors and regions experienced problems connected with long-term unemployment and with the mismatch between labour supply and labour demand.

39. These imbalances have contributed to the lagging behind of Slovakia in the fulfilment of Lisbon employment objectives that are to be attained by 2010 – total employment rate of 70 per cent, employment rate of women of 60 per cent, and



employment rate of older workers of 50 per cent. According to 2007 figures, total employment rate, employment rate of women and employment rate of older persons were lower than targeted levels by 9.3, 6.9, and 14.4 percentage points, respectively.

Table 1

**Lisbon objectives and their fulfilment in the EU-27 and in the Slovak Republic in 2007**

<i>Employment rate</i>	<i>Employment rate in %</i>		
	<i>EU objective for 2010</i>	<i>EU-27 average 2007</i>	<i>Slovakia 2007</i>
<b>Total</b>	<b>70 %</b>	<b>65.4</b>	<b>60.7 %</b>
Women	60 %	58.3	53.1 %
Older workers	50 %	37.2	35.6 %

40. Employment continued to grow also in 2007 when the labour force sample survey showed a 2.4 per cent year-on-year increase in the number of workers. Average total number of workers in 2007 attained the level of 2,357.3 thousand persons, i.e. an increase of 55.9 thousand persons compared with 2006.

41. Employment growth was translated into the growth of total employment rate of persons aged 15 to 64, which attained the average level of 60.7 per cent and recorded the year-on-year increase by 1.3 percentage points. The employment rate increased for both men (by 1.4 percentage points to 68.4 per cent) and women (by 1.2 percentage points to 53.1 per cent).

42. The highest employment rate of persons aged 15 to 64 has been consistently recorded in the Bratislava Region (70.9 per cent in 2007). On the other hand, the lowest employment rate of persons aged 15 to 64 was observed in the Košice Region (52.8 per cent in 2007). Compared with 2006, the employment rate of persons aged 15 to 64 grew in all regions with the exception of the Trenčín region where the employment rate of persons aged 15 to 64 dropped by 0.5 percentage points.

**Unemployment**

43. Unemployment data also corroborate the positive trends in the development of the labour market. During the 2001–2007 period, the number of unemployed persons kept falling almost continuously. In 2007, the number of unemployed persons dropped for the first time in the history of the Slovak Republic below the level of 300 thousand persons, a fall by more than 210 thousand persons compared to 2001. This development was reflected also in the unemployment rate, which fell from 19.2 per cent in 2001 to 11 per cent in 2007. This represented an average year-on-year decrease by 1.4 per cent over the eight-year period.

44. According to the ascertained data, average registered unemployment rate in 2007 was 8.43 per cent, its lowest level since 1991. By the end of April 2008, it was down to 7.54 per cent.

45. The average number of unemployed persons in 2007 was 291.9 thousand, its lowest level since 1996. Compared with the previous year, unemployment went down by 61.5 thousand persons. The 17.4 per cent year-on-year decrease in unemployment was reflected in the falling average unemployment rate (by 2.3 percentage points year-on-year), which dropped to the level of 11 per cent. Its average level in 2007 was the lowest since 1999.

46. The specific unemployment rate of young persons (aged 15–24) attained the level of 20.1 per cent, and was 6.5 percentage point lower than in 2006 and 9.1 percentage point

higher than was the average for the Slovak Republic as a whole (in 2006, this difference was 13.3 percentage points).

47. The specific unemployment rate of older persons (aged 55–64) attained the level of 8.2 per cent and was 1.6-percentage point lower than in 2006 and 2.8 percentage point lower than the average for the Slovak Republic (in 2006, this difference was 3.5 percentage points).

48. The number of unemployed persons fell in all the regions, mostly in the Trnava Region (by 26.4 per cent). The significant fall in unemployment in the regions of eastern Slovakia (Prešov and Košice), which consistently display an above-average level of unemployment, is a positive fact.

49. On the negative side, long-term unemployment continued to represent a persistently high share even if the number of the long-term unemployed in absolute terms and their share in the total number of unemployed persons posted a year-on-year decrease. According to sample labour force surveys, persons unemployed for more than 1 year accounted for 70.9 per cent of the total number of unemployed persons. Their share dropped by 2.2 percentage points year-on-year (from 73.1 per cent in 2006). In absolute terms, the number of the long-term unemployed dropped year-on-year by 50.3 thousand persons; the fall in the number of the long-term unemployed (by 19.9 per cent) showed higher dynamics than the fall in average unemployment (by 17.2 per cent).

50. The evolution of unemployment measured by the length of unemployment shows the persisting problem of finding work especially for persons that had been out of work for more than two years. In 2007, they accounted for 80.9 per cent of the total average number of persons unemployed for more than one year (compared with 79 per cent in 2006).

51. As a result of the drop in the absolute number of the long-term unemployed, a moderate improvement was observed in the long-term unemployment rate, which reached the level of 7.8 per cent and was 1.9-percentage point lower than in the previous year.

### **Legal framework**

52. According to article 35 (1) of the Constitution, everyone has the right to freely choose his or her profession and appropriate training, and the right to conduct entrepreneurial or other gainful activity.

53. The rights and obligations arising from employment relationships must not be contrary to the accepted principles of morality. No one may abuse these rights and obligations to the detriment of the other party to the employment relationship or of fellow employees. No one may be persecuted or suffer any prejudice in his/her employment relationship at the workplace for having lodged a complaint, an action, or a motion to initiate criminal proceedings against another employee or the employer.

54. All employees have the right to lodge a complaint with their employer in connection with a breach of the principle of equal treatment. The employer is obliged to reply to the employee's complaint without unreasonable delay, to ensure the correction, to discontinue the challenged practice and to remedy its consequences.

55. Legal relationships established in the performance of civil service are governed by Act No. 312/2001 Coll. on civil service and on amending and supplementing other relevant acts as amended ("civil service act"). According to paragraph 3 of the civil service act, all citizens of the Slovak Republic and citizens of other member States of the European Union have the right to enter the civil service on the basis of fair and just selection proceedings, provided they meet the requirements set out in the civil service act and in other relevant legal provisions.

56. The restrictions related to the citizenship of civil servants emanate from the specific function of the civil service and from the activities involved in the performance of civil service.

57. Basic labour law instrument — the Labour Code<sup>11</sup> — provides in article VI of its Basic Principles that women and men are entitled to equal treatment with regard to access to employment, remuneration and promotion, vocational training and working conditions. Women are guaranteed working conditions that enable them to participate in the working process, while taking account of their physiological characteristics and of the social function of motherhood, and of their family obligations in the upbringing and care of children.

58. The amendment to Act No. 5/2004 Coll. on employment services and on amending and supplementing other relevant acts as amended (“act on employment services”) that entered into effect on 1 May 2008 introduced a new definition of the right of access to employment – as the right of a person who wants to work, is capable of working and looks for work. The right of access to employment includes the right to services provided with the aim to assist in and facilitate the entry of citizens on the labour market, and to assist in and promote the entry to and the staying on the labour market for disadvantaged job seekers during a period of at least six consecutive calendar months.

59. The legislative framework for employment services is created by the employment services act, according to which these services are equally available to all persons.

60. The offices of labour, social affairs and family and their branches provide free employment services, including assistance to labour market participants in search of jobs, changing jobs, assistance in filling job vacancies and support for job creation, education and training for labour market, and counselling provided in the framework of active labour market measures with special focus on employing disadvantaged job seekers.

61. The assistance provided to job seekers and job applicants in the framework of employment services respects the principle of equal treatment and a client-oriented approach (first-contact services, early identification of individual needs of job seekers).

62. Where possible, the offices provide vocational guidance and counselling directly at schools or through their information and counselling centres created within every office on the basis of a nation-wide project with the aim of providing specialized counselling services to clients – i.e. students of primary and secondary schools, juveniles, persons interested in vocational guidance and other citizens.

63. The amended act on employment services broadens the competences of employment services, with focus on speeding up the jobseeker registration procedure.

- A new position of “job agents” was created within the offices of labour, social affairs and family with the aim of increasing the flexibility of jobseeker placement
- The use is made of the services of legal and natural persons that provide intensive assistance aimed at labour market entry and retention, thus increasing the flexibility of jobseeker placement
- The quality of employment services provided by non-State entities (temporary employment agencies, supported employment agencies and job placement entities providing paid services) is increased through the introduction of stricter education

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<sup>11</sup> Full wording of Act No. 311/2001 Coll., the Labour Code, following changes and additions introduced by Act No. 165/2002 Coll., Act No. 408/2002 Coll., Act No. 413/2002 Coll. and Act No. 210/2003 Coll.

requirements for the providers of these services (higher education of at least a bachelor level)

- Offices of labour, social affairs and family are free to decide about the frequency of visits to the office; jobseekers are obliged to actively look for work and to give proof of their effort to the office at least once in a calendar month
- Offices of labour, social affairs and family have the obligation to offer jobseekers suitable employment or participation in active labour market measures at least once in a calendar month
- A free-of-charge provision of services to jobseekers by private employment agencies was introduced in the area of paid employment services in line with the International Labour Organization's Private Employment Agencies Convention No. 181 of 1997

### **Employment of aliens**

64. The employment services act gives the citizens of the member States of the European Union, of the European Economic Area and of the Swiss Confederation and their family members the same legal status in legal relationships referred to in the act as to the citizens of the Slovak Republic.

65. The employment services act stipulates that the alien who is a party to a legal relationship established pursuant to the act and holds a work permit and a temporary residence permit for employment purposes has the same legal status as a citizen of the Slovak Republic. Work permits are issued to aliens in accordance with binding legal provisions of the Slovak Republic without difference of their citizenship.

66. The amendment to the employment services act extended the length of a work permit to 2 years and its repeated prolongation also by two years, thus aligning the issuance of work permits with the issuance of temporary residence permits for employment purposes.

### **Employment of persons with disabilities**

67. According to the employment services act, persons with disabilities belong among persons enjoying enhanced support and assistance in connection with their employability and employment. This enhanced attention is witnessed by the fact that while the proportion of persons with disabilities in total registered unemployment at the end of 2001 was 5.5 per cent, by the end of 2007 it was down to only 3.7 per cent.

68. The urgent need to modify strategic approaches with a view to mobilising inactive human resources and supporting employment of persons with disabilities is evident also in the light of the emerging problem of labour shortages due to changes in the demographic situation, and the increased risk of poverty among persons with disabilities. The need to boost the employment of persons with disabilities thus creates the pressure for the introduction of a broad range of measures promoting professional and social integration of persons with disabilities; this approach is enshrined also in the European Equal Opportunities Strategy whose key pillars include the access of disabled persons to the labour market, their employment, and keeping a job. These measures include an unrestricted possibility of combining entitlement to an invalidity pension with the right to receive income from work.

69. The system of support for and assistance to persons with disabilities on the labour market is implemented through specific instruments of active measures targeting this category of persons defined in the employment services act. Moreover, the act introduces the instruments of mandatory (directive) nature for employers aimed at promoting the employment of persons with disabilities (such as setting mandatory proportions of

employees with disabilities, the so-called quota system, or alternative fulfilment of this obligation, i.e. by means of placing orders to sheltered workshops and the payment of contributions, as described below).

70. The amended act on employment services introduced a comprehensive revision of the system of incentives for employing persons with disabilities. The revision of the instruments used in active labour market measures was undertaken mainly with the aim of removing barriers to the creation of new jobs and ensuring the sustainability of jobs created for persons with disabilities. The new legal framework was introduced to:

- Promote the employment of persons with disabilities – the creation of jobs for persons with disabilities in sheltered workshops or sheltered workplaces based on the grants for setting up sheltered workshops or sheltered workplaces; grants for persons with disabilities running a business or working as self-employed persons
- Promote the sustainability of jobs for persons with disabilities – maintenance of and support for the already existing jobs based on the grants for work assistants and grants for the reimbursement of operating costs of sheltered workshops or sheltered workplaces and for the reimbursement of commuting costs of employees

71. Because of the many disadvantages faced by disabled persons on the labour market (their health handicap being often accompanied by low educational attainment, lack of adequate qualification and key skills), the amended employment services act introduced new innovative measures (active labour market policy instruments) in order to promote labour market integration of the disabled such as:

- Training of persons with disabilities for labour market participation, including initial training and vocational training for persons with disabilities aimed at improving and promoting their labour market integration.
- Grant for the maintenance of jobs for persons with disabilities paid to employers with the aim of ensuring the sustainability of jobs for persons with disabilities.
- Grant for the modernization and technological improvements of the equipment of sheltered workshops and sheltered workplaces made with the aim of encouraging investment into modernisation and technological improvements of the equipment of sheltered workshops and sheltered workplaces. The objective of these measures is to create favourable conditions for ensuring sustainability of jobs created for persons with disabilities.

72. The revision covered also the measures of mandatory nature. They included a new option for meeting the obligation of employing a certain proportion of persons with disabilities; it consists in the placing of orders and/or contracting products or services, and in the payment of contributions by the employers who fail to meet mandatory quota of employees with disabilities. The aim of this alternative option is to encourage employers to give preference to the placement of orders with or contracting products and services from sheltered workshops or sheltered workplaces over the payment of contributions for the failure to meet mandatory quotas of employees with disabilities; it makes it possible to combine these two types of alternative fulfilment of mandatory quota of employees with disabilities.

## Article 7

### Fair and satisfactory working conditions

#### Remuneration

73. Minimum wage is guaranteed by Minimum Wage Act No. 663/2007 Coll.<sup>12</sup> This act applies to all employees in the economy of the Slovak Republic and sets the legal framework guaranteeing minimum wage to persons working on the basis of employment contracts or other work arrangements. The act lays down the rules of bargaining between employers' and employees' representatives ("social partners") on the amount of the minimum wage. In the process of bargaining, social partners take due regard of the overall economic and social situation in the Slovak Republic in two consecutive years that preceded the calendar year for which the minimum wage is proposed. The account is taken, in particular, of the evolution of:

- (a) Consumer prices;
- (b) Employment;
- (c) Average monthly wages in the economy of the Slovak Republic;
- (d) The subsistence minimum.

74. Moreover, the act lays down the mechanism for calculating the amount of minimum monthly wage if even after repeated bargaining the social partners and Slovak government representatives fail to reach an agreement on adjustment to the amount of minimum monthly wage during deliberations of the supreme tripartite body,<sup>13</sup> the Economic and Social Council of the Slovak Republic ("Council"). The amounts of minimum monthly wage and of minimum hourly wage in 2008 were set at SKK 8,100 and SKK 46.60, respectively, until the fixing of a new minimum wage. The act stipulates that new minimum monthly and hourly wages will be determined by a regulation of the Slovak Government, always with effect from 1 January of the calendar year.

75. The social partners launch the process of bargaining on the amount of minimum monthly wage for the next calendar year not later than on 1 April. If social partners agree on adjustments to the minimum monthly wage by 15 July, they notify of this agreed amount the Ministry of Labour, Social Affairs and Family, which subsequently draws up a proposal for a government regulation on fixing the amount of minimum wage at the level agreed on by social partners, and submits it to the Government for deliberation. If no agreement on the amount of minimum wage is reached, the Ministry of Labour, Social Affairs and Family draws up a proposal on adjusting the amount of minimum monthly wage and submits it for government's deliberations not later than by 31 July. The deliberations of the council represent the last opportunity for social partners and the government to reach the agreement on the amount of minimum wage. If no agreement on the amount of minimum wage is reached by 31 August, the ministry prepares a draft government regulation fixing the amount of minimum wage, calculated in accordance with the mechanism laid down by law. The council examines the proposal for a government regulation and submits it to the Government for deliberation not later than by 15 September.

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<sup>12</sup> Act No. 663/2007 Coll. on minimum wage effective from 1 February 2008 repealed the previous legal provisions of Act No. 90/1996 Coll. on minimum wage as amended.

<sup>13</sup> Established in accordance with Act No. 103/2007 Coll. on tripartite consultations at the national level and on amending and supplementing other relevant acts (the Tripartite Act).

Table 2

**Evolution of minimum wage and of average nominal wage according to the statistical office and the minimum wage to average wage ratio for relevant years in gross and net terms**

<i>Indicator/Year</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Minimum wage – “gross” (MWG)	6 080	6 500	6 900	7 600	8 100
Minimum wage – “net” (MWN)	5 095	5 629	5 975	6 581	7 014
Average wage – “gross” (AWG)	15 825	17 274	18 761	20 146	22 060*
Average wage – “net” (AWN)	12 380	13 509	14 569	15 644	17 032
MWG/AWG ratio, in %	38.42	37.63	36.78	37.72	36.72
MWN/AWN ratio, in %	41.16	41.67	41.01	42.07	41.18

\* Data from the Statistical Office forecast of June 2008.

### **Safety and health at work**

76. The area of safety and health at work is one of the most important areas of social policy. The Slovak legislation governing this area is in conformity with the directives of the European Union and Conventions of the International Labour Organization. The field of work safety and health in the Slovak Republic is regulated by an extensive body of legal regulations and other work safety and health rules that underwent several amendments.<sup>14</sup>

<sup>14</sup> Labour Code – Act No. 311/2001 Coll. as amended; Act No. 124/2006 Coll. on work safety and health and on amending and supplementing other relevant acts as amended; Act No. 125/2006 Coll. on labour inspection and on amending and supplementing Act No. 82/2005 Coll. on illegal work and illegal employment and on amending and supplementing other relevant acts as amended; Act No. 355/2007 Coll. on the protection, promotion and improvement of public health and on amending and supplementing other relevant acts as amended by Act No. 140/2008 Coll.; Government Regulation No. 272/2004 Coll. establishing the list of work tasks and workplaces that are prohibited for pregnant women, mothers until the ninth month after the delivery and breastfeeding mothers, the list of work tasks and workplaces presenting specific risks for pregnant women, mothers until the end of the ninth month after the delivery and for breastfeeding women, and which lays down certain obligations for the employers of these women; Government Regulation No. 286/2004 Coll. establishing the list of work tasks and workplaces that are prohibited for juvenile workers and setting out certain obligations for employers in connection with employing juveniles; Government Regulation No. 276/2006 Coll. on minimum safety and health requirements for work with display units; Government Regulation No. 281/2006 Coll. on minimum safety and health requirements for manual handling of loads; Government Regulation No. 387/2006 Coll. on the requirements for safety and health signs at work; Government Regulation No. 391/2006 Coll. on minimum safety and health requirements for a workplace; Government Regulation No. 392/2006 Coll. on minimum safety and health requirements for the use of work equipment; Government Regulation No. 393/2006 Coll. on minimum work safety and health requirements for work in explosive environment; Government Regulation No. 395/2006 Coll. on minimum requirements for the provision and use of personal protective equipment at work; Government Regulation No. 396/2006 Coll. on minimum safety and health requirements for construction sites; Regulation of the Ministry of Labour, Social Affairs and Family No. 718/2002 Coll. on ensuring health and safety at work and safety of technical equipment; Regulation of the Ministry of Labour, Social Affairs and Family No. 500/2006 Coll. establishing a specimen record form on work injury reports; Regulation of the Ministry of Labour, Social Affairs and Family No. 356/2007 Coll. laying down the details of the requirement for and scope of educational and training activities, on the education and training project, on the keeping of prescribed documentation and knowledge testing of graduates of education and training.

77. General rules of prevention and basic preconditions for safety and health at work and for the elimination of risks and factors underlying the occurrence of work injuries, occupational diseases and other work-related health damage are laid down in Act No. 124/2006 Coll. on work safety and health and on amending and supplementing other relevant acts as amended.

78. Certain specific requirements concerning the creation of working conditions by employers are laid down in Act No. 355/2007 Coll. on the protection, promotion and improvement of public health and on amending and supplementing other relevant acts as amended (“public health act”), which constitutes an effective instrument for the creation and promotion of healthy living conditions and healthy working conditions.

79. Specific work safety and health requirements for mining activities are laid down in Act No. 51/1988 Coll. on mining, explosives and State mining administration as amended (“mining act”), Government Regulation No. 117/2002 Coll. on minimum health and safety requirements for employees in the mining sector and in the extraction of unlisted minerals, and other legal regulations.<sup>15</sup>

80. Fire protection requirements are laid down in Act No. 314/2001 Coll. on fire protection as amended (“fire protection act”) and its implementing regulations.

81. The implementation of work safety and health legislation and of regulations on the safety of technical equipment on the part of employers and the implementation of labour law regulations, especially those governing the creation, alteration and termination of employment relationships, working conditions of employees, wage regulations and commitments arising from collective agreements, are overseen by labour inspection bodies in accordance with Act No. 125/2006 Coll. on labour inspection (“labour inspection act”) and on amending and supplementing Act No. 82/2005 Coll. on illegal work and illegal employment and on amending and supplementing other relevant acts as amended (“illegal work act”).

82. Eight regional labour inspectorates perform labour inspection at all workplaces of establishments run by employers or by natural persons who are entrepreneurs but not employers, including workplaces located on private property and in dwellings of natural persons, and in all premises where home workers perform agreed work, or where employees perform work according to agreements on work performed on the basis of other than employment relationships. The Ministry of the Interior, the Police Corps, the Fire and Rescue Corps, the Ministry of Defence, the Armed Forces of the Slovak Republic, the Corps of Prison and Court Guard, the Railway Police and the Customs Administration carry out labour inspection through their own inspection bodies.

83. The State oversees the implementation of the public health act and of generally binding regulations on health protection at work through public health bodies – employees of the central public health office and of regional public health offices, and designated employees of the Ministry of Defence, Ministry of the Interior, and the Ministry of Transport, Post and Telecommunications. Public health authorities, especially the Public Health Office of the Slovak Republic and regional public health offices, perform State health supervision with a view to ensuring healthy working conditions, adopt measures, take decisions, issue instructions for correcting the deficiencies, and impose sanctions. In

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<sup>15</sup> Such as Regulation No. 21/1989 Coll. on health and safety at work and safety of operations in mining activities and in activities using mining procedures underground, Regulation No. 29/1989 Coll. on safety and health at work and safety of operations in mining activities and activities using mining procedures on the surface.



performing State health supervision over healthy working conditions, they act in coordination with State administration authorities in charge of labour inspection.

84. According to the mining act, the task of overseeing compliance with the act and with the rules issued on its basis and on the basis of other generally binding regulations governing health and safety at work, safety of technical equipment, fire protection underground and working conditions in organizations carrying out mining activities or activities involving mining procedures, production of explosives and use of explosives for blasting and fireworks is performed by State mining administration bodies – the central mining office and district mining offices.

85. State fire protection supervision is performed by State administration authorities responsible for fire protection – regional and district directorates of the Fire and Rescue Corps. Professional State supervision of work safety and health and of fire protection is performed by supervision units set up within service offices of the Police Corps, the Slovak Intelligence Service, the National Security Authority, the Corps of Prison and Court Guard, and the Railway Police in conformity with Act No. 73/1998 Coll. on civil service of members of the Police Corps, the Slovak Intelligence Service, the Corps of Prison and Court Guard and the Railway Police as amended.

86. According to the findings of inspection and supervision bodies, small and medium-sized employers are relatively more likely to infringe obligations laid down in legal regulations on health and safety at work. Small employers make the necessary improvements only after they have been imposed corrective measures and provided counselling by labour inspectors. The standard of safety and health at work has partly improved in construction, woodworking and metalworking operations in connection with technology modernisation.

87. The figures on the incidence of work injuries show a declining yearlong trend in the number of work-related injuries, including fatal injuries. However, the number of work-related injuries, including fatal injuries, went slightly up in 2006 and 2007 in comparison with the previous period.

Table 3

**Work-related injuries and occupational diseases in 1998–2007**

<i>Year</i>	<i>Average number of employees with sickness insurance</i>	<i>Number of work-related injuries (WRIs)</i>	<i>Number of days of incapacity for work (IWs) due to WRIs</i>	<i>Number of WRIs per 100 employees</i>	<i>Average % of IWs due to WRIs</i>	<i>Number of days of IWs per one WRI</i>	<i>Average daily number of IWs due to WRIs</i>	<i>Number of fatal WRIs (FWRIs)</i>	<i>Incidence of FWRIs per 100,000 employees</i>	<i>Number of occupational diseases</i>
1998	2 199 802	28 105	1 046 177	1.28	0.130	37.22	2 866	138	6.27	740
1999	2 102 060	24 023	942 700	1.14	0.123	39.24	2 583	115	5.47	673
2000	2 057 437	22 116	855 713	1.07	0.114	38.69	2 344	88	4.28	660
2001	2 035 316	20 889	835 945	1.03	0.113	40.02	2 290	100	4.91	577
2002	2 023 454	19 439	800 189	0.96	0.108	41.16	2 192	87	4.30	609
2003	2 011 770	17 349	741 436	0.86	0.101	42.74	2 031	94	4.67	551
2004	2 019 372	13 317	589 281	0.66	0.080	44.25	1 610	79	3.91	613
2005	2 038 874	12 958	622 068	0.64	0.084	48.01	1 700	76	3.73	405
2006	2 037 334	13 826	692 560	0.68	0.093	50.09	1 897	95	4.66	492
2007	2 311 990	14 990	688 468	0.65	0.082	45.93	1 886	97	4.20	556

88. Improvements in the area of work protection including safety and health at work are believed to have taken place as a result of sound social policies, improved performance of inspection, supervisory and counselling activities for employers and employees, and specific programmes and measures aimed at eliminating the risks and factors underlying the incidence of work-related injuries, occupational diseases and other work-related health damage. An important prerequisite for improving work safety and health is the implementation of the Concept of Health and Safety at Work in the Slovak Republic in the period of 2008 to 2012. The related measures are implemented by government institutions and social partners.

### **Gender equality and equal opportunities**

89. The Slovak Republic, as a party to the Convention on the Elimination of All Forms of Discrimination against Women, prepared its second, third and fourth periodic report to the Convention on the Elimination of All Forms of Discrimination against Women. The report contains information on legislative, judicial, administrative and other measures that were introduced with a view to ensuring practical implementation of Convention provisions and on the progress achieved in this area in the period between the presentation of the initial report in June 1998 and the year 2008. The current Slovak government's Manifesto addresses for the first time the issues related to gender equality and equal opportunities.

90. Issues related to gender equality and equal opportunities in the area of labour law relationships and employment are provided for in the Labour Code, the civil service act, the act on the performance of work in public interest, and the employment services act.

91. Basic principles of the Labour Code state that women and men are entitled to equal treatment as regards access to employment, remuneration and promotion, vocational training and working conditions. Working conditions for women are created with due account of their physiological characteristics and of the social function of motherhood, and working conditions of women and men are created so as to enable them to fulfil their responsibilities for the upbringing and care of children.

92. The Labour Code lays down the obligation of employers (para. 13 (1) and (2)) to treat their employees in labour law relationships in compliance with the principle of equal treatment pursuant to the Antidiscrimination Act. The principle of equal treatment prohibits discrimination also on the ground of marital and family status, colour of skin, language, political or other conviction, trade union activity, national or social origin, property, birth or other status.

93. As regards wages and remuneration, the Labour Code provides (para. 119a) that wage terms must be agreed without any gender-based discrimination; this applies to all forms of remuneration for work and remuneration that is or will be due in connection with employment pursuant to other provisions of the Code or other relevant legal provisions.

94. Men and women are entitled to equal wages for equal work or for work of equal value. Equal work or work of equal value means work of equal or comparable complexity, responsibility and difficulty, performed under the same or comparable working conditions, and achievement of the same or comparable performance level and results of work in the employment relationship with the same employer.

95. If the employer applies a job appraisal scheme, this appraisal must be based on the same criteria for men and women without any discrimination based on gender. In appraising the value of work done by women or men, the employer may apply also other objectively measurable criteria that are applicable to all employees irrespective of their gender. This also applies to same-gender employees performing equal work or work of equal value.

96. Average wages of women and their percentages in average wages of men in the 3<sup>rd</sup> quarter of 2007 were:<sup>16</sup>

- In the business sector: SKK 48,744/month, i.e. 80.9 per cent of average wages of men
- In the non-business sector: SKK 27,202/month; this, however, represented as much as 90.1 per cent of average wages of men

#### Selected statistics on employment of women

97. The number of workers with higher education in 2007 was 367.6 thousand, 47.6 per cent of them women (174.8 thousand). Of this number, 5.6 thousand workers had higher education at tertiary level – around 4 thousand of them men and 1.7 thousand women.

98. The employment rate of persons with higher education in the 15–64 age category in 2007 was 83.8 per cent, 78.4 per cent of them women and 89.3 per cent men.

99. According to the Classification of Occupations, out of the total number of 375.4 thousand persons in groups 1 and 2 in 2007, 183.7 thousand were women, i.e. 48.9 per cent of the total number of workers in groups 1 and 2.<sup>17</sup>

Table 4

#### Workers according to the classification of occupations, total, women in occupation groups 1 and 2 (average for the period in thousand persons and in per cent)

Classification of occupations	2006		2007	
	Number	%	Number	%
<b>Workers – Total</b>	<b>2 301.4</b>	<b>100</b>	<b>2 357.3</b>	<b>100</b>
Major group of occupations				
1 Legislators, senior officials and managers	131.8	5.72	128.5	5.45
– Women	36.8	27.92	39.7	30.89
2 Professionals	251.9	10.94	246.9	10.47
– Women	145.4	57.72	144.0	58.32
1 and 2 – Total	383.7	16.67	375.4	15.92
– Women	182.2	47.48	183.7	48.93

100. In conformity with European Parliament and Council Directive 2006/54/EC<sup>18</sup> and ILO Convention No. 100 concerning equal remuneration for men and women workers for work of equal value, the Labour Code provides (para. 119a (3)) that if the employer applies a job appraisal scheme (as a basis for, e.g., the hierarchical ranking of jobs for tariff class purposes depending on their complexity), the appraisal must be based on the same criteria for men and women without any gender-based discrimination.

<sup>16</sup> According to the information system on average wages administered by Trexima, spol. s r.o.

<sup>17</sup> Classification of occupations used in the Slovak Republic corresponds to ISCO-88 – the International Standard Classification of Occupations. Major group 1 covers legislators, senior officials and managers, and major group 2 covers professionals.

<sup>18</sup> Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

101. The right of employee representatives to oversee compliance with labour law legislation, including wage regulations and commitments arising from collective agreements, is laid down in the Labour Code (para. 239). Employee representatives are authorized, inter alia, to request relevant information and documentation from the management, to request employers to issue instructions to correct the deficiencies, to propose that the employer or other body responsible for overseeing compliance with labour law legislation applies adequate sanctions against management members who violated labour law provisions or obligations arising from collective agreements, and to demand information from employers concerning measures taken to correct the deficiencies identified by the controls.

102. Employees who are (feel to be) harmed as a result of the violation of obligations arising from labour law relationships may lodge a complaint with the competent labour inspection body. According to the labour inspection act and the act on illegal work, the body entrusted with the task to oversee compliance, in an objective and independent manner, with Labour Code provisions on equal working conditions for men and women, including equal remuneration of men and women, is the labour inspectorate with territorial competence for the employer's registered office. The Labour Code provides (para. 14) that the disputes between employees and employers concerning the rights arising from labour law relationships are heard and decided by independent courts.

### **Rest**

103. The Labour Code (para. 103) sets out the minimum duration of basic paid leave at four weeks. Workers older than 18 who have completed at least 15 years of employment by the end of the calendar year are entitled to a leave of at least five weeks.

104. The length of employment also includes the following periods or parts thereof counted in from 18 years of age of the worker:

- (a) Uninterrupted care for a child under three years of age;
- (b) Service in the armed forces, armed security corps or the Corps of Prison and Court Guard, performance of civilian service or of civil service;
- (c) Successful completion of study;
- (d) Scientific (artistic) post-graduate studies;
- (e) Doctoral study;
- (f) Membership in a cooperative where the membership also involves an employment relationship;
- (g) Personal care for an almost or totally immobile significant other who has not been placed in a social services institution or a similar health-care facility, personal care for a chronically ill child with serious disability that requires special care if that child has not been placed in an establishment for such children, (h) vocational training provided in accordance with special regulations;
- (i) The period of employee's registration as an unemployed in unemployment records or the period during which the employee received an invalidity pension;
- (j) Remand detention or execution of a custodial sentence if criminal prosecution against the employee was terminated or if the employee was acquitted, including in the subsequent proceedings, custodial sentence served on the basis of a subsequently revoked judgment exceeding the length of a more moderate sentence imposed in the subsequent proceedings;
- (k) Self-employment activity.

105. The length of employment abroad or any other creditable period spent abroad is included in the length of the period used as the basis for fixing the duration of paid leave under the same conditions as if the employee had worked within the territory of the Slovak Republic.

106. The duration of paid leave of teachers including headmasters and their deputies, kindergarten teachers including kindergarten directors and their deputies, teacher assistants, practical training teachers and educators is eight weeks per calendar year.

107. The Labour Code sets out the minimum duration of paid leave; a longer paid leave may be agreed either in collective agreements or in employment contracts and/or fixed by the employer's internal regulatory act.

108. The employee who puts in at least 60 days of work in a calendar year for the employer in the framework of an uninterrupted employment relationship with the employer is entitled to a paid leave pertaining to the entire calendar year or, if his/her employment relationship was shorter than one calendar year, to a pro rata part thereof (paragraph 101 of the Labour Code). The pro rata part of the paid leave for each whole calendar month of an uninterrupted employment relationship is one twelfth of annual paid leave. The employee who is not entitled to the annual paid leave or to a pro rata part thereof because he/she did not put in at least 60 days of work for the same employer in the calendar year is entitled to a paid leave for the days worked calculated as one twelfth of the annual paid leave for every 21 days worked in the respective calendar year (paragraph 105 of the Labour Code).

109. Employees are entitled to a paid leave wage replacement in the amount of their average earnings (paragraph 116 of the Labour Code). Employees are entitled to wage replacement in the amount of their average earnings for the portion of their annual leave exceeding the basic four-week annual leave, if the employee was not able to use it even before the end of the following calendar year. Employees are not entitled to wage replacement for the unused portion of their four-week basic annual leave, except where they were unable to take the leave due to the termination of their employment relationship.

110. Employees who work during the entire calendar year underground in the extraction of minerals or driving tunnels or shafts, and employees performing extremely strenuous work or work hazardous to health are entitled to one week of supplementary paid leave (paragraph 106 of the Labour Code). Employees who perform this type of work only during a part of the calendar year are entitled to one twelfth of supplementary paid leave for each 21 days thus worked.

111. For supplementary leave purposes, employees working in arduous or hazardous conditions or performing extremely strenuous work or work hazardous to health are workers who:

(a) Work on a permanent basis in health-care facilities or sections thereof providing treatment to patients with a contagious form of tuberculosis or acquired immune deficiency syndrome (HIV/AIDS);

(b) Are exposed to direct threat of contagion by working with infectious materials;

(c) Are exposed to significant adverse effects of ionizing radiation;

(d) Spend at least one half of their statutory weekly working time taking direct care of or attending to mentally ill or mentally handicapped persons;

(e) Continuously work for at least one year in a tropical region or in other regions with demanding health conditions;

(f) Perform exceptionally arduous work during which they are exposed to harmful physical or chemical agents to the extent that can have a significant adverse effect on employees' health;

(g) Work with recognized chemical carcinogens or in the processes presenting chemical carcinogenic risks.

112. No work consisting in the sale of goods to final consumers and activities connected therewith may be assigned to or agreed with employees on 1 January, on Easter Sunday, after 12 noon on 24 and on 25 December, except for retail sale at service stations selling fuels and lubricants, retail sale and dispensing of drugs in pharmacies, retail sale at airports, harbours, in public transport facilities and hospitals, and the sale of travel tickets and souvenirs.

113. No categories of workers are excluded from the entitlements applicable to public holidays. Employees working on a public holiday are entitled to their wages plus a wage supplement of at least 50 per cent of their average earnings (paragraph 122 of the Labour Code). They are entitled to a wage supplement also for work performed on a public holiday that falls on the day of the employee's uninterrupted weekly rest period.

114. In those cases where the employer and the employee agreed on a compensatory leave for work performed on public holidays, the employee is entitled to one hour of compensatory leave per each hour worked on a public holiday. The employee is then not entitled to a wage supplement. If the employer does not enable the employee to take a compensatory leave within three calendar months or within an otherwise agreed period following the performance of work on a public holiday, the employee is entitled to a wage supplement. Employees taking a compensatory leave are entitled to a corresponding wage replacement in the amount of their average earnings.

115. The employee who did not work because a public holiday fell on his/her normal working day is entitled to a wage replacement in the amount of his/her average earnings, if the reason for lost wages was a public holiday. In case of employees remunerated in the form of monthly salaries, public holidays falling on their normal working days are considered as working days covered by their salaries. These employees are not entitled to wage replacement for public holidays. Collective agreements may provide that the first sentence of this paragraph also applies to employees remunerated in the form of monthly salaries.

116. Wage replacement for public holidays or wages payable under the previous paragraph, second sentence, is not payable to employees who miss, without giving a justification, the work shift immediately preceding or immediately following a public holiday or the shift or part thereof they were supposed to work to on a public holiday.

117. The employer may agree with a managerial worker that the salary fixed in the employment contract also covers, where appropriate, work on public holidays. In such case, managerial workers are not entitled to wage supplements or to compensatory leave for working on public holidays.

118. According to paragraph 18 of Act No. 553/2003 Coll. on remuneration of certain employees for work in the public interest as amended, employees are entitled to a supplement of 100 per cent hourly rate of their service salary per each hour of work on a public holiday, except where the employer and the employee agreed on a compensatory leave for work on public holidays. Employees are entitled to their service salary that corresponds to the length of the compensatory leave. Employees who did not work because a public holiday fell on their regular working day are entitled to their service salary, and the public holiday is considered to be a day worked.

119. Entitlements of civil servants are regulated in a similar manner: the civil service act (para. 68) stipulates that civil servants are entitled to a compensatory leave for work on a public holiday, which should be taken not later than during the next calendar month. During the compensatory leave, civil servants are entitled to their service salary. If, in exceptional cases, they are not granted a compensatory leave for civil service performed on a public holiday, they are entitled to a supplement for every hour of civil service performed on a public holiday, amounting to the pro rata part of their service salary (para. 88). If a public holiday falls on a day that is normally a working day for the employee taking a leave, that day is not counted as a day of leave (paragraph 112 (3) of the Labour Code).

## **Article 8**

### **Trade union organizations**

#### **The right to establish trade unions**

120. According to Act No. 83/1990 Coll. on association of citizens as amended (“Act on association of citizens”), citizens may create and associate in trade union organizations. State authorities may interfere with their status or their activities only within the limits of the law. No one may be forced to associate, to join an association or participate in its activities. Everyone is free to resign from membership in the association. The fact of forming an association, joining an association, participating in its activities, supporting an association or staying outside of an association must not prejudice one’s civil liberties.

121. Trade union organizations and employer organizations become legal entities as of the day following the day on which the application for entry in the records has been served on the Ministry of the Interior which is the competent authority for such records. The provisions of the act on citizens’ associations apply by analogy to the entry in the records of trade union organizations or employers’ organizations. The application for the entry of a trade union or an employer organization in the records must be filed by at least three persons, at least one of them older than 18 years (“preparatory committee”). The application is signed by members of the preparatory committee who state their names and surnames, their birth identification numbers and addresses of residence. They also state which of the members older than 18 years is authorized to act on their behalf. Two copies of the statutes are attached to the application, specifying:

- (a) The name of the trade union organization or the employers’ organization;
- (b) Its registered office;
- (c) The objective of its activity;
- (d) Bodies of the organization, procedure of their appointment, designation of bodies and officials authorized to act on behalf of the organization;
- (e) Provisions on organizational units insofar as they will be established and act on their own behalf;
- (f) The rights and duties of members.

Unless the statutes otherwise determine, the entity acting on behalf of the organization before the appointment of its bodies is the preparatory committee.

122. Trade union organizations and employers’ organizations may conclude agreements on cooperation with the aim of achieving a specific objective and/or pursuing other common interest. To be valid, the agreement must be concluded in writing. The cooperation agreement specifies the purpose of cooperation, modalities of its implementation, rights and duties of participating organizations and the ways in which they contribute to cooperation.

123. The total number of trade union organizations, trade unions and employers' organizations entered in the records in the Slovak Republic is currently 959, 610 and 69, respectively. The most representative trade union organization is the "Confederation of Trade Unions". The ministry does not have the figure on the membership of trade unions or of trade union confederations because these entities do not have the obligation to inform the Ministry of the Interior of their membership.

124. No decision in administrative procedure is issued on the entry in the records of a trade union organization or an employers' organization. The day of entry in the records is noted in the statutes, one copy of which is sent to the proxy of the preparatory committee. No fee is charged for filing the application for entry in the records by a trade union organization or an employers' organization.

125. The area of tripartite relations is currently regulated by Act No. 103/2007 Coll. on tripartite consultations at the national level and on amending and supplementing other relevant acts ("Tripartite Act"), which served as the basis for the creation in 2007 of the Economic and Social Council of the Slovak Republic – a consultation and negotiation body of representatives of the State, representative associations of employers, and representative associations of trade unions.

126. Civil servants in the Slovak Republic can create and join trade union organizations freely and without restriction. There are no statutory restrictions on the exercise of these rights provided for in the International Covenant on Economic, Social and Cultural Rights.

### **Collective bargaining**

127. According to the Constitution of the Slovak Republic, the civil servants' right to strike is limited. This restriction is laid down in article 51 (1) of the Constitution which provides that the right to strike under article 37 (4) of the Constitution can be exercised only within the limits of the laws implementing these provisions.

128. The civil service act does not recognise the right to strike for civil servants. However, civil servants are covered by the scope of Act No. 2/1991 Coll. on collective bargaining as amended ("collective bargaining act"), which gives civil servants the right to declare a strike in a dispute concerning a collective agreement, subject to the conditions laid down by the act.

129. The Labour Code strengthens the contractual freedom of employers and employees when concluding agreements on working conditions. The Labour Code amendment of 2007 ensures an equal legal status for the parties to labour law relationships. To achieve this objective, provisions whose practical application put either the employer or the employee at a disadvantage in labour law relationships were amended.

130. The amended Labour Code provides for example:

- The concept of dependent work in order to prevent the possibility of excluding from labour law protection the employees whose legal relationships do not meet the particulars set forth for independent entrepreneurial activities in, e.g., the trade licence act, thus removing the legal uncertainty of employees
- The extent of impediments to work in the performance of a public office, training or a strike
- The competences of trade union bodies in case of deficiencies that directly endanger the lives and health of employees
- The scope of competence of trade union bodies and of works councils at the workplace and minimum entitlements for the protection of employee representatives and their activities at the workplace



- The equilibrium between the rights and obligations of employers and those of employees
- Equal treatment
- The strengthening of social dialogue

131. The collective bargaining act was amended in 2007 as well. The amendment lays down more detailed statutory requirements for the plurality of trade union organizations in relation to employers or employers' associations.

132. Plurality of trade union organizations is guaranteed. If several trade union organizations exist within the same employer entity, legal effects of collective bargaining they conduct and of collective agreements they conclude must apply to all employees; they must act jointly and in concert, unless all trade union organizations active within the same employer entity agree on a different procedure. If all trade unions active within the same employer entity fail to agree on a common course of action, or if they do not use a different procedure for reaching agreement on the course of action in collective bargaining, the employer has the right to conclude a collective agreement with the trade union organization that has the largest number of members or with other trade union organizations if their total membership is greater than the membership of the largest trade union organization. This plurality principle is also guaranteed in the conclusion of higher-level collective agreements ("HLCA"). The failure of trade union organizations to reach an agreement on the course of action in collective bargaining (at a company level or a higher level) gives rise to a collective dispute, the object of which is to identify the trade union organization that should be authorized to conclude a collective agreement; the dispute is heard by an arbitrator appointed from the list of arbitrators kept by the Ministry of Labour, Social Affairs and Family. This new procedure, which extends the binding character of HLCAs, creates prerequisites for the creation of more favourable conditions of employment also in employer entities that have no trade unions. This is in line with the relevant conventions of the International Labour Organization.

133. The Ministry of Labour, Social Affairs and Family may, on a motion of one party or both parties to a HLCA, issue a legal regulatory act making the HLCA binding also for other employers with prevailing activities in the sector having a corresponding code of industrial classification of economic activities, who are not members of the employers' organization that concluded the collective agreement.

134. As from 1 April 2007, the collective bargaining act no longer stipulates that the binding character of a HLCA may be extended only subject to the agreement of the employer in respect of whom the extension of the binding character of collective agreement has been proposed.

135. In order to examine the proposals referred to above, the Ministry of Labour, Social Affairs and Family created a tripartite Advisory Commission on Extending the Binding Applicability of Higher-Level Collective Agreements, composed of an equal number of representatives of trade union organizations and of employers' organizations.

136. Moreover, the collective bargaining act sets out more precise time limits and procedures for handling collective disputes through mediation. The act lays down the obligation of mutual cooperation between the parties and the mediator to make collective dispute proceedings more effective and to prevent inaction by one of the parties in mediation proceedings.

## Article 9

### Social security and social insurance

#### Social security

137. Although Slovak legislation does not define the term “social security”, with respect to international institutions this term generally encompasses social insurance, social support and, in its broader sense, also social assistance.

#### Social insurance

138. The adoption of Act No. 461/2003 Coll. on Social Insurance, with effect as of 1 January 2004, brought a significant change in the area of social security. The law transformed the system of ‘social security’ in the Slovak Republic into the system of ‘social insurance system’. Compared to the legislation in force until 31 December 2003, the right to the social insurance benefits is guaranteed under essentially the same conditions, with the exclusion of preferences.

139. The social insurance system’s core function is to protect economically active population in the event of specific social situations (illness, pregnancy, maternity, disability, old age, death of a breadwinner, industrial accident, employer’s insolvency and loss of employment). The system is based on close linkages to the citizens’ economic activity and their income.

140. The social insurance system is comprised of five separate subsystems:

- Sickness insurance
- Pension insurance (old-age and disability insurance)
- Accident insurance
- Guarantee insurance
- Unemployment insurance

141. Mandatory sickness and pension insurance applies to the following persons:

(a) Employees performing work in the territory of the Slovak Republic or outside the territory of the Slovak Republic during a time period set by the employer, unless otherwise provided by an international treaty having precedence over the laws of the Slovak Republic;

(b) Self-employed persons whose income exceeds 12-fold of the minimum assessment base (minimum wage);

(c) In the case of pension insurance, also the so-called State insurees (parents caring for a child of up to six years of age, for a child aged 6 to 18 with chronically ill health, and the persons eligible for nursing benefit on grounds of caring for a severely disabled citizen).

142. Mandatory old-age pension insurance also applies to natural persons receiving accident annuity. Mandatory old-age pension insurance also applies to natural persons receiving accident annuity until they have reached the retirement age or have been granted early retirement pension.

143. Mandatory unemployment insurance only applies to employees. Mandatory accident insurance and guarantee insurance only applies to employers. A natural person may also become insured by becoming a voluntary sickness insurance policy holder, voluntary pension insurance policy holder or a voluntary unemployment insurance policy holder.

### Sickness insurance

144. Sickness insurance gives coverage against the loss or reduction of earnings and provides income in the event of temporary incapacity to work, pregnancy and maternity. Subject to the conditions stipulated in the Act on Social Insurance, the following benefits are provided under sickness insurance: sickness benefit, nursing benefit, equalization benefit, and maternity benefit.

145. In case of an employee's temporary incapacity to work, the law provides that income compensation be paid by the employer during the first ten days of the employee's temporary incapacity to work,<sup>19</sup> whereas the Social Insurance Agency pays sickness benefits as of the 11th day of temporary incapacity to work. An employee is entitled to the sickness benefit if, due to an illness or an injury, he/she is recognized as temporarily incapable of performing gainful activities or placed under quarantine. The employee's sickness benefit is calculated on the basis of calendar days. The daily amount of the employee's sickness benefit represents 55 per cent of the daily assessment base. Self-employed persons and the voluntary sickness insurance policy holders are entitled to sickness benefits as of the first day of their temporary incapacity to work. For these persons, the sickness benefit from the first until the third day of incapacity to work represents 25 per cent, and from the fourth day onward 55 per cent, of the daily assessment base.

146. An insuree who is pregnant or is caring for a born child is entitled to maternity benefit if, in the two years prior to delivery, she had a sickness insurance policy in the duration of at least 270 days. The insuree is entitled to receive maternity benefit as of the commencement of the sixth week prior to the anticipated date of delivery determined by a physician, at the soonest as of the commencement of the eighth week prior to this date and, if the birth occurs earlier, as of the date of delivery. The entitlement to maternity benefit ceases upon the lapse of the 28th week following the date on which the benefit entitlement arose. Where the insuree gave birth simultaneously to two or more children and is caring for at least two of the born children, or if she is single, the entitlement to maternity benefit ceases upon the lapse of the 37th week following the date on which the benefit entitlement arose. The child's father may receive maternity benefit in agreement with the child's mother at the earliest on the lapse of six weeks following the date on which the benefit entitlement arose. The maternity benefit represents 55 per cent of the daily assessment base.

147. Other sickness insurance benefits include the nursing benefit to which an insuree is entitled if he/she is caring for an ill family member. The equalization benefit is provided to pregnant employees who were reassigned to perform another type of work since the original work is prohibited for pregnant women or could, according to medical opinion, jeopardize her pregnancy and if, through no fault of hers, she earns less in the new work assignment than she would have in the original one. An employee is entitled to the equalization benefit if she is reassigned to perform another type of work during maternity until the end of the ninth month after delivery since the original work is prohibited for women until the end of the ninth month after delivery pursuant to a separate regulation or would, according to medical opinion, jeopardize her health or maternity and if, through no fault of hers, she earns less in the new work assignment than she would have in the original one.

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<sup>19</sup> Act No. 462/2003 Coll. on compensation of earnings during an employee's temporary incapacity for work and on amendments to certain acts, as amended.

Table 5  
**Number of sickness insurance benefit recipients and average amounts in 2007**

<i>Benefit</i>	<i>Number of cases in 2007</i>	<i>Comparison with the situation in 2006</i>	<i>Average benefit amount in 2007 (in SKK)</i>	<i>Comparison with the situation in 2006</i>
Sickness benefit	1 048 818	106.02	4 241	107.34
Nursing benefit	125 187	110.04	1 508	111.74
Equalization benefit	851	98.95	879	80.42
Maternity benefit	205 368	101.82	6 800	108.89

### **Pension insurance**

148. Pension insurance is divided into the old-age insurance, which provides income past the retirement age and in case of death, and the disability insurance, which provides income in cases of impaired ability to perform gainful activities due to the insuree's long-term adverse health condition and for the case of death.

149. Old-age pension represents the basic old-age insurance benefit and serves to provide income past the retirement age. Only the insurees who have been in old-age insurance system for at least 15 years and reached the statutory age of retirement become eligible to the old-age pension. The statutory retirement age for both men and women is 62 years. The retirement age will be unified after the lapse of a transitional period (in the legislative time horizons of 2004–2006 for men and 2004–2014 for women).

150. Method of old-age pension calculation:

$$\text{Old-age pension} = \text{APWP} \times \text{R} \times \text{CPV}$$

APWP – Average personal wage point (the ratio of the actual assessment base/gross income/to the general assessment base/average wage in the economy of the Slovak Republic/during the decisive period since 1984)

R – Insurance period (the total insurance duration)

CPV – Current pension value (for 2008 it represented SKK 249.14)

151. The State pays the old-age insurance and disability insurance premiums, as well as contributions to the reserve fund of solidarity, on behalf of the persons adequately caring for children of up to six years of age or for children with a long-term adverse health condition of up to 18 years of age, and on behalf of the persons receiving nursing benefits on grounds caring for a severely disabled citizen. For the purposes of social insurance, through the application of this measure the State has placed adequate care for a child and nursing of a severely disabled person on par with paid work, i.e. the State pays premiums on behalf of the above persons during the period of such care; the persons themselves do not have to pay the pension insurance premiums.

152. Early retirement is also possible; the entitlement to the early retirement pension is subject to two conditions: the insuree has been in the pension insurance system for at least 15 years and the pension amount exceeds 1.2-fold of an adult person's subsistence minimum. Application for early retirement pension is admissible at the earliest two years prior to reaching the retirement age; the early retirement pension amount is reduced by 0.5 per cent for each commenced 30-day period left until the insuree reaches retirement age.

153. The Act on Social Insurance stipulates uniform conditions of entitlement to survivor pensions for both men and women. A widow(er) is entitled to the payment of a widow(er)'s pension during a period of one year from the spouse's death. After the lapse of the one-year period, the widow is entitled to the payment of a widow's pension if she is caring for a

dependent child, has a disability reducing her earning capacity by more than 70 per cent, has raised at least three children, has reached the age of 52 and raised two children, or has reached the retirement age.

154. A dependent child becomes entitled to the orphan's benefit if the deceased parent (adopter) had been recipient of old-age pension, early retirement pension or disability pension or had, as of the day of death, reached the number of years of insurance necessary for entitlement to disability pension, complied with the conditions for entitlement to old-age pension, or died due to an industrial accident or occupational disease. The orphan's pension amounts to 40 per cent of the deceased parent's pension.

155. Disability pension is the basic benefit provided under disability insurance. The Act on Social Insurance defines disability as a long-term adverse health condition reducing the insuree's earning capacity by more than 40 per cent when compared with a healthy natural person. The earning capacity reduction rates are stipulated in an annex to the Act on Social Insurance. The entitlement to disability pension arises when the person's capacity to conduct gainful activity is reduced by more than 40 per cent and the person has attained the required number of years of pension insurance. A natural person is also entitled to disability pension if he/she became disabled at a time when he/she was a dependent child and is a permanent resident of the Slovak Republic. Such a natural person becomes entitled to disability pension no sooner than on the date of reaching the age of 18.

Table 6

**Number of pensions paid and average pension amounts in 2006 and 2007**

<i>Pension type</i>	<i>Number of pensions paid as of:</i>		<i>Average (solo) pension amount in SKK as of:</i>	
	<i>31.12.2006</i>	<i>31.12.2007</i>	<i>31.12.2006</i>	<i>31.12.2007</i>
Old-age	916 296	916 941	8 226	8 885
Early retirement	44 693	48 225	8 970	9398
Disability	182 856	195 139	6 139	6 621
Widow's	302 363	302 807	5 203	5 544
Widower's	13 631	31 109	3 540	3 949
Orphan's	30 237	29 645	2 982	3 242
<b>Total</b>	<b>1 490 076</b>	<b>1 523 866</b>	<b>X</b>	<b>X</b>
Pensions paid abroad	6 543	7 480	X	X

156. The year 2005 brought a structural change in the mandatory pension system – the introduction of an old-age pension saving scheme with certain elements of capitalization (the so-called second pillar of the pension system).<sup>20</sup> The purpose of introducing the old-age pension saving scheme was to diversify the risks of individual pension funding methods, i.e. pay-as-you-go and wholly funded.

157. The old-age pension saving scheme is contribution-based and financed through contributions credited to personal pension accounts. Each individual who decides to enter this scheme can choose one from a number of pension fund management companies which generate and manage three pension funds with different investment strategies. Social Insurance Agency collects the old-age pension saving contributions. The old-age pension

<sup>20</sup> Based on Act No. 43/2004 Coll. on old-age pension savings and on amendments to certain acts as amended, effective as of 1 January 2005.

saving contribution amount represents 9 per cent of the assessment base. As of 31 December 2007 the old-age pension saving scheme comprised 1,562,257 savers.

158. The old-age pension saving scheme will serve to pay old-age pensions and early retirement pensions in the form of programmed withdrawal with a life annuity or in the form of a life annuity, and survivor pensions from the deceased recipients of old-age pensions or early retirement pensions paid from the old-age pension saving scheme.

159. Supplementary pension saving (the so-called third pillar of the pension system) serves to accumulate supplementary pension saving contributions from supplementary pension saving participants and employers, with the aim to enable a supplementary pension saving participant to obtain supplementary pension income in the old age and in the event of discontinuation of work classified under health protection category 3 or 4, as well as other equivalent types of work.<sup>21</sup>

160. Supplementary pension saving is contribution-based, financed through capitalization, maintained by supplementary pension companies pursuant to Act No. 650/2004 Coll. on Supplementary Pension Saving and on amendments to certain acts, as amended, and is subject to a tax benefit as of 1 January 2005. As of 31 December 2007 the supplementary pension saving scheme comprised 791 824 active clients.

### **Accident insurance**

161. Accident insurance represents insurance against the cases of a health damage or death resulting from an industrial accident, accident on duty, or occupational disease. Pursuant to the conditions stipulated in the Act on Social Insurance, the following accident benefits are provided under the accident insurance: accident allowance, accident annuity, one-off settlement, survivor accident annuity, one-off compensation, working rehabilitation and rehabilitation benefit, retraining and retraining benefit, compensation for pain and compensation for impaired employability, compensation for the cost of treatment, compensation of funeral costs.

162. Accident insurance is the employer's insurance to all employers with at least one employee. Apart from the persons working under an employment or service contract, accident insurance also protects those working for the employer on the basis of an agreement, namely:

- An agreement on the performance of work and
- An agreement on temporary work of students

163. Accident annuity and accident allowance represent the most frequently paid and the most costly accident insurance benefits. Entitlement to the accident annuity is conditional upon more than 40 per cent impairment in the person's working ability as a result of industrial accident or occupational disease. In 2007, the average number of accident annuity recipients reached 5,077 per month, with average monthly benefit reaching SKK 7,043. In 2007, the average number of the survivor's accident annuity recipients reached 268 per month, with average monthly benefit reaching SKK 2,773. Accident allowance is a benefit paid to the person who is incapable of working due to industrial accident or occupational

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<sup>21</sup> The procedure to be followed when assigning workplaces to the 3<sup>rd</sup> and 4<sup>th</sup> hazard category is provided in Act No. 355/2007 Z. z. on protection, support and development of public health and on amendments to certain acts as amended, and also in implementing regulations related thereto. Pursuant to this Act, the regional public health bodies identify the workplaces falling under the 3<sup>rd</sup> and 4<sup>th</sup> category once a year. The number of employees working in such workplaces is approximately 110,000.

disease (the allowance is paid in addition to the sickness benefit). In 2007, the average number of the accident allowance recipients reached 2,671 per month, with average monthly allowance reaching SKK 2,933.

#### **Guarantee insurance**

164. Guarantee insurance represents insurance against the employer's insolvency in satisfying the employee's claims and also covers the old-age pension contributions, which the employer did not contribute to the basic fund of old-age pension contributions. Under conditions stipulated in the Act on Social Insurance, guarantee insurance benefit is provided under guarantee insurance. A total of 2,821 benefits were paid in 2007, with average benefit amounting to SKK 24,605.

#### **Unemployment insurance**

165. Unemployment insurance represents an insurance against loss of income from the employee's work due to unemployment and serves to provide income in unemployment. Subject to the conditions stipulated in the Act on Social Insurance, the unemployment benefit is paid from the unemployment insurance scheme during a period of six or four months. In 2007, the average number of recipients reached 22,311 per month, with the average monthly unemployment benefit amounting to SKK 6,713.

#### **Social support**

166. Social security also includes the State social support system comprised of both lump-sum and repeated benefit payments to families with children, with which the State financially contributes towards the expenses incurred by the parents in their care for dependent children. The State social support system consists of the following benefits:

- Child benefit
- Supplementary child benefit
- Parental allowance
- Child birth allowance
- Bonus to child birth allowance
- Allowance for parents who have three or more children born at the same time or twins more than once in two years
- Allowances to support substitute care for a child: one-off allowance upon entrusting into substitute care, one-off allowance upon cessation of substitute care, regular allowance for a child, regular allowance for a substitute parent, special regular allowance for a substitute parent
- Substitute child maintenance

167. By means of these State social benefits the State financially supports families at the birth of one or more children, when raising and maintaining a child, when preparing a child for profession, when parents care for a child in infancy, upon the commencement of and during substitute family care; it also supports single parents in providing for a child's maintenance. In the period from November 2002 until May 2008, several significant legislative changes took place in response to the needs of families in changing societal

conditions. At present, the provision of the State social benefits is governed by several laws and regulations.<sup>22</sup>

168. The most significant changes concerned the provision of child benefits: the testing of income of jointly assessed persons was abandoned and, as of 2004, the benefit is provided for all dependent children, regardless of the parents' income and the child's age, in a flat monthly amount of SKK 540 until the dependent child reaches the age of 25. At the same time, the tax reform<sup>23</sup> introduced the provision of a tax bonus of SKK 400 per month to earning parents who receive child benefits. The said tax bonus amount was gradually adjusted to SKK 555 per month per maintained child, assuming compliance with the eligibility conditions. With effect as of 1 July 2008, the tax bonus increased to SKK 582 per month, using the same coefficient and the taxation-period calendar months as apply to the subsistence minimum. As of 1 January 2008, the most recent legislative amendment of the child benefit introduced the provision of a bonus of SKK 300 per month to the child benefit, where the parents of a dependent child receive pensions, do not perform gainful activities and are, therefore, not eligible for tax bonus.

Table 7

**The child benefit amounts paid from 2002 until 2007 and the average monthly count of children in respect of which the benefit had been paid**

	2002	2003	2004	2005	2006	2007
Amount paid in SKK '000	9 274 324	8 818 446	6 827 891	8 676 073	8 461 580	8 254 143
Average monthly children count	1 103 150	1 365 444	1 040 211	1 312 573	1 284 654	1 252 710

169. At the birth of every child, the State provides the parents with a one-off contribution of SKK 4,560; this amount is increased by one half if multiple children are born. Significant changes occurred with respect to the child birth allowances when, effective from 1 January 2007, a one-off bonus of SKK 11,000 to child birth allowance at the birth of mother's first child was introduced. With effect from 1 February 2008, this bonus has been increased to SKK 20,440. By providing this bonus, the State helps the parents cover the family's increased expenses associated with the birth of a firstborn. In such cases the total State support together with the child birth allowance represents SKK 25,000. By means of a regulation, the Government may adopt annual adjustments to both the amount of the child birth allowance and the newly introduced bonus.

170. Changes were also made with respect to the parental allowance intended for parents personally caring for a child of up to three years of age or up to six years of age in the event of a child with a long-term adverse health condition. In the event of a parent caring for a

<sup>22</sup> Act No. 600/2003 Coll. on child benefit and amendments as amended, Act No. 280/2002 Coll. on parental allowance as amended, Act No. 235/1998 Coll. on the child birth allowance and on allowances for parents who have 3 or more children born at the same time or twins more than once in two years, amending and supplementing certain acts, as amended, Act No. 627/2005 Coll. on allowances to support substitute care for a child, Act No. 201/2008 on substitute child maintenance and on amendments to Act No. 36/2005 on family and on amendments to certain acts, as amended by Finding No. 615/2006 Coll. of the Constitutional Court of the Slovak Republic. At the same time, Act No. 300/1999 Coll. on housing allowance — the housing allowance has become part of the system of assistance in material need, Act No. 236/1998 Coll. on maintenance allowance — as a consequence of building professional armed forces of the Slovak Republic, and Act No. 265/1998 Coll. on foster care and on allowances for foster care, which was replaced with Act No. 627/2005 Coll., were repealed.

<sup>23</sup> Under Act No. 595/2003 Coll. on income tax, effective from 1 January 2004.



child and performing a gainful activity, who entrusts the child into the care of another natural person or legal person during his/her absence, with effect as of 1 July 2005 the State continues to provide full parental allowance amounting to SKK 4,560 per month; as of 1 September 2008 this amount was increased to SKK 4,780 per month. The amount of the parental allowance is adjusted proportionally to the change of the subsistence minimum every year.

171. Parental allowance can be claimed by one of the parents — mother or father — based on mutual agreement. Where a parent had been conducting gainful activity, he/she may claim parental allowance after having ceased to receive the maternity benefit under sickness insurance. However, if the maternity benefit amount paid is less than State social assistance in the form of parental allowance, the parent may request an equalising additional payment to the maternity benefit. A parent who was not eligible for the maternity benefit or who did not conduct any gainful activity — e.g. an unemployed person or a student — may request parental allowance as of the child's birth. As of 1 July 2005 the State provides full parental allowance also to the parent caring for a child and performing a gainful activity, who entrusts the child into the care of another natural person or legal person during his/her absence.

Table 8

**The parental allowance amounts paid from 2002 until 2007 and the average monthly count of recipients to whom parental allowance had been paid**

	2002	2003	2004	2005	2006	2007
Amount paid in SKK '000	4 171 533	5 646 750	5 790 213	6 531 213	7 059 118	7 370 374
Average monthly recipient count	128 873	124 956	126 408	131 297	134 786	135 083

172. In connection with the adoption of new Act No. 36/2005 Coll. on Family and on amendments to certain acts ("Act on Family") new legislation was drawn up,<sup>24</sup> taking effect as of 1 January 2006. The State uses a system of one-off and recurring allowances (one-off allowance upon entrusting into substitute care, one-off allowance upon cessation of substitute care, recurring allowance for a child, recurring allowance for a substitute parent, special recurring allowance for a substitute parent) to financially support substitute care for a child provided personally by a natural person other than parent based on a court decision. The amounts of the one-off and recurring allowances are adjusted every year by the percentage of subsistence minimum increase.

Table 9

**State financial support amounts in SKK '000 for 2006 and 2007, which had been provided to support substitute care for a child**

	2006	2007
Recurring allowance for a child	179 939	225 324
Recurring allowance for a substitute parent	51 768	66 070
Foster parent allowance	21 733	17 509
Special recurring allowance for a substitute parent	1 447	1 917
One-off allowance upon entrusting into substitute care	11 205	8 302

<sup>24</sup> Act No. 627/2005 Coll. on allowances to support substitute care for a child as amended.

	2006	2007
One-off allowance upon cessation of substitute care	11 526	9 407

173. Single parents with dependent children are more vulnerable to the risk of poverty than complete families. This was one of the reasons to introduce substitute child maintenance<sup>25</sup> – funds provided by the State to secure a child’s maintenance in the event that the child’s parent or another responsible person fails to fulfil his/her maintenance obligation established by court.

Table 10

**Number of children and sum of substitute child maintenance paid from 2005 until 2007**

	2005	2006	2007
Funds in SKK ‘000	38 620	71 042	91 037
Average monthly recipient count	1 602	3 362	4 051

174. The new law in force as of 1 July 2008 expanded the group of eligible persons to also include orphans, whose orphan’s benefit is lower than the minimum maintenance amount stipulated by the Act on Family, and orphans not eligible for orphan’s benefit. Substitute child maintenance thus also addresses the situation of those children, towards which the responsible person can no longer fulfil his/her maintenance obligation and which fall outside the scope of the social insurance system. The provision of substitute child maintenance can be seen as a significant feature preventing cases of children in material need.

**Social assistance**

175. Social assistance represents a part of the social security system and addresses the instances of citizens in material need. The material need assistance eligibility criteria as well as the competences of State administration and local authorities are stipulated in Act No. 599/2003 Coll. on Assistance in Material Need and on the amendment of certain acts (“Act on Assistance in Material Need”).

176. The social assistance system supports citizens in material need, in accordance with the Act on Assistance in Material Need, by providing the social assistance benefit and the allowance to the social assistance benefit.

177. The Act on Assistance in Material Need provides for basic living conditions for citizens and natural persons assessed jointly with the citizens in material need; financially, they are represented by six tiers of the basic benefit, depending on the family structure. The social assistance benefit can be supplemented by four types of allowance (health-care allowance, housing allowance, activation allowance and protection allowance). The allowance eligibility criteria are stipulated by law. A one-off social assistance benefit can be provided to cover extraordinary expenses of citizens in material need. Since the addressing of material need is guaranteed under the Constitution, assistance in material need is subject to administrative proceedings subject to judicial review.

178. The tools addressing material need include the social assistance benefit and allowances to the social assistance benefit, which are provided regularly to the persons with

<sup>25</sup> Under Act No. 452/2004 Coll. on substitute child maintenance, effective from 1 January 2005.

no income or with income below the subsistence minimum stipulated in Act No. 601/2003 Coll. on the Subsistence Minimum (“Act on Subsistence Minimum”).

### **Social security of members of the State Security Corps, Rescue Corps and Armed Forces**

179. As of 1 July 2002, social security of members of the State security corps, members of the Fire and Rescue Corps, members of the Mountain Rescue Service, members of the armed forces, as well as widows (widowers) and dependent children of deceased members of the above, is governed by a separate regulation<sup>26</sup> and represents an independent social security system maintained by the respective ministries and State organizations controlling these corps and armed forces.

180. The system is based on social insurance with a State guarantee. The State guarantees the necessary level of the benefits paid and the associated services provided. The existence of such a separate social security system is due to the need to compensate for the adverse social consequences of their service in the security corps, rescue corps and in the armed forces and for the risks associated therewith, and to provide an incentive to serve in the State’s interest. Social security of members of the State security corps, rescue corps and armed forces includes the following:

- Sickness security
- Accident security
- Years-of-service security
- Provision of services

181. With respect to health insurance, members of the security corps, rescue corps and the armed forces, like other citizens, fall within the general compulsory health insurance system. Beyond the scope of health care under this system they are also provided specific health care necessary in view of their service in the said corps and forces, which is financed by the State. This conceptual solution has fully proven itself in the past years.

### **Members of the Fire and Rescue Corps**

182. From 1 April 2002 until 1 January 2008, members of the Fire and Rescue Corps (“corps members”) had been classified under the general health and social security system and had been subject to the same generally applicable regulations that applied to other citizens. The provided medical care, benefits in illness, maternity and parenting, the system of pension security, social support and assistance was essentially the same as with regular citizens, apart from several social provisions laid down in Act No. 315/2001 Coll. on the Fire and Rescue Corps (“Corps Act”).

183. The corps members’ social security and sickness security was governed by the provisions of the Corps Act (paragraphs 163 through 173). In order to safeguard the legitimate interests and needs of the corps members, to improve the conditions of service as well as health, social and cultural conditions, a collective agreement was concluded with the fire brigades union and collective agreements were also being concluded on the level of civil service offices.

184. The performance of tasks in the area of social security of corps members and employees of the Fire and Rescue Corps is subject to annual assessment focusing mainly on

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<sup>26</sup> Under Act No. 328/2002 Coll. on social security for policemen and soldiers and on amendments to certain acts.

the provision of health care to corps members, provision of psychological care, catering of corps members and corps employees, reconditioning stays for corps members and the payment of supplementary sickness benefits, supplementary benefits for nursing a family member, supplementary equalization benefits and supplementary pension for State service.

185. Corps members annually participated in periodic preventive medical checks.<sup>27</sup> Their aim was to review the corps members' health and, in the event of deterioration, to recommend a change of medical classification or termination of service based on enquiry proceedings. Corps members were also subject to mandatory vaccination.

186. As of 1 January 2003, civil protection army rescue units were transformed into the corps's organizational structures, whereby the corps acquired three health centres attached to Rescue Brigades in Malacky, Žilina and Humenné and serving the entire corps. These centres deliver and coordinate comprehensive treatment and prevention, organise preventive medical activities and take part in the performance of the corps's regional tasks. They organize and deliver treatment and preventive care for corps members, examine and treat corps members and, where possible, also their family members and former employees as well as pensioners. They provide timely medical assistance in the event of mass deployment of corps members, deployment in dangerous rescue work, dangerous training, various mass competitions and other events, upon request by civil service offices. The centres monitor and assess the overall health in the corps as well as illness and accident rates, prepare analyses of incapacity to serve due to illnesses and accidents and submit the results along with proposed measures to the corps president. They monitor the occurrence of communicable diseases, serious injuries and occupational diseases and propose adequate preventive measures. As of 1 January 2008 corps members also receive specific health-care services (paragraphs 102b and 102c of the Corps Act).

187. Corps psychologists assessed the psychological fitness of job applicants in the corps, and also conducted other activities associated with psychological care for corps members. Corps members received post-traumatic intervention care. Expert psychological preparation took place in the scope of elementary training as well as specialized expert trainings, as well as psychological consultancy to corps members. Corps members conducting specialized activities within the corps were examined by the corps's clinical psychologist.

188. Also the expenses associated with service contract establishment and with a transfer for the conduct of activities outside the place of State service are reimbursed. This provision was only applied sporadically (paragraph 58 of the Corps Act).

189. The equalization benefit was introduced to the Corps Act with effect as of 1 April 2002. According to the original Corps Act wording (para. 133) a corps member who has worked at least 20 years in the corps and has reached the age of 50, whose service contract was terminated on grounds of a decision by a medical committee declaring him/her incapable, due to his/her health condition, in the long term to perform the current job or any job in the corps that would not be detrimental to his/her health, and who did not yet become eligible for pension from the social security system is awarded an equalization benefit until reaching the old-age pension eligibility age. The corps member becomes eligible for the equalization benefit as of the date of permanent State service termination up to the amount reaching, when combined with income from other gainful activities, the last month's

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<sup>27</sup> In line with the performance of tasks under Act No. 315/2001 Coll. on Fire and Rescue Corps, Regulation No. 14/2003 of the Minister of the Interior of the Slovak Republic on health care and medical opinions in Fire and Rescue Corps, as amended by Regulation No. 14/2004 of the Minister of the Interior of the Slovak Republic and Instruction No. 63/2003 of the President concerning the procedure to be followed in performing a regular medical examination of the Rescue and Fire Corps members.

service pay. The equalization benefit was paid by the civil service office without the need for a request by the corps member.

190. The amendment of the Corps Act with effect as of 1 January 2005 repealed one of the conditions of eligibility for the equalization benefit – namely reaching the age of 50. Approximately 142 former corps members receive the equalization benefit. In 2007 the monthly sum of equalization benefits paid represented SKK 3 496 119, averaging SKK 24 620 per member.

191. A survivor is entitled to a death benefit equal to the discharge benefit to which the member would have been entitled at the time of his/her death or declaration of death; every survivor dependent child is eligible for a death benefit amounting to the member's one month's pay (paragraph 133 of the Corps Act).

192. Corps members are obliged to undergo a reconditioning stay in a duration of 14 consecutive days, assuming compliance with statutory conditions (paragraph 161 (2) (a) and (b) of the Corps Act). With effect as of 1 May 2004<sup>28</sup> the scope of corps members to whom the reconditioning stay had been provided was expanded. Previously, they had to be examined and assigned by a medical committee; as of the effective date of the Corps Act, the reconditioning stay is provided without a medical committee's decision.

193. If, due to an illness or an accident, a corps member is recognized as temporarily incapable of State service and became eligible for income compensation or for a sickness benefit, he/she is entitled to a supplementary sickness benefit or a supplementary nursing benefit in an amount serving to match the member's pay. The supplementary benefit can be paid for a maximum total of 30 days per calendar year (paragraph 163 of the Corps Act).

194. Former corps members or survivors of deceased corps members complying with the statutory eligibility criteria receive a supplementary pension for State service (paragraph 165 of the Corps Act). Within the members' pension security scheme, supplementary pension for State service is being provided to approximately 153 recipients. In 2007 the disbursed amount represented SKK 7,787,115, averaging SKK 4,241 per recipient.

195. Of the 4 102 jobs in the corps, 279 are staffed by female corps members, representing 6.80 per cent of the planned number of jobs in the corps. When compared with the situation as of 31 March 2007, the proportion of women in the corps has increased slightly – from 6.52 per cent to 6.80 per cent. As regards specific activities within the corps, women are mostly assigned to fire prevention units, personnel offices and civil service offices and perform activities associated with economic and material resources of the corps.

196. The Corps Act stipulates separate State service conditions for female members of the Fire and Rescue Corps. If a pregnant member or a member after the end of her maternity leave and parental leave until the ninth month following delivery performs State service, the performance of which by pregnant members is prohibited under a separate regulation or would jeopardize her pregnancy or maternity, the civil service office is obliged to temporarily adjust the service conditions to prevent jeopardy. Where this is not possible, the civil service office is obliged to reassign her to a different position, which is suitable (paragraph 102 of the Corps Act). If the civil service office cannot reassign the member to a different position, it shall place her on maternity leave and, after the end of maternity leave until the end of the ninth month following delivery, outside active State service. In both cases the member is entitled to the same level of pay as she was receiving prior to the above changes.

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<sup>28</sup> Pursuant to Act No. 180/2004 Coll. amending Act No. 315/2001 Coll.

197. If the member is entitled to receive maternity benefit pursuant to a separate regulation, such member is entitled to supplementary maternity benefit amounting to the difference between the service salary (less the advance payment for employee income and benefit tax and the premium for health insurance, sickness insurance, old-age insurance, disability insurance and unemployment insurance) and the provided maternity benefit (paragraph 164 of the Corps Act).

198. The social aspects may also include the provision of supplementary benefits for catering, jubilees in work and personal life, recreation, cultural and social events, civil defence and sports events, transport allowance, meetings with pensioners, social assistance, etc.

199. Based on the Manifesto of the Slovak Government of August 2006,<sup>29</sup> a draft act amending Act No. 328/2002 Coll. on social security for policemen and soldiers and on amendments to certain acts as amended (“Act on social security for soldiers”) was prepared to include the members of the Police Corps, Railway Police, Corps of Prison Court Guard, Slovak Intelligence Service, National Security Authority, customs officers and members of the Fire and Rescue Corps in a separate social security system. In terms of the character and the course of duty, the service of fire fighters is analogous to that of armed forces or police corps members, with identical or very similar social impacts on fire fighters and members of their families.

200. According to an amended Act on social security for soldiers which entered into force as of 1 January 2008, the members of the Fire and Rescue Corps were included in the separate social security system of the Police Corps, Railway Police, Corps of Prison and Court Guard, Slovak Intelligence Service, National Security Authority, customs officers and members of Armed Forces, whereby all social security aspects covered by this legislation now apply to Fire and Rescue Corps members as well. At the same time, the previously existing provisions on social security were deleted from the Corps Act.

201. In our opinion, this Act has been in force for such a short time that any evaluation would not be objective. To achieve the desired output, it will probably be easier to evaluate the application of the individual specific social security provisions under the Act on social security for soldiers as amended by regulations applicable to other forces.

## **Article 10**

### **Protection of and assistance to families, mothers and children**

#### **Protection of children**

202. Detailed information on the protection of the rights of the child is provided in the second periodic report of the Slovak Republic concerning the implementation of the United Nations Convention on the Rights of the Child for the period 2001–2005. The second periodic report of the Slovak Republic was submitted in accordance with article 44 of the Convention on the Rights of the Child and was discussed on 22 May 2007 during the 45th session of the Committee on the Rights of the Child held in Geneva.

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<sup>29</sup> Which reads: “The Government of the Slovak Republic is aware of the fact that to protect the lives, health and property of the people, it is necessary to prepare the ground for an essential improvement of the social security and salaries of the Fire and Rescue Corps members to ensure that they are on a par with other security forces of the state.”

203. On 1 September 2005, new legislation for the social and legal protection of children and social guardianship<sup>30</sup> entered into force. It was aimed at establishing (through legal regulation of relations) a legal basis for thorough protection of the rights and interests of minors, efficient, intensive and systemic assistance and support to children and families, for arranging an equivalent and substitute environment for children not brought up in their natural families, for effective prevention and removal of the causes of disorders among individuals, groups of individuals or larger social units as regards their mental, physical or social development, and for stopping such disorders from spreading, recurring or developing into more severe cases. At the same time, the objective was to ensure that the international treaties and documents on the rights of the child, which are binding on the Slovak Republic, are incorporated in the national legislation.

204. In comparison with the previous legislation, major changes in the Act on the social and legal protection of children and social guardianship include, for the most part, new provisions concerning the obligation to offer psychological help to a child whose parents are getting divorced, extended possibilities of helping children, families and adults at risk, more detailed provisions concerning disciplinary measures and their application, new regulation concerning the institute of social guardianship, new foster care and guardianship provisions, repatriation and assistance to unaccompanied minors, enforcement of the purpose of court decision in the facilities for social and legal protection of children and social guardianship, newly drafted measures for social and legal protection of children and social guardianship to ensure substitute family environment, including new domestic rules governing international adoptions of children. The Act on the social and legal protection of children and social guardianship commits the authority for social and legal protection of children and social guardianship to prepare plans of social work with the child and his/her family in cases where (i) institutional care was ordered for a minor, (ii) a disciplinary measure was imposed, (iii) social guardianship of a child or an adult is in place.

205. A special attribute of the legislation concerning social and legal protection of children and social prevention is that it is predetermined by the legislation concerning family law, civil law and criminal law. The relation between the Act on Family and the legislation on social and legal protection of children and social prevention is particularly important. The Act on Family lays down conditions which, through their very existence, provide the grounds for the adoption and implementation of any of the measures concerning social and legal protection of children and social prevention.

206. Amendments were also made to the Act on allowances to support substitute care for a child effective from 1 January 2006 which, unlike the previous legislation, enlarged the group of eligible children with dependent children placed in substitute care. The objective of the applicable legislation was to ensure that all children, whose parents do not, or are unable to care for them, are treated on equal footing. Another objective was to simplify the decision-making process for those persons (especially relatives and significant others) who seek to apply for substitute care of a child without having to meet strict requirements of foster care.

### **State Family Policy**

207. As a follow-up to the reforms and vast changes in society, the State Family Policy was updated<sup>31</sup> in 2004 with a particular focus on the employment policy, education, housing and legal protection of family members. Since 2004, the basic priorities in the implementation of the family policy also include improved access to education, availability

<sup>30</sup> Act No. 305/2005 Coll. on social and legal protection and social guardianship.

<sup>31</sup> Under Government Resolution No. 1091/2004 of 16 November 2004.

of housing, reconciliation of work and family life, legal protection of the family and assistance in crisis situations, in addition to the fundamental strategic goals.

208. The fundamental strategic goals and the basic principles of the State Family Policy, which are predominantly applied in the areas of the legal protection of family and its members, social and economic conditions of families, education of children and youth, preparation for marriage and parenthood and health protection of family members, are contained in the State Family Policy<sup>32</sup> as the fundamental document for this sector. Since the beginning of 2008, the conditions and premises for the preparation of a new State Family Policy, which should be, *inter alia*, based on a qualified survey on the needs and expectations of families, are being gradually drawn up.

### **Special protection of mothers**

209. The legislation enshrines gender equality in terms of employment. The special position of women is established only with respect to the need to ensure their protection due to their physiological characteristics and duties of motherhood. Women may not be assigned work tasks which are physically inappropriate for them and which cause damage to their health, in particular work tasks that pose a threat to their role as mothers. The lists of work tasks and workplaces that are prohibited for pregnant women, mothers until the ninth month after the delivery and for breastfeeding mothers are laid down in Government Regulation No. 272/2004 Coll.

210. Furthermore, pregnant women, mothers until the ninth month after the delivery and breastfeeding mothers may not be assigned work tasks that, according to medical opinion, pose a threat to their pregnancy for reasons arising from their health condition (paragraph 161 of the Labour Code). In terms of protection with respect to the care for a child, the legal status of male employees caring for a child is equal to that of female employees.

211. The Labour Code enshrines the protection of a pregnant woman, woman or man caring for a child prior to the termination of employment. An employer may not give a notice to an employee within a protected period, *i.e.* within the period of employee's pregnancy, or when an employee is on maternity leave or a female or a male employee is on parental leave, or when a female or male employee cares for a child of up to three years of age as a single parent (paragraph 64 (1) (c) of the Labour Code). Employment may be terminated only in special cases, *i.e.* if the employer or part of employer's organization is wound-up or relocated, or – as far as pregnant employee, female and male employee on a parental leave or female or male employee caring (as a single parent) for a child of up to three years of age are concerned, in cases justifying the employer to immediately terminate the employment relationship (paragraph 63 (1) (a) of the Labour Code).

212. When designating employees to work shifts, an employer shall be obliged to take into account the needs of pregnant women, and women and men caring for children (paragraph 164 of the Labour Code). If a pregnant woman, men and women continuously caring for a child younger than 15 years of age requests a reduction in working time or other arrangement to the fixed weekly working time, the employer shall be obliged to accommodate such request if it is not prevented by substantive operational reasons. A pregnant woman, a woman or man continuously caring for a child of up to three years of age, or a single man or woman continuously caring for a child younger than 15 years of age, may work overtime only with their consent. Stand-by duty may only be assigned following an agreement with such persons.

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<sup>32</sup> Approved by means of Government Resolution No. 389 of 4 June 1996 and updated for 2004–2006 by Government Resolution No. 1091 of 16 November 2004.



213. The Act on Civil Service protects pregnant civil service employees and mothers. If a pregnant civil servant employee performs a civil service that is forbidden or harmful to pregnant women as indicated by a medical opinion, the civil service office is obliged to make temporary adjustments to civil service duties in order to prevent such threat (paragraph 76 of the Civil Service Act). Where this is not possible, the civil service office is obliged to transfer her to civil service that is suitable for her. Following such transfer, the civil servant is entitled to receive the service salary attributable to the civil service performed which, however, may not be less than the service salary she received prior to such transfer. This applies equally to a civil servant after the end of her maternity leave (nine months after delivery of a child). The provisions of the Labour Code apply to the protection of pregnant civil servants and mothers accordingly.

214. In connection with caring for a newborn child, man is also entitled to parental leave to the same extent, if caring for a newborn child. During maternity leave (parental leave pursuant to paragraph 166 (1) of the Labour Code), a female employee (male employee) is not entitled to wage or wage replacement, but to sickness benefit/maternity benefit.

215. In order to improve the care for a child, an employer is obliged to provide the female/male employee with parental leave until three years of the child's age at their request. If the child's long-term health condition is serious and requiring exceptional care, the employer is obliged to provide the female/male employee with parental leave until six years of the child's age at their request. Such leave shall be provided to the extent requested by the parent, typically for a period of one month at least.

216. If an employee returns to work following the end of his/her maternity leave or parental leave, the employer shall be obliged to assign such employee to his/her original work position and workplace. If this is not possible because such work position no longer exists or the workplace was cancelled, the employer must assign such employee to other work tasks that are in line with the employment contract.

#### **Employment of children and adolescents**

217. The employment of natural persons under 15 years of age, or of natural persons over 15 years of age before they complete their compulsory school attendance, is prohibited. Such natural persons may perform only light work which, by its nature and scope, does not pose a risk to their health, safety, further development and school attendance, and only as part of the following activities:

- Taking part in a cultural performance and artistic performance
- Sports events
- Advertising activities

218. Light work must be approved, at the employer's request, by the respective labour inspectorate following an agreement with the competent public health body. The approval must specify the number of hours and conditions under which the light work may be performed. The competent labour inspectorate will revoke the approval if the conditions are not observed.

219. The employer shall be obliged to keep records of adolescent employees that the employer employs. The records shall also include the dates of birth of adolescent employees.

220. The employer shall be obliged to create favourable conditions for the overall development of the physical and mental aptitudes of adolescent employees, including by means of making specific arrangements to their working conditions. Upon resolving

significant matters concerning adolescents, employers closely cooperate with the legal guardians of the adolescents.

221. The employer may only conclude an employment contract with an adolescent upon medical examination of the adolescent (paragraph 41 of the Labour Code). An employer is obliged to ensure that an adolescent employee is examined by a physician before assignment to other work tasks and that such examination is taken, if necessary, at regular intervals of no less than once a year, unless stipulated otherwise in a separate regulation. An adolescent employee is obliged to undergo the specified medical examinations. When assigning work tasks to an adolescent employee, the employer is also required to take due account of medical opinions (paragraph 176 of the Labour Code).

222. Information on the notice given to adolescent employees and on notice to an adolescent employee regarding immediate termination of his/her employment on the part of the employer must also be submitted to his/her legal guardian. If the employment is terminated by notice given by an adolescent employee, by immediate termination of the employment, during the probation period or if the working relationship is to be terminated by agreement, the employer is obliged to request the opinion of the legal guardian (paragraph 172 of the Labour Code).

223. The employer may only assign adolescent employees to work tasks that are appropriate to their physical and mental development and do not pose a threat to their morality, and is required to provide them with increased care at work. The same applies to schools or citizens' associations pursuant to a special regulation if, within the scope of their participation in the education of young people, they organise work of adolescents (paragraph 173 of the Labour Code).

224. An employer may not assign adolescent employees to overtime work duties or night work; stand-by duty may not be ordered to, or agreed with them. Exceptionally, adolescent employees above 16 years of age may perform night work during a period of not more than one hour, if it is necessary for their vocational training. Night work performed by an adolescent employee must be directly linked to his/her work during the day according to the timetable of work shifts.

225. An employer may not use such a method of remuneration for work that would put, despite increased work performance, the safety and health of adolescent employees at risk.

226. If an employer is not allowed to assign an adolescent employee to work for which he/she received a vocational education because its performance is prohibited for the adolescent employee or because, according to the medical opinion, such work poses a threat to his/her health, the employer is obliged, for the period until the adolescent employee is able to perform such work, to provide him/her with other appropriate work that corresponds, where possible, to his/her qualification (paragraph 174 of the Labour Code).

227. An adolescent employee may not be assigned to work underground in the extraction of minerals or drilling of tunnels and passages. An adolescent employee may not be assigned to work which, taking into account the anatomic, physiological and mental characteristics specific for this age, is inappropriate, dangerous or harmful for his/her health. The lists of work tasks and workplaces that are prohibited for adolescent employees are provided in Government Regulation No. 286/2004 Coll. An employer may not assign adolescent employees to work duties during the performance of which they are exposed to an increased risk of accident or may seriously endanger the safety and health of fellow employees or other persons (paragraph 175 of the Labour Code).

228. The Criminal Code<sup>33</sup> specifies a criminal offence of endangering moral education of young persons. Imprisonment sentence of up to two years is imposed on an offender who employs, in contrast with generally applicable laws and regulations (Labour Code), a child under 15 years of age, while preventing the child to comply with compulsory school attendance. For this criminal offence, the intent and the fact that the child was actually prevented from attending school, i.e. through violence, threats, persuasion, etc., must be demonstrated. According to the comments to the Criminal Code, this criminal offence was defined in line with the public interest to ensure healthy physical and mental development of children under fifteen years of age.

## **Article 11**

### **Right to an adequate standard of living**

#### **Household income**

229. Poverty is a multidimensional phenomenon. The poverty monitoring and evaluation in Slovakia is conducted in line with an “open coordination” method developed at the European Union level in order to provide guidance for Member States’ policies aimed at combating poverty and social exclusion, as well as for their policies in the field of social protection with the aim of meeting one of the goals under the Lisbon strategy – to considerably reduce poverty by 2010.

230. The poverty and social exclusion levels are measured using the EU SILC<sup>34</sup> instrument. It represents a harmonised source of information on income differences, level and structure of poverty, and social exclusion. The Statistical Office of the Slovak Republic collects the necessary information based on which it develops a user database that serves for the computation of common poverty indicators within the EU and for research activities on various aspects of poverty. First of all income poverty is monitored, however data on material deprivation and social exclusion in connection with education, health, working conditions, social participation, etc. are also collected.

231. Since 2001, the subsistence minimum has no longer any bearing on the provision of assistance in material need, i.e. on guarantying the minimum income. However, the subsistence minimum still represents an amount officially recognized as the lowest possible income sufficient to ensure basic necessities of households. Such a minimum income level should be sufficient for a joint economic unit to satisfy its basic necessities of life.

232. Under the Act on Subsistence Minimum, the subsistence minimum is valorised annually, always by 1 July of a calendar year, based on the index of net per-capita income growth, or the costs-of-living growth index for low-income households. Both figures are collected by the Statistical Office of the Slovak Republic. The Act on Subsistence Minimum as such does not establish any entitlement to any social benefits; it only specifies criteria for the determination of eligible beneficiaries and for the calculation of certain allowances or reductions in certain payments.

233. The subsistence minimum structure was revised in 2007. It turned out that, in order to tie the subsistence minimum to the basic necessities of households or to the minimum acceptable living costs of households, it would be necessary to improve statistics on the expenses of low-income households and develop a concept of the subsistence minimum that would reflect a multitude of approaches to its determination. The review outcomes also

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<sup>33</sup> Act No. 300/2005 Coll. as amended.

<sup>34</sup> The European Union Statistics on Income and Living Conditions.

included a proposal to increase the amounts of the subsistence minimum, since due to the impacts of the existing valorisation mechanism the subsistence minimum had lost its real value over the period from 1998 to 2008. Other proposals concern modifications in the valorisation mechanism and changes in equivalent units for the calculation of subsistence minimum amounts for other jointly assessed household members.

234. Pursuant to the EU SILC 2007 results, 10.5 per cent of the total Slovak population were at risk of poverty in 2006, down by 2.8 percentage points compared to 2004, and down by 1.1 of a percentage point compared to 2005. Even though the poverty line has increased, the decline in the poverty risk rate compared to the previous period is clearly evident.

235. The at-risk-of-poverty rate shows the proportion of people with income below the poverty line, however it says nothing about how poor such people are, i.e. it does not show the depth or intensity of poverty. The at-risk-of-poverty rate is a percentage of persons with equivalised disposable income below a poverty line which represents 60 per cent of median national equivalised income. Simply speaking, it is a percentage of people in a country who live in households with such low income that they are very likely to be poor.

236. Population groups most vulnerable to poverty include the unemployed (45.1 per cent), old-age pensioners (8 per cent), children aged 0–15 (15.6 per cent), single-parent families with at least one dependent child (26 per cent), and single-parent families with three and more dependent children (26 per cent). The figures in brackets show the percentage of persons below the poverty line based on the EU SILC data.

Table 11

**The percentage of people below the poverty line for the 2005–07 period**

<i>Gender</i>	<i>Below poverty line (%) – EU SILC</i>		
	2005	2006	2007
<b>Total</b>	<b>13.3</b>	<b>11.6</b>	<b>10.5</b>
Men	13.2	11.7	9.8
Women	13.5	11.5	11.2

**Housing**

237. Pursuant to the results of the latest population census,<sup>35</sup> there were 1,884,846 flats in Slovakia in 2001, of which 1,665,536 were permanently occupied. Of the permanently occupied flats, 845,494 were located in residential buildings and 820,042 in family houses.

238. The number of all flats per 1000 population stood at 350.4 in 2001, while the number of permanently occupied flats was 309.6 per 1000 population. As far as the housing pool structure broken down by the legal title to use flat is concerned, 135,225 of all permanently occupied flats were rented in 2001, while 248,531 were so-called cooperative flats.

239. Based on a statistical survey conducted in the sector in 2008, the number of municipal rental flats stood at 47,000 as at 31 December 2007, while housing cooperatives owned some 81,000 flats.

<sup>35</sup> The latest census was conducted in Slovakia in 2001 pursuant to Act No. 165/1998 Coll. on the Census of the Population, Houses and Flats.

240. The Ministry of Construction and Regional Development in the capacity of a central government authority competent for the preparation and implementation of national housing policy encourages housing development mainly through credit and grant facilities. Within its powers, the Ministry creates conditions for the improvement in social housing availability, i.e. rental housing.

241. The Slovak Government addresses housing problems of socially vulnerable population groups on a regular basis. “The Long-term Housing Development Concept for Marginalized Population Groups and the Model of its Financing”<sup>36</sup> focuses on seeking solutions to housing problems of communities facing social exclusion, and represents a specific add-on to the State housing policy.

242. As a follow up to the “Long-term Housing Development Concept for Marginalized Population Groups and the Model of its Financing”, the Ministry of Construction and Regional Development had commissioned the preparation of methodology guidelines entitled “Design Procedures and Model Projects for the Construction of Rental Flats of a Different Standard”. The publication serves as a methodology document for local authorities, explaining the procedures, principles and rules for procuring and financing project documentation and for the construction of rental flats of a different standard. The publication also includes nine model designs, which take into account the specificities of housing of marginalized population groups and meet the requirements for the granting of subsidies for rental flats of a different standard.

243. In conformity with the objectives of the State housing policy concept, the State has gradually developed a system of economic support tools for housing development, differentiated according to the social situation of applicants for housing. Improvement in housing availability for groups vulnerable to social exclusion, marginalized Roma communities in particular, is sought through more intensive support for rental housing development by means of higher financial subsidies. Under the Housing Development Programme, the Ministry of Construction and Regional Development provides grants from its budgetary chapter to municipalities and non-profit organizations to finance the procurement of rental flats with a limited surface area and price standard for socially vulnerable population groups, the procurement of rental flats of a different standard for marginalized population groups, the building of technical infrastructure necessary for the construction and utilisation of new flats and elimination of system failures in residential houses. In the case of standard flats, subsidies between 20 and 30 per cent of total acquisition costs are provided, while in the case of lower standard housing it ranges from 75 to 80 per cent.

244. Another instrument that provides affordable loans to support the construction of flats in residential buildings and family houses is the State Housing Development Fund. Loans are only provided to households with a set maximum income and for a limited floor area of the flat.

#### **Right to adequate nutrition and to be free from hunger**

245. In the 2002–08 period, the Slovak Republic paid considerable attention to ensuring a right of an individual to nutrition. The food security was not put at risk in the Slovak Republic, however it should be noted that dietary habits of the Slovak population are not in line with the principles of a healthy lifestyle. Despite some slight improvements in education towards healthy eating, Slovaks’ diet still remains excessive in energy and unbalanced in nutrients caused by high fat intake (especially due to fast-food eating, but

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<sup>36</sup> Approved by Government Resolution No. 63/2005 of 19 January 2005.

also hard cheeses, smoked meats, condiments), excessive sugar and salt intake, low consumption of vegetables, fruit, beans, milk and fish, as well as improper liquid intake.

246. We wish to note that increased consumption of certain agricultural commodities for production of bio-fuels occurred during the period under review, with a considerable impact on crop, and subsequently food, prices. Due to a worsened economic situation, some social groups could face the risk of insufficient nutrition.

Table 12

**Trends in the consumption of selected foodstuff in kilogram per capita**

Year	<i>Consumption of selected foodstuff in kg per capita</i>		
	1990	2000	2006
Beef	21.8	9.1	5.3
Pork	44.5	33.1	32.2
Poultry	15.2	17.1	22.3
Milk and dairy products	226.3	160.2	152.4
Salt	6.4	6.0	6.7
Fruit and vegetables	100.6	94.2	88

247. In terms of food consumption development in Slovakia, an alarming drop in the consumption of milk and dairy products (save for fermented dairy products) has occurred, having a negative effect on the optimum development of young people, as well as other population groups. The consumption of milk and dairy products (exclusive of butter) by Slovak population of 152.4 kg/capita/year (2006 figure) is far below the recommended intake of 220 kg/capita/year. It creates conditions for increased occurrence of osteoporosis which represents one of the most serious health risks of this century faced by people in developed countries, according to WHO.

248. The consumption of vegetables, fruit, potatoes and beans is very poor on a long-term basis and, accompanied by a decreasing consumption of cereals, leads, in addition to causing the lack of several important nutrition components (vitamins, minerals and other important natural substances with preventive effects), to a very low intake of food fibres that have various prophylactic properties against so-called civilisation diseases.

249. A policy strategy on nutrition was produced in 2007 which defines tasks and priorities for the Agricultural Ministry in order to gradually change bad dietary habits of the Slovak population, building on the European Union White Paper on A Strategy for Europe on Nutrition, Overweight and Obesity related health issues. The key objective of the strategy is to improve conditions for satisfaction of basic dietary needs while strengthening the prevention of serious civilisation diseases among the Slovak population.

250. The Slovak Republic also promotes and develops agricultural systems that contribute to most effective and sustainable development and use of natural resources. Such systems include, for example, a system of ecological agriculture for the production of bio-products and bio-foods which are crucial components of a healthy diet.

251. In 2004–06, the ecological agriculture was supported under a Rural Development Plan; further support was provided from the Sectoral Operational Programme “Agriculture and Rural Development”. Since 2007, ecological agriculture has been supported under the Rural Development Programme for 2007–13. Bio-food production is on the rise. There were 55 bio-food producers registered in Slovakia as at May 2008, and 369 bio-farmers farming on a total of 144,970 ha of agricultural land.

252. New agricultural systems, introduced in primary productions from 2002 onwards, are aimed at seeking technology and organization solutions to problems in livestock breeding (cattle, pigs, sheep, goats, poultry) with an emphasis put on respecting their biological needs, economic efficiency, productivity of labour and ecological aspects of farming. New livestock breeding methods and techniques have been developed in order to increase efficiency and quality of animal products while respecting 'ecologisation' and sustainable development adapted to the conditions in Slovakia.

253. Slovakia focuses on encouraging information society which enhances competitiveness of European knowledge-based society. In order to improve food production, storage and distribution, Slovakia endorses life-long learning among farmers, transfer of new research and development knowledge into practice, exchange of information on healthy diet principles, development and modification of productive systems that facilitate their efficient development along with effective and environment-friendly utilisation of natural resources. Between 2002 and 2008, agricultural research and scientific institutions conducted a number of analyses, educational activities, projects, scientific discussions with particular conclusions and recommendations to be applied in practice, implementing measures in a decisive sphere, and measures for further development of scientific and research activities in the relevant area.

254. Activities focused on the following issues and problems:

- Food production, storage, distribution and security – professional qualification to work with and handle foodstuffs, ecological agriculture
- A comprehensive diet revitalisation programme for the Slovak population – a nutrition strategy for the population, security, nutrition value, healthiness and hygienic quality of food
- Agricultural production systems in relation to the application of European Union standards — modules — the environment; human and animal health, animal identification and registration; human, animal and plant health; disease reporting; living conditions for animals, animal welfare
- Economic, biological and veterinary conditions for livestock breeding in terms of population's healthy diet
- Addressing trade problems and market opportunities for Slovak agro food products, position of the food industry within the national economy
- Factors and activities required for sustainable and multifunctional development in agriculture; development and implementation of a modern precision farming system in Slovakia; addressing the issue of differentiated efficiency in agriculture and its production sectors
- Research tasks aimed at maximising crop yields, increasing the stress-resistance and improving quality of agricultural crops grown on arable land, including through cultivation and creation of new cultivars of main agricultural crops giving higher yields per hectare while having better resistance to biotic (mainly diseases and pests) and abiotic (mainly drought, low soil pH, cold, etc.) stress, and higher quality<sup>37</sup>
- The existing situation and outlook for technical and technological organization of work processes in agriculture; development of new or innovated cropping systems

<sup>37</sup> Since 2002, the Slovak Institute of Plant Production in Piešťany and its branches have bred 14 new cultivars of field crops and seven new cultivars of grapevine, and put them on the List of Registered Cultivars of the Slovak Republic.

and technologies for main agricultural crops in agricultural practice, including soil protection and alternative systems

- Anticipated global and regional climate changes, their potential impact on water regime and agricultural industries – elimination of negative effects by means of suitable technology, nutrition, protection and composition of crops
- Collection, evaluation and preservation of plant genetic resources for future generations<sup>38</sup>

255. As far as international cooperation in relation to a fair distribution of food supplies is concerned, Slovakia was actively involved in the preparation of global Voluntary Directives in Support of the Gradual Implementation of the Right to Adequate Food in the Context of National Food Security. The directives were prepared and approved by the Food and Agriculture Organization in 2004. The Slovak Republic undertook commitments under the Millennium Development Goals (combating hunger and malnutrition, in particular), as well as commitments arising from the World Food Summit Declaration and its revision after five years (1996, 2002) with the aim of facilitating progress and combat hunger and malnutrition. Slovakia endorsed the conclusions of the High-Level Conference on Global Food Security (Rome, 2008) and participates in seeking solution to the food crisis within Doha WTO negotiations. In a direct response to global nutrition crises, the Slovak Republic provided humanitarian food aid; it also makes voluntary contributions to the World Food Programme every year.

## **Article 12**

### **Right to physical and mental health**

#### **Provisions for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child**

256. The number of artificial (induced) abortions has fallen in Slovakia by 76 per cent since 1990. A total of 11,971 abortions were performed in 2005; less than 10 abortions per 1,000 women of fertile age.

257. The number of women using a contraceptive (hormonal, mechanical, natural birth control methods) has increased considerably. In order to decriminalise induced abortions, the Slovak Republic has also incorporated this issue into its National Sexual and Reproductive Health Protection Programme. The aim is to provide access to safe induced abortion practices to all women in Slovakia.

258. In 2008, the Ministry of Health prepared a National Sexual and Reproductive Health Protection Programme. The programme covers all aspects of sexual education and reproductive health with a special focus on marginalized population groups in respect of which specific tasks were adopted to eliminate most serious problems occurring in such groups (high perinatal and infant mortality rates, high morbidity rates, early invalidism, etc.). The Government has suspended discussion of this material and the National Programme is still pending adoption.

259. Under a finding of the Constitutional Court of the Slovak Republic, applicable Act No. 73/1986 Coll. on Artificial Termination of Pregnancy and Decree No. 74/1986 Coll.

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<sup>38</sup> The Gene Bank of the Slovak Republic functions at the Slovak Institute of Plant Production in Piešťany; the 18th EUCARPIA international conference entitled “Plant Genetic Resources and their Exploitation in the Plant Breeding for Food and Agriculture” was held in Slovakia in 2007.



implementing the respective act do not comply with the Constitution of the Slovak Republic. In light of the above facts, it was necessary to draft and submit a new bill on induced termination of pregnancy. The new act on induced abortions should bring the existing legislation into compliance with the finding of the Constitutional Court and preserve the possibility to have an abortion until the 24th week of pregnancy where a foetus has a congenital disorder. The new act is currently undergoing an inter-ministerial review procedure.

260. Under Act No. 576/2004 Coll. on Healthcare and Related Services and on amendments to certain acts ("Healthcare Act"), so-called baby hatches were established upon initiative of the Šanca pre nechcených (Chance for the Unwanted) civic association, where mothers may leave their newborn babies up to the sixth week after the birth without being subject to criminal prosecution. There are a total of 14 public incubators available in Slovakia where mothers can leave their unwanted newborns. So far, 14 infants have been surrendered to baby hatches. In three cases, mothers returned to claim their children within a statutory prescribed period of six weeks; the remaining 11 babies were put up for adoption after the expiry of the six-week period. Thanks to the baby hatches, the number of infant murders fell to minimum. Pursuant to an amendment to the Criminal Code, a mother who leaves her baby in a baby hatch is not subject to criminal prosecution, since such conduct is not deemed a crime. Of course, there are also other related legal issues which should be soon addressed in the Family Act, the Act on Register Offices, etc.

261. The Healthcare Act also permits so-called anonymous births in which case a woman who requests in writing that her identity is concealed is entitled to special protection of her personal data. The Act defines the manner and conditions for the keeping of special records in connection with anonymous births and safeguarding the protection of personal data of the mother and her newborn. A total of 49 anonymous births have been requested up to the present time.

262. Health conditions of Slovak children are comparable to those of children in the European Union. Slovakia is witnessing a decline in the cardio-vascular mortality, deaths caused by external factors (injuries) and respiratory disease mortality. Child mortality is also falling, while life expectancy is increasing both for men and women. A vaccination rate in Slovakia is higher than in other European Union countries. Measures to eliminate shortcomings include mainly investments in perinatal medicine and establishment of specialized centres to provide care to children (and partially to mothers too).

263. A clearly falling tendency in terms of (artificial) abortions can be attributed to better knowledge, among the young people in particular, of planned parenthood, improved access to contraception and a conscious approach to family planning. However, not all figures on the quality of public health and demographic development in the Slovak population are positive. Sociologists warn mainly of the ageing of the Slovak population (increase in the number of people over 65), postponed families, especially in the case of women with university education, preferring career over parenthood, etc.

264. Natality-related demographic indicators and, above all, low birth-rates, call for improvements in prenatal, natal and post-natal care, especially in the case of some marginalized population groups (Roma communities) which considerably contribute to these negative indicators. Several laws have been adopted to address this situation, such as an amendment to the Healthcare Act and to the Act on Healthcare Providers.<sup>39</sup>

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<sup>39</sup> Act No. 578/2004 Coll. on health-care providers, health professionals, and professional organizations in health care and on amendment to certain acts.

265. The European strategy for child and adolescent health and development has been incorporated in the National Programme for Children and Adolescent Protection for 2008–15.<sup>40</sup> The purpose of the National Programme is to ensure adequate care for health and development of children and adolescents in compliance with the most recent expertise and recommendations of the World Health Organization. The National Programme has seven priority areas for action: maternal and newborn health, nutrition and physical activity, communicable diseases, injuries and violence, physical environment, adolescent health, and psychosocial development and mental health.

266. Perinatal mortality, including stillbirths and newborns who die within seven completed days of their life, stood at 6.10 per mil. Slovakia is unsuccessful in reducing its perinatal mortality rate, mainly due to the lack of funds invested in perinatal medicine. High infant mortality figures of 16–17 per mil, for example, are reported for certain regions (some districts in eastern Slovakia) with a larger concentration of Roma population. The Roma-related problems, however, extend beyond the limits of health care, as they are rather of a social than medical nature, and require long-term solutions. They result mainly from diseases caused by poor hygiene, an irresponsible approach by parents to prenatal health care and health care in general, a low vaccination rate, etc.

267. According to the most recent data provided by the World Health Organization, Slovakia's total infant mortality rate is 6.59 per mil, while under 15 mortality is 73.47 per mil, which places Slovakia at number five in Europe.

268. A decline in the birth rate is a long-term trend in Slovakia. Over the past 25 years, the birth rate dropped from 21.0 per mil to 10.1 per mil in 2007, the number of newborn children per year fell from 101,000 in the period of 1976–79 to 51,035 in 2002, and then slightly increased to 54,631 in 2007.

269. An upward change in Slovakia's birth rate began in 2003. In 2004, 53,958 children were born, up by 2,000 on the previous year. In 2005, a total of 54,625 children were born; of those 54,430 were live births and 195 stillbirth.

270. The number of babies born outside marriage is raising; in 2004, there were 13,319 (24.84 per cent) children born to unmarried couples, in 2005 the figure increased to 14,136 (26.0 per cent).

271. An increase in premature births occurred during the period under review (4,069 in 2005 compared to 3,992 in 2004).

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<sup>40</sup> Government Resolution No. 192/2008 of 26 March 2008.

Table 13  
**Abortions per 1,000 women of fertile age (15–44)**

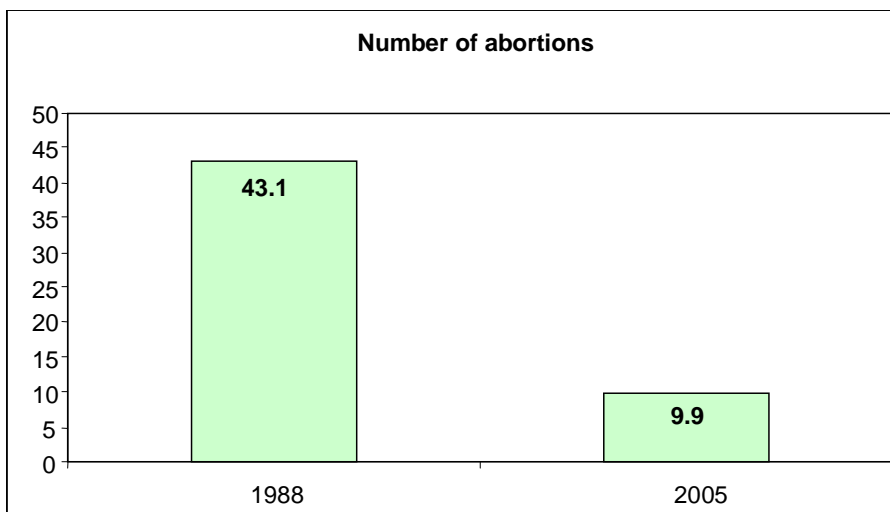


Table 14  
**Development in basic demographic indicators**

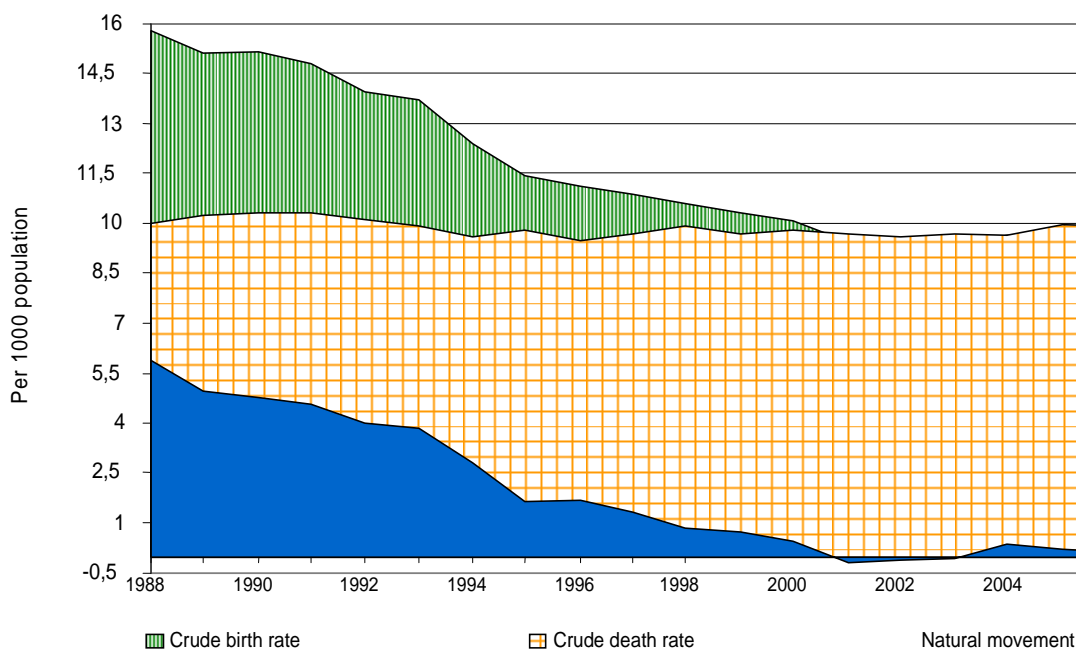


Table 15  
**Relation between live births and abortions**

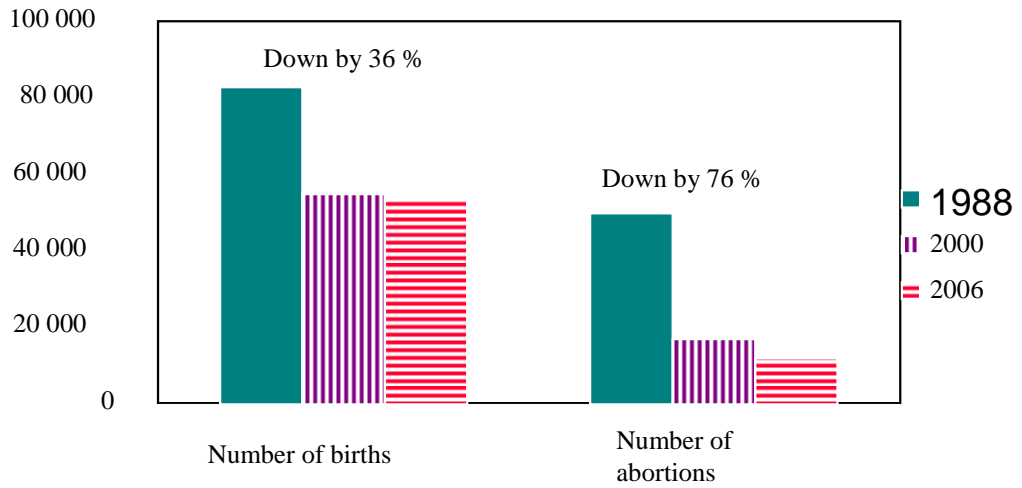


Table 16  
**Development in birth and abortion rates**

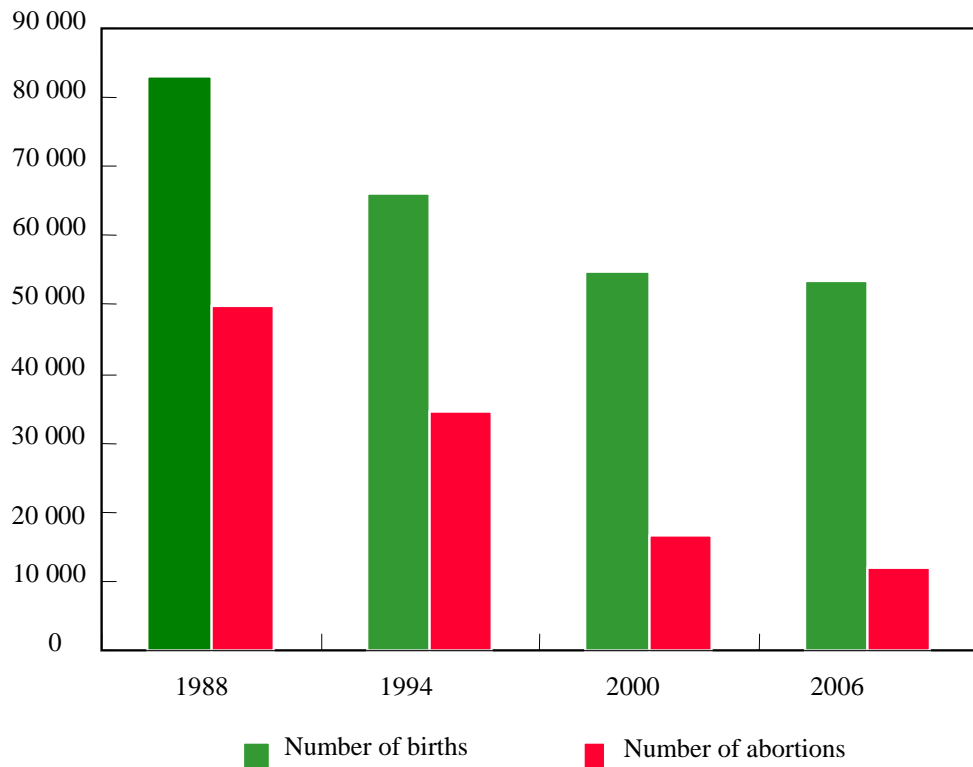


Table 17  
Development in live births and abortions within a territory

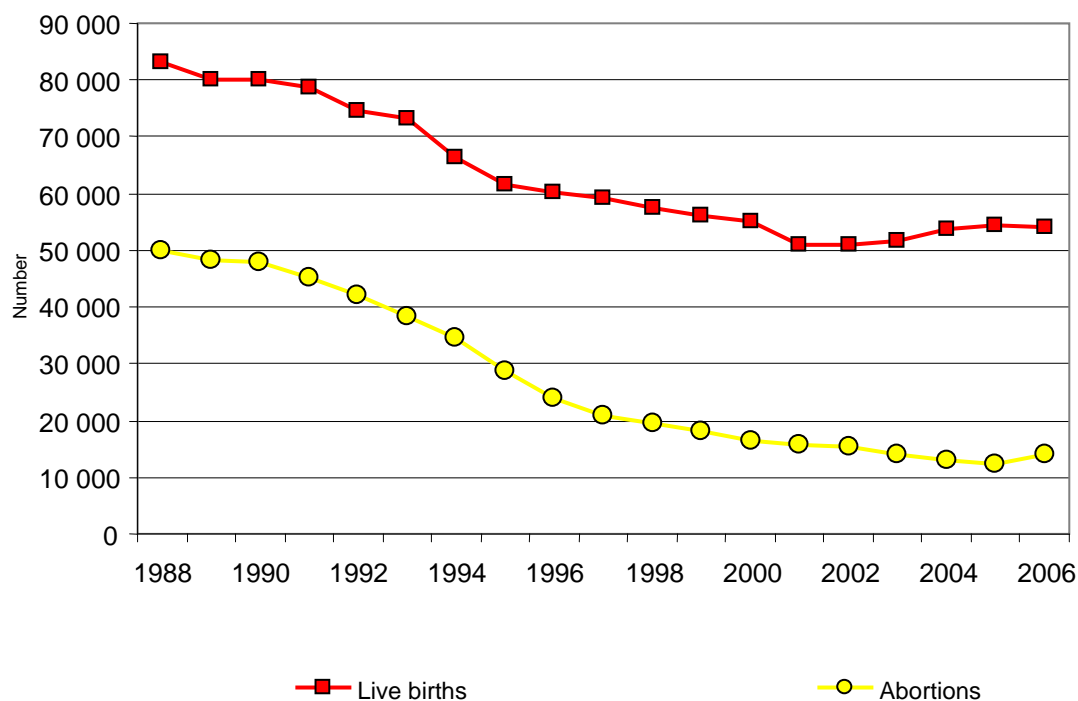


Table 18  
Abortions per 100 births for 1989, 2000 and 2006

Number of abortions per 100 births

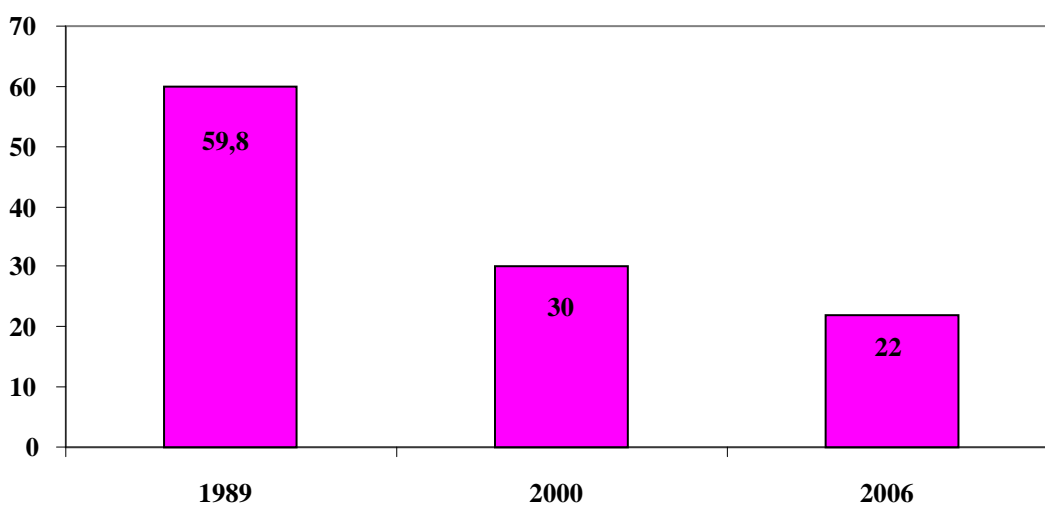
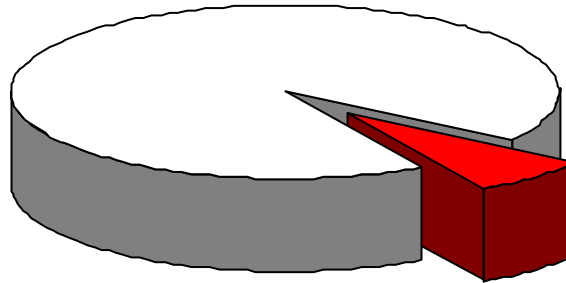


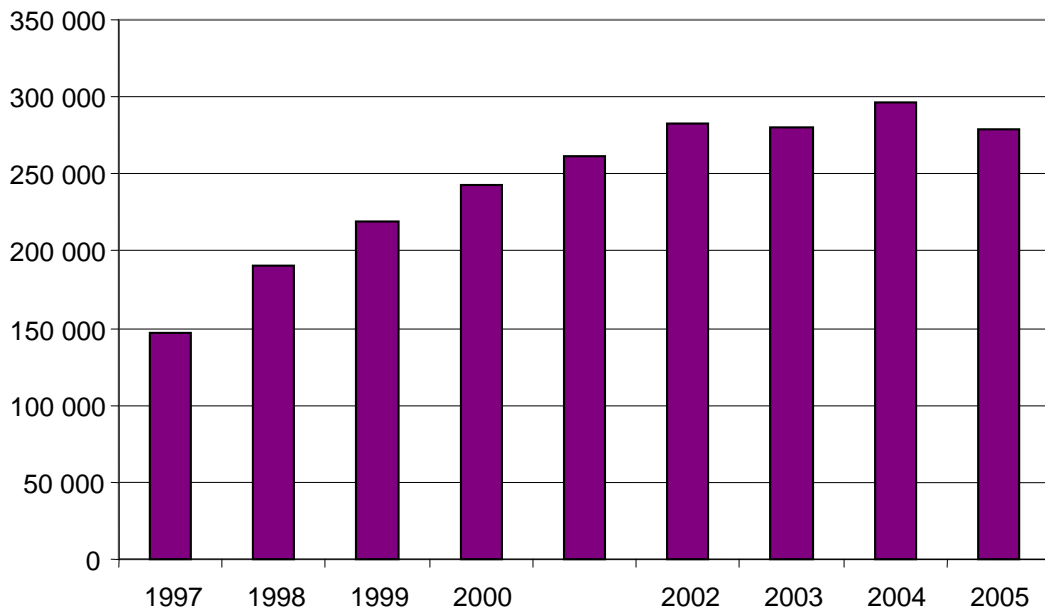
Table 19  
**Births to adolescent mothers**

Number of births 93%



Births to adolescent mothers 7%

Table 20  
**Number of women using hormonal contraception**



■ No. of women using hormonal contraception

Table 21  
Maternal mortality rates

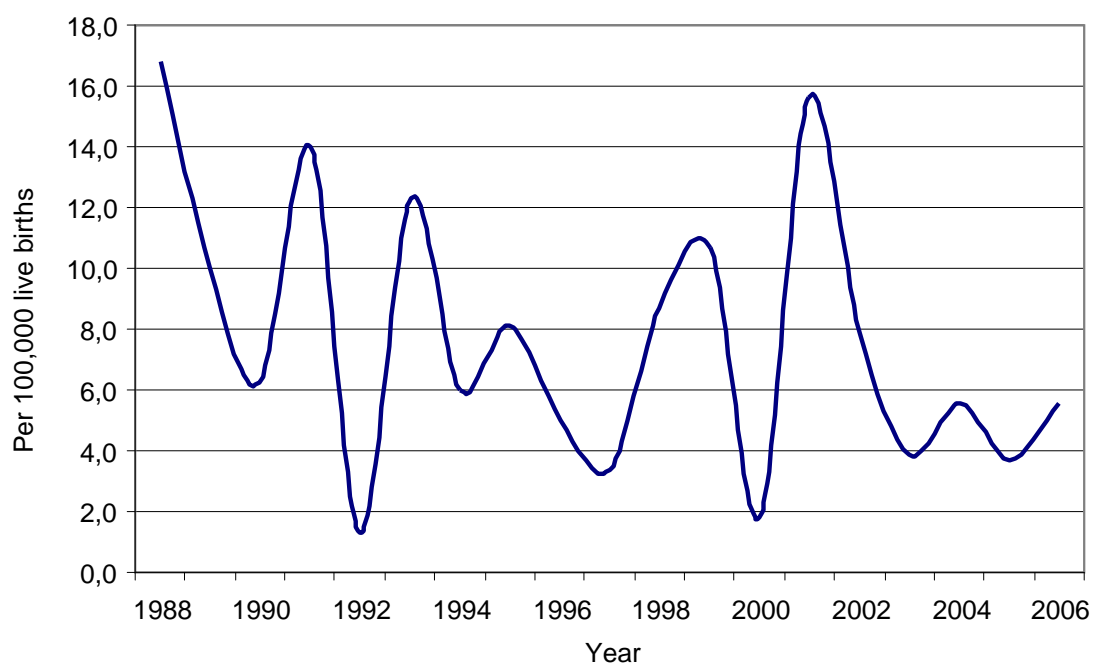
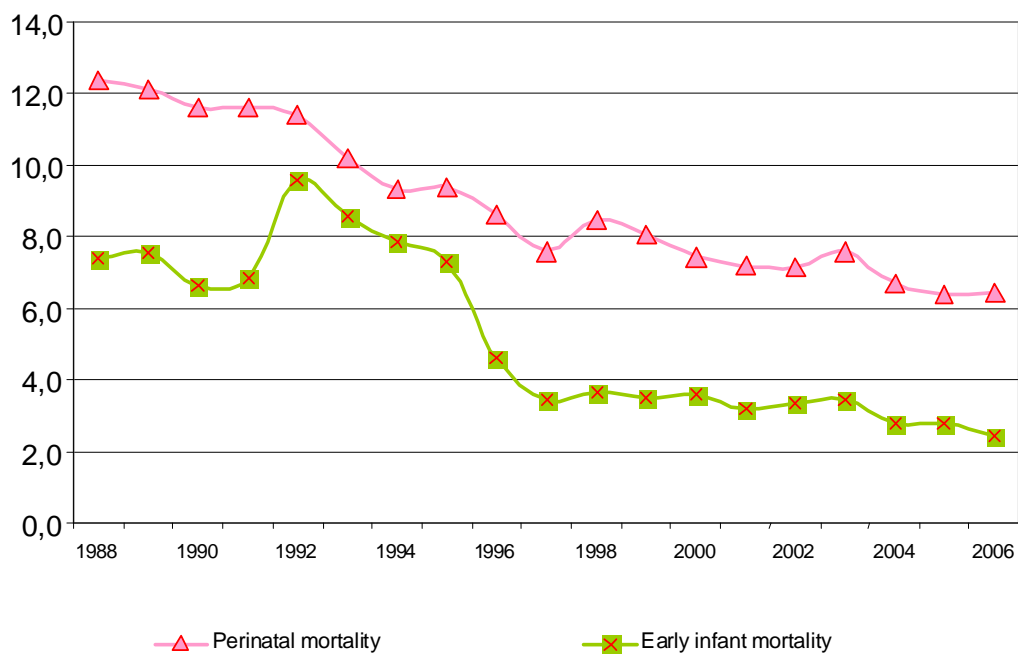


Table 22  
Development of perinatal and early infant mortality



### Improvement of all aspects of external environment

272. The primary law concerning the use of waters with respect to health protection is Act No. 355/2007 Coll. on the Protection, Support and Development of Public Health and on amendments to certain acts, as amended, and related implementing regulations. Drinking water requirements are further specified in Government Regulation No. 354/2006 Coll. laying down requirements on water intended for human consumption and quality control of water intended for human consumption. Criteria that must be met by open-air swimming pools (lidos) are set out in Government Regulation No. 87/2008 specifying requirements on open-air swimming pools. All laws and regulations comply with EU directives 98/83/EC<sup>41</sup> and 2006/7/ES.<sup>42</sup> Criteria applicable to artificial swimming pools are defined by decree of the Ministry of Health No. 72/2008 specifying requirements on the quality of water in swimming pools, bathing water and its control, and on swimming pools.

273. The priority with respect to healthy drinking water supply to citizens is to increase the number of population supplied with healthy and quality drinking water through public water distribution systems. Availability of drinking water to Slovak citizens improved in 2007 compared to the previous year, with 86.5 per cent of Slovak population supplied by public water distribution systems. However, regional disparities still exist. While in the Bratislava region drinking water is supplied through public distribution systems to 95.6 per cent of its population, the figure for the Prešov region is only 77.8 per cent. Significantly larger disparities can be seen among districts, where the figures range from below 60 per cent (Vranov nad Topľou, Sabinov, Bytča, Košice – surrounding) up to almost a full saturation level (Bratislava, Prievidza, Martin, Banská Bystrica, Partizánske). In the capital of Bratislava, 99.9 per cent of its population were connected to public water distribution systems.

274. The quality of water supplied to consumers is monitored by regional public health offices in compliance with applicable laws and regulations. Based on the monitoring results, the quality of water in public distribution systems is good. Limit values were only exceeded in 3.17 per cent of laboratory tests performed in 2007. If we consider only health risk indicators, the figure will fall to 0.32 per cent of all tested samples. The water quality monitoring in public water distribution systems indicates that limit values have been most frequently exceeded for iron and manganese; exceeding these indicators has no adverse impacts on public health.

275. People in municipalities without a public water distribution system use water from wells, whose quality does not meet the requirements set for drinking water. Problems are mainly with the poor microbiological quality in indicators on general and excrement pollution, and poor physical and chemical indicators (turbidity, nitrates, nitrites, ammonium ions).

276. A more intensive use of individual water sources has been seen recently even by households connected to a public water distribution system; it is probably caused by their effort to reduce water supply costs. The use of own water sources, bottled water and other types of beverage lead to a decline in the consumption of water supplied by a public distribution system. Available data indicate an obvious decline in drinking water production and demand over the recent years. Per capita consumption of drinking water has fallen below 100 litres per day. A so-called hygienic minimum, ranging from 80 to 100 litres/person/day in individual countries, is defined as the amount of water necessary to satisfy basic human needs without negative impact on human health and hygienic

<sup>41</sup> Council Directive of 3 November 1998 on the quality of water intended for human consumption.

<sup>42</sup> Directive of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC.



conditions. Some Slovak districts report water consumption well below the aforementioned level. In regions with poor social and economic conditions, people reduce the volume of water used for personal hygiene, which may also have an adverse effect on their health. Tampering with a drinking water supply system (linking a drinking water supply network to an irrigation system) resulted in an epidemic caused by drinking water in Jaslovské Bohunice in 2007, with more than 100 people suffering from gastroenteritis.

### **Prevention, treatment and control of diseases**

277. The Slovak Government has approved draft measures to eliminate risks in the case of a flu pandemic.<sup>43</sup> Based on these draft measures, a Government Pandemic Committee has adopted a detailed plan of action in the case of an influenza pandemic in the Slovak Republic.

278. Another important achievement was the adoption of a Plan of actions to be taken by the Slovak Republic in the case of the occurrence of events subject to the International Health Regulations (2005), or IHR, approved by the World Health Organization.<sup>44</sup> The material builds on the commitments that arise for Slovakia under the IHR and focuses on the existing threats associated with a possible spread of a hazardous communicable disease on its territory.

279. The likelihood of occurrence of a hazardous communicable disease in Slovakia is increasing. The increased risk stems from the worldwide existence of sources of dangerous infections, varied level of epidemiological measures implemented in different countries, different quality of the monitoring of hygienic and epidemiological conditions, increasing migration, growing numbers of persons travelling by air and on business travels.

280. The current epidemiological situation with respect to incidents of communicable diseases can be considered satisfactory. A positive situation was mainly with diseases that can be prevented by vaccination. A consistently implemented National Immunisation Programme has helped preserve and/or improve previously achieved results. Vaccination rates for individual types of infections were between 98 and 99 per cent, similarly as in previous years. No incidents of measles, rubella, diphtheria, parotitis and poliomyelitis were reported. Only a few sporadic incidents of whooping cough were detected. Environmental poliomyelitis surveillance continued by testing waste waters for the presence of polioviruses. A moderate decline occurred in the cases of salmonellosis and bacillus dysentery. A slight improvement can also be seen in the number of hepatitis A incidents. With respect to blood infections, an increase occurred in tick-born encephalitis, while the number of hepatitis B incidents further dropped. The epidemiological situation in terms of neuroinfections is assessed as stable. Compared to 2007, a decline occurred in the number of lyme diseases, tularaemia; no listeriosis incidents were reported.

281. Under the National Programme for the Fight against Drugs in conjunction with the tasks under the National HIV/AIDS Prevention Programme, Slovakia systematically implements and evaluates accomplishment of the tasks set under the Programme for Public Health Protection among Drug Users. Concentrated effort to perform these tasks contributes considerably to the fact the Slovakia has virtually the lowest number of HIV/AIDS infected persons, both among drug users and the general population, of the entire European Union.

282. In addition to the aforementioned national programme, Slovakia has also initiated, with the aim of preserving the positive situation with respect to the spread of HIV/AIDS

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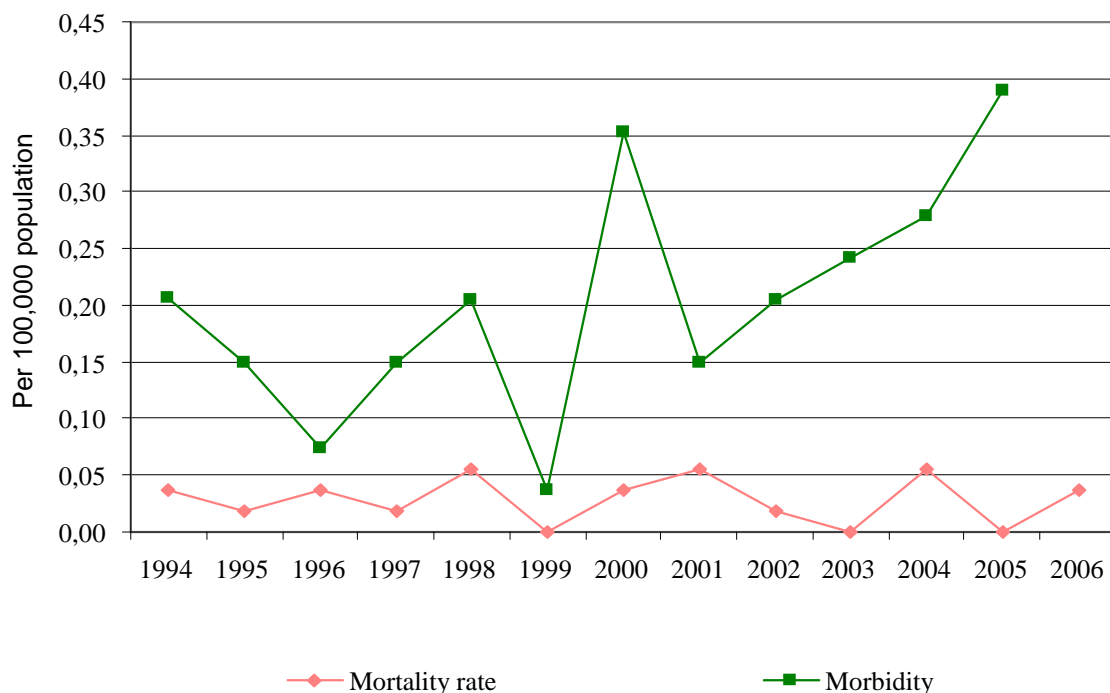
<sup>43</sup> Government Resolution No. 857/2005 of 26 October 2005.

<sup>44</sup> Government Resolution No. 18/2008 of 9 January 2008.

infection, one of research objectives under the EU Action Plan on Drugs to detect protective factors preventing the propagation of HIV/AIDS in countries with low HIV prevalence among drug users.

Table 23

### Morbidity and mortality rates for diseases induced by HIV



### Medical services and medical attention for all

283. Pursuant to the Government's Manifesto, health-care services are provided to all citizens and persons who have permanent residence or work in the Slovak Republic in compliance with the Constitution and other laws and regulations that govern the forms of the provision of health-care services and accept, fully or partially, Commission and Council directives.

284. Act No. 576/2004 Coll. on Healthcare was amended several times during the reviewed period. Changes have been made to the provision of medical services with an emphasis put on the work of general practitioners who are also responsible for patients when sending them to specialists. The reinstatement of so-called medical districts ensures medical services to everyone based on their permanent residence, while the freedom to choose a physician is still preserved. The amendment has also introduced some changes with respect to the keeping of medical records: informed consent, access to medical records, new forms for the keeping of medical records, in an electronic format in particular. Modifications have also occurred in collecting tissues for transplantation (cornea). Under the amendment, no autopsy is required after the tissues for transplantation have been collected. Considerable changes have also occurred in the Health Sector Information System, in particular with respect to the administration of national registers.

285. Health care services are primarily focused on prevention in compliance with the Act on the scope of health care covered by public health insurance and on the reimbursement of health care-related services provided by health-care providers<sup>45</sup> and with the Act on health-care providers, health professionals, and professional organizations in health care.<sup>46</sup>

286. Health-care services are provided in the form of an outpatient care – general practitioners for adults and general practitioners for children and adolescents. A new element in the work of general practitioners is their greater responsibility for patients' management (recommending patients for medical examinations by specialists). Patients with chronic and systemic diseases are provided with dispensary care and regularly monitored, as recommended by specialists and approved by a relevant health insurance company.

287. Inpatient (hospital) care is provided by general hospitals, specialized hospitals and specialized institutions. This has led to significant improvements in cardiology care and, partially, in oncology care as well.

288. New components of the State health policy include long-term national programmes, both under preparation and already adopted, such as the National Programme for Children and Adolescents, the National Transplantation Programme, the National Mental Health Programme, the National Programme for Obesity Prevention, the National Immunisation Programme, etc.

289. Slovakia's health policies and national programmes include specific tasks pertaining to the provision of health-care services to marginalized groups of population which require a special approach, such as Roma communities – Roma assistants serving as a link between the Roma population and health-care providers.

290. A completely new element in the provision of health-care services is cooperation in the provision of cross-border health-care services (necessary health care and long-term health care provided to all European Union citizens; the same treatment is provided to Slovak nationals in other EU countries). A separate chapter within the cross-border health services is the provision of highly specialized health care (reference centres for the provision of highly specialized health care). The goal is to provide efficient, quality and safe health-care services to all EU citizens.

## **Article 13**

### **Right to education**

#### **Elementary and secondary education**

291. Act No. 245/2008 Coll. on Training and Education and on amendments to certain acts ("School Act") was adopted with effect from 1 September 2008. The School Act also launched a content transformation of regional education system. The Act defines the principles, objectives, conditions, scope, content, forms and organizational structure of the educational process in schools and school facilities, levels of education, admission to and termination of the educational process, duration and performance of compulsory education, national curriculum and individual curricula, the system of schools and school facilities, etc.

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<sup>45</sup> Act No. 577/2004 Coll.

<sup>46</sup> Act No. 578/2008 Coll.

292. Slovakia's education system is built on the principles of free-of-charge education provided to children in kindergartens one year prior to the first year of their compulsory education, and free-of-charge education provided in elementary and secondary schools founded by a general government authority for education, central government body or regional/local authority (State schools); schools and school facilities are equal irrespective of their founder; no differences are made between education obtained at State schools, schools founded by an official church or religious community (church schools) and schools founded by a private natural or legal person (private schools); children, their parents/legal guardians have a free choice of education, taking into account the expectations and faculties of children and students, in line with the possibilities of the education system; all forms of discrimination, including segregation, are prohibited.

293. Compulsory education starts at the beginning of the school year that follows after the day on which a child has attained six years of age and educational capability. Compulsory education has a duration of ten years and lasts not longer than until the end of that school year in which the child has attained 16 years of age. No one is exempt from compulsory education.

294. Compulsory education is provided at elementary and secondary schools and at schools for students with special educational needs. The legal guardian is obliged to enrol the child into an elementary school within the set deadline, i.e. from 15 January to 15 February, prior to the beginning of the school year in which the child must commence its compulsory education.

295. Students can be admitted to a secondary school after they have attained lower secondary education and met admission procedure criteria. A decision on the admission of applicants to a secondary school is made by a headmaster based on the results of an admission procedure. The system of secondary schools, as defined in the School Act, comprises grammar schools, secondary professional schools and conservatories. The (upper) secondary education is further governed, with effect from 1 September 2008, by decrees issued by the Ministry of Education.<sup>47</sup>

### **Higher education**

296. Tertiary (university) education is governed by Act No. 131/2002 Coll. on Universities and amendments to certain acts, as amended ("University Act"). The University Act provides that Slovak citizens, citizens of other EU Member States and third-country citizens have a right to take a study programme of their choice at a university if they meet the minimum admission requirements. It also specifies the basic admission requirements. One of the basic requirements is the recognition of diploma for academic purposes issued by a foreign university. The university may specify further admission criteria.

297. The University Act also addresses tuition and other fees charged by public universities. The following provisions apply to foreign nationals studying at public universities: A public university may require tuition fees in a special amount from foreign

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<sup>47</sup> Decree of the Ministry of Education No. 314/2008 Coll. on secondary schools and on the list of study programmes which require testing for special capacities, skills or faculties, lays down details on the types of secondary specialized schools, conservatories, organization of their educational process, scope, conditions, duration and course of their programmes, and lays down a system of study programmes for secondary specialized schools, conservatories and grammar schools;

Decree of the Ministry of Education No. 318/2008 Coll. on the termination of secondary schools studies;

Decree of the Ministry of Education No. 319/2008 Coll. on the recognition of an alternative to school leaving exam in a foreign language.

nationals who are non-EU citizens, or who have no permanent residence in an EU Member State, even for a standard duration of university studies. Where students under inter-State agreements are involved, tuition and other related fees are governed by the provisions of such applicable agreements.

298. An amendment to the University Act has introduced changes in payment of tuition fees both for full-time and distance (extramural) students. As regards study programmes for full-time students, provisions have been made more specific with respect to the amount of a tuition fee if a student is taking a programme of a given level in excess of its standard duration. A tuition fee has been introduced in cases where a student is simultaneously taking two or more programmes of a given level; students have a right to choose which of the programmes will be tuition free, provided that they are entitled to tuition free studies, i.e. they have not exceeded the standard duration of university studies. As regards extramural studies, programmes have been introduced for which a tuition fee is charged, and programmes that are tuition free for the period of the standard duration of studies.

Table 24

**Schools, classes, students in the 2007/08 school year – full-time**

Type of school	Total				% girls of the total number of students
	Schools	Classes faculties departments	Children, pupils, students		
			Total	Of which: girls	
Kindergartens	2 910	6 739	139 374	67 140	48.17
Elementary x/	2 254	23 648	485 018	236 351	48.73
Elementary arts schools	268	x	122 278	84 211	68.87
Grammar schools	252	3 523	99 915	58 228	58.28
Secondary specialized and specialized schools in total	212	2 528	68 320	36 950	54.08
Of that:					
Technical	65	996	26 736	6 996	26.17
Economic	98	1 086	30 666	22 304	72.73
Agricultural	15	143	3519	1 998	56.78
Forestry	2	19	514	91	17.70
Librarian	1	13	373	265	71.05
Pedagogical	15	145	3 779	3 477	92.01
Conservatories	13	103	2 108	1 221	57.92
Girls' schools	3	23	625	598	95.68
Plus:					
Ministry of Health	30	302	7 482	6 319	84.46
Other ministries	2	26	587	103	17.55
Secondary school centres	137	2 977	75 793	36 782	48.53
Secondary vocational schools and apprentice centres	181	2 160	51 882	14 076	27.13
Special schools in total	394	3 637	34 351	14 301	41.63
Of which:					
Kindergartens	40	107	853	340	39.86
Elementary and special elementary	238	2 910	28 060	11 666	41.58
Grammar schools	2	7	60	38	63.33
Secondary specialized schools	6	26	192	124	64.58
Secondary vocational schools	13	86	712	314	44.10

Type of school	Total				% girls of the total number of students
	Schools	Classes faculties departments	Children, pupils, students		
			Total	Of which: girls	
Vocational schools and apprentice centres	48	414	3 908	1 546	39.56
Practical schools	47	87	566	273	48.23
Plus schools at health-care facilities	64	220	2 117	1 024	48.37
Tertiary schools (TS), stage I and II	28	116	132 499	73 917	55.79
Tertiary schools, stage III (PhD.)	x	x	3 940	1 957	49.67
TS under other ministries, stage I and II	3	6	1 393	706	50.68
TS under other ministries, stage I II	x	x	0	0	0.00

Table 25  
Teachers in the 2007/08 school year

Type of school	Total				% women of the total number of full-time teachers	% women of the total number of part-time teachers
	Full-time		Part-time			
	Total	Of which: women	Total	Of which: women		
<b>Teachers in total, TS excl.</b>	<b>71 486</b>	<b>59 541</b>	<b>12 980</b>	<b>7 969</b>	<b>83.29</b>	<b>61.39</b>
Kindergartens	13 164	13 157	.	.	99.95	.
Elementary	30 449	25 986	5 184	2 930	85.34	56.52
Elementary arts schools	3 335	2 324	2 143	1 372	69.69	64.02
State language and language schools	216	193	475	384	89.35	80.84
Special schools (kindergartens, elementary, special elementary)	3 956	3 444	219	160	87.06	73.06
Special secondary	481	333	128	87	69.23	67.97
Grammar schools	6 894	5 126	1 537	978	74.35	63.63
Technical schools	2 209	1 319	592	315	59.71	53.21
Economic schools	2 329	1 892	709	533	81.24	75.18
Agricultural schools	294	175	121	70	59.52	57.85
Forestry schools	53	15	4	2	28.30	50.00
Librarian schools	26	21	2	2	80.77	100.00
Pedagogical schools	305	248	160	124	81.31	77.50
Conservatories	406	243	400	210	59.85	52.50
Girls' schools	35	28	46	34	80.00	73.91
Secondary school centres	4 884	3 439	691	419	70.41	60.64
Secondary vocational schools	2 450	1 598	569	349	65.22	61.34
Plus						
At health facilities	249	231	10	8	92.77	80.00
Ministry of Health	719	621	527	393	86.37	74.57
Other ministries	154	43	7	3	27.92	42.86

<i>Type of school</i>	<i>Total</i>				<i>% women of the total number of full-time teachers</i>	<i>% women of the total number of part-time teachers</i>
	<i>Full-time</i>		<i>Part-time</i>			
	<i>Total</i>	<i>Of which:</i>	<i>Total</i>	<i>Of which:</i>		
		<i>women</i>		<i>women</i>		
Tertiary schools	9 510	4 171	2 111	847	43.86	40.12
TS under other ministries	382	156	191	79	40.84	41.36

### Programmes for uneducated persons

299. An elementary school may organise educational programmes for individuals who have not attained the lower secondary education to attain the respective level of education; such programmes end with an examination by a commission in all subjects, except for “didactical” subjects (paragraph 30 (5) of the School Act). The programmes may be delivered in an intramural (full-time) or extramural form. The length of a course is determined by a headmaster based on the level of education attained by a respective person; however, it may not be longer than one school year.

### School system development

300. In order to pursue the development of a system of schools, a system of scholarships and other assistance is legislatively established by the following laws and regulations:

- Act No. 600/2003 Coll. on the Child Benefit and on amendments to Act No. 461/2003 Coll. on Social Insurance
- Decree of the Ministry of Education No. 453/2005 Coll. on the scope and other details concerning the granting of incentive scholarships
- Decree of the Ministry of Education No. 102/2006 Coll. on the granting of social scholarships to university students

301. An amendment to the University Act<sup>48</sup> has specified in more detail the eligibility criteria for social scholarships. Formerly, students were ineligible for a social scholarship when “re-taking the same year”. Under the amended Act, students are entitled to a social scholarship for the entire standard duration of a respective study programme, i.e. even if they have “to do a re-take”; they are ineligible for the scholarship in the last year of a respective study programme. The decree on the granting of social scholarships to university students has introduced changes in the definition of persons assessed along with a scholarship applicant, income assessment method, determination of a decisive and threshold income, all of which are instruments for the determination of a social scholarship amount. The former decree<sup>49</sup> included fixed social scholarships in the amount of SKK 1,000; SKK 1,500 and SKK 2,000. Currently, social scholarships can be granted within the range from SKK 300 to SKK 7,200 (or SKK 7,500 from 1 September 2008), also depending on the amount of the subsistence minimum.

302. The decree on the granting of incentive scholarships<sup>50</sup> was repealed by an amendment to the University Act. Incentive scholarships from the State budget are

<sup>48</sup> Act No. 363/2007 Coll. amending Act No. 131/2002 Coll. on Universities and on amendments to certain acts, as amended, and on amendments to certain acts.

<sup>49</sup> Decree No. 326/1990 Coll. on the granting of social scholarships to university students.

<sup>50</sup> Decree No. 453/2005 Coll. on the scope and other details concerning the granting of incentive scholarship.

currently granted in compliance with scholarship rules – internal regulations issued by respective universities. The Ministry of Education provides financial resources in such an amount that 10 per cent of full-time students can be granted an incentive scholarship of SKK 15,000 per academic year.

303. An incentive contribution subsidy may be granted to a child in order to prevent its social exclusion. An application for the incentive contribution subsidy may be submitted by a) a school founding authority, with the exception of a regional school office; b) a municipality, based on the seat of the school, where the school is founded by a regional school office; c) a civic association that includes parents or other legal guardians of the children, and friends of school, where the school is founded by the regional school office. The subsidy can not be granted for a child who neglects its compulsory education duties, has flunked a grade, or whose conduct was downgraded two levels in a previous school year.<sup>51</sup>

304. In connection with a school system reform, the Ministry of Education is currently working on the following laws:

- An act on the status of pedagogical staff
- An act on professional training
- An act on life-long learning

#### **Freedom to choose a school**

305. Private and church schools are permitted under paragraph 19 of Act No. 596/2003 Coll. on the State administration in the system of schools and the school self-administration and on amendments to certain acts, as amended. In the 2007/08 school year, the school and school facility network included:

- 295 private schools (without school facilities) – founded by natural or legal persons
- 235 church schools (without school facilities) – founded by an official church or religious community

306. Education and training in Slovakia is based on the following principles:

- Schools and school facilities are equal irrespective of their founder
- No differences are made between education obtained at State schools, schools founded by an official church or religious community and schools founded by a private natural or legal person

307. Religious education or religious instruction is taught at schools in compliance with the law, with the exception of basic artistic schools and language schools. Religious education in kindergartens is permitted. Teaching is provided by official churches and religious communities. Religious education, offered as an alternative to ethics education, is one of the compulsory optional subjects at elementary and secondary schools and is included in the national curricula.

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<sup>51</sup> A related regulation is instruction by the Ministry of Education No. 1/2006-R which specifies a procedure to be taken by schools when determining average school marks of elementary and special school pupils for the purposes of granting an incentive contribution subsidy for a child to prevent its social exclusion.



## Article 15

### Right to cultural life and scientific progress

308. The Slovak Republic submitted to the Committee for the Elimination of All Forms of Racial Discrimination its joint sixth, seventh and eighth periodic report under the Convention on the Elimination of All Forms of Racial Discrimination in June 2008. Chapter 7 of the aforementioned report describes in more detail particular measures implemented in the area of culture for the prevention and protection from racial discrimination in the field of national minority cultures.

### Right to take part in cultural life

309. The right to access to cultural wealth is guaranteed under article 43 of the Slovak Constitution: Freedom of scientific research and freedom of artistic expression shall be guaranteed. Rights to the results of creative, intellectual activity are protected by the law. The right to access to cultural wealth is guaranteed under the conditions prescribed by the law. The right to the protection of cultural heritage is laid down by article 44 (2) of the Constitution: Everyone shall have a duty to protect and improve the environment and to foster cultural heritage.

310. A Slovak library system consists of the Slovak National Library in Martin, 9 scientific libraries (universal and specialized), 37 academic libraries, 2,153 public libraries (municipal, regional), 4,913 school libraries, and 347 special libraries. Library and information services and access to information are provided mainly through networks of public, scientific and academic libraries. The largest is the network of public libraries. In many Slovak municipalities, a library is often the only cultural facility.

311. Following the decentralisation process, municipal and school libraries, especially in smaller municipalities, have merged to form so-called combined libraries that can better satisfy local citizens' and students' library and information needs. The Ministry of Culture is a founder of six libraries, the Slovak National Library in Martin, 4 universal scientific libraries<sup>52</sup> and 1 specialized library,<sup>53</sup> which provide nation-wide library and information services for the visually impaired.

312. Three libraries fall within the founding authority of other central government bodies (two are founded by the Ministry of Education and one by the Ministry of Health), one library is founded by the Slovak Academy of Sciences and 37 are founded by higher territorial units. Remaining libraries were established by municipal authorities and other legal persons. This overview does not include libraries that do not provide their services to the general public and serve solely as a reference library for the internal purposes of an institution and its staff.

313. The Slovak Register of Museums and Art Galleries includes 93 museums, while the number of publicly accessible museums and gallery exhibitions is much larger – 400 in total (both registered and non-registered). Museums can be founded by State authorities and organizations, higher territorial units (self-governing regions), municipalities and other legal and natural persons. Museums established by the Ministry of Culture represent the country's major collecting institutions including the Slovak National Museum in Bratislava, the Slovak Technical Museum in Košice, and the Museum of Slovak National Uprising in Banská Bystrica. In addition, 13 specialized museums, so-called ministerial,<sup>54</sup> are run by

<sup>52</sup> University Library in Bratislava; State Scientific Libraries in Banská Bystrica, Prešov a Košice.

<sup>53</sup> The Slovak Library for the Blind of Matej Hrebenda in Levoča.

<sup>54</sup> E.g. the Slovak Mining Museum in Banská Štiavnica, the Slovak Museum of Nature Protection and

other central government bodies. Self-governing regions operate 37 museums, most of which are specialized in national history and geography. Municipal authorities are founders of 19 museums.<sup>55</sup>

314. The Register of Museums and Art Galleries includes 25 galleries: the Slovak National Gallery is founded by the Ministry of Culture, 17 are founded by self-governing regions, 6 by municipal authorities<sup>56</sup> and one is a private-owned gallery. The Slovak National Gallery is the country's supreme collecting, science and research, methodical, and cultural and educational institutions with respect to gallery activities. None of the founders runs duplicate galleries.

315. The Ministry of Culture operates two nation-wide edification institutions – the National Culture Centre in Bratislava and the Slovak Central Observatory in Hurbanovo.

316. Specialized edification facilities include seven planetariums<sup>57</sup> and 17 observatories,<sup>58</sup> founded by self-governing regions. Only two of the planetariums function as independent entities, the remaining five operate within the aforementioned observatories. From 1996, the Slovak Central Observatory Hurbanovo also functions as a National Methodical Centre for a network of Slovak astronomy facilities.

317. The National Culture Centre is a national cultural institution, the supreme State institution in the area of edification and information activities. It functions as a scientific and educational institution in culture. The centre performs a wide range of diverse theoretical, conceptual, advisory, educational, information, documentation, research and analytical, publishing, presentation, promotional and organizational activities. It safeguards, encourages and protects intellectual development of the citizens and a live non-professional culture which forms a part of intangible cultural heritage.

318. As regards cultural education, the National Culture Centre carries out projects and leisure education activities as part of life-long learning. Accredited and non-accredited forms of cultural education (creative workshops, trainings, seminars, courses, etc.) are designed for employees and volunteers in State administration, regional and local authorities, the third and private sector.

319. During the period under review, the National Culture Centre carried out several international projects: Days of Traditional Culture in cooperation with V4 countries, a drug prevention project entitled *Prečo som na svete rád/rada* (Why I'm happy in the world) supported by the Antidrug Fund, the festival of cross-border cooperation — Novohrad Folklore Festival, Slovak Days in UNESCO — a programme in the UNESCO's Paris headquarters and the Museum of World Cultures. The National Culture Centre's priorities also include educational projects supported from the European Social Fund – Distance learning in local and regional culture; Acquiring new cultural skills; Capacity development for ministry's employees.

320. The Centre's research activities focus primarily on developing and finding views and opinions on developments in Slovak culture. It carries out research studies concerning a multifunctional analysis of Slovak public expenditures in relation to the Council of Europe

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Speleology in Liptovský Mikuláš, Museum of Commerce, Police Museum, Museum of Education and Pedagogy.

<sup>55</sup> E.g. the Bratislava City Museum, the Štúrovo Municipal Museum, the Fiľakovo Castle Museum.

<sup>56</sup> E.g. the Bratislava City Gallery, the Rimavská Sobota Town Gallery.

<sup>57</sup> The planetarium in Košice, which is a part of the Slovak Technical Museum in Košice, is founded by the Ministry of Culture.

<sup>58</sup> The Slovak Central Observatory operates under the Ministry of Culture; observatories in Sobotište and Trebišov are run by local culture centres.

member states. The Centre is also involved in database generation and prepares inputs for the Register of Cultural Events, Traditional Folk Culture Database which contains 679 organizational units, for example 1,786 personalities, 1,777 events, etc. The Register of Cultural Activities for 2006 contains 789 organizations and 7,110 events.

### **Minority cultures**

321. Minority culture is supported through grant programmes provided within a grant system of the Ministry of Culture; the goal of these programmes is to develop, preserve and present minority cultures. Minority cultures are promoted mainly through the support to periodic and non-periodic press for members of national minorities, State theatres staging plays in languages of national minorities, State museums focused on the issue of minorities, civic associations that promote all 12 minority cultures, through activities of the professional folklore ensembles, regional cultural and educational centres, regional and district libraries, and through programmes aired by public media — the Slovak Radio and the Slovak Television (STV) — in languages of national minorities.

322. In the course of 2003, the Ministry of Culture worked on improvements in legislation to protect minority cultures. It was preparing background documents to two acts – the Act on the Status of National Minorities and the Act on the Funding of Minority Cultures. However, the responsibility for the preparation of the Act on the Status of National Minorities was later transferred to a Deputy Prime Minister for European Integration, Human Rights and Minorities. In cooperation with a Deputy Prime Minister for European Integration, Human Rights and Minorities, the Ministry of Culture drafted the Act on the Funding of Minority Cultures in 2004. The draft was submitted for an inter-ministerial review procedure. The then Coalition Council decided not to submit the draft act to the Government. In 2003, with regard to the application of Act No. 184/1999 Coll. on the Use of Minority Languages, the Ministry of Culture drafted background documents for the preparation of a new government regulation laying down the list of municipalities where national minority members make up at least 20 per cent of their population.

### **Fostering traditional folk culture**

323. Development of traditional folk, local and regional cultures is among the priorities of the Ministry of Culture. Respective tasks are specified in more detail in the Government Manifesto for 2006–10. In 2007, the Government approved a draft Concept for the Protection of Traditional Folk Culture.<sup>59</sup> Slovakia acceded to major UNESCO documents, e.g. the Convention for the Safeguarding of the Intangible Cultural Heritage, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Recommendation for the Safeguarding of Traditional Culture and Folklore, concerning the issues of traditional folk culture and undertook to implement recommendations contained therein, including reporting on adopted measures and their fulfilment. The Concept for the Protection of Traditional Folk Culture is one of the underlying documents that contribute to meeting Slovakia's obligations under the aforementioned international instruments. The goal of the Concept is to create such conditions for the protection of traditional folk culture that it could be preserved in its natural environment, that it would not disappear from the cultural consciousness of Slovak citizens, and that it would be protected institutionally and accessible for current and future generations.

324. The protection of local and regional culture is addressed by the Concept for the Development of Local and Regional Culture.<sup>60</sup> The Concept was prepared in close

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<sup>59</sup> By Government resolution No. 666 of 8 August 2007.

<sup>60</sup> Adopted by Government resolution No. 160 of 12 March 2008.

cooperation between the National Culture Centre and the Association of Slovak Towns and Municipalities (ZMOS). Background materials were produced based on a detailed analysis of the situation, instruments and trends existing in the area of regional and local culture and self-administration, enhanced by collaboration and coordinated cooperation at all levels of public administration. The Concept represents a consolidated underlying and framework document which defines major problems and needs with respect to local and regional culture development and, at the same time, suggests possible solutions in this area by means of a range of standard and innovative instruments. The Concept specifies individual levels for cultural development, from a nation-wide through regional to local, describes a basic network of cultural institutions and cultural infrastructure and identifies competencies and tasks of the public administration and other local and regional culture actors. It defines their mutual links and relations. Two tasks are currently being performed under the Concept for the Development of Local and Regional Culture: to submit, at a Government session, a draft Public Awareness Raising Strategy and a draft Strategy for the Development of Local and Regional Culture.

325. In order to improve protection of cultural heritage and sites the State initiate a “Obnovme si svoj dom” (Let’s Revive Our House) programme, implemented under a grant system of the Ministry of Culture. It represents a new form of allocation of State budgetary funds. Adoption of Act No. 49/2002 Coll. on the Protection of the Cultural Heritage Objects is also, beyond any doubt, a notable legislative change which creates conditions for the protection of and access to the cultural heritage of the State and for improvements in the cultural life of its citizens. Gradual changes, especially under the public administration reform, and more powers granted to higher territorial units (regions), towns and municipalities provide new opportunities for the protection of Slovakia’s cultural values and enhance citizens’ rights to take part in cultural life. Full enjoyment by the citizens of cultural life is often affected not only by the conditions created by the State but also by those provided by regional and local authorities. An improved social and economic situation in society has positive impacts on individuals who can afford to spend more of their money and time on cultural activities.

### **Media**

326. Pursuant to Act No. 308/2000 Coll. on Broadcasting and Retransmission and on amendments to Act No. 195/2000 Coll. on Telecommunications, as amended, a public broadcaster (Slovak Television – STV) is obliged to ensure that a non-digital TV programme service broadcasted nation-wide provides at least:

- 25 per cent of all programmes with closed or open captioning in each of such programme service
- 1 per cent of all programmes translated into or broadcasted in sign language, at least in one of such programme services

327. The Slovak Television complies with the aforementioned obligation; in 2006, 2.41 per cent of programmes were translated into sign language and 28.04 per cent were captioned.

328. Act No. 220/2007 Coll. on Digital Broadcasting of Programme Services and on Provision of other Content Services through Digital Transmission and on amendments to certain acts (“Digital Broadcasting Act”) amended the Act on Broadcasting and Retransmission and introduced new obligations for the broadcasters concerning closed and open captioning, translations into sign language and audio description in digital services. These obligations do not apply for a three year period from the date when a broadcaster started providing its programme service in a digital format. The aforementioned transition

period does not apply to broadcasters which commence digital broadcasting after 31 May 2009.

329. Obligations of the Slovak Television (STV):

- (a) 50 per cent of all programmes with closed or open captioning;
- (b) 3 per cent of all programmes translated into or broadcasted in sign language;
- (c) 20 per cent of all programmes with audio description.

330. Obligations of licensed broadcasters (not applying to local broadcasting and broadcasting to foreign countries):

- (a) Ten per cent of all programmes with closed or open captioning, or translated into or broadcasted in sign language;
- (b) Three per cent of all programmes with audio description.

331. The Digital Broadcasting Act provides a stable legislative framework for a transition from analogue to digital terrestrial TV broadcasting without adversely affecting the rights of TV broadcasters which now use analogue frequencies. The approved legislation should create a stable environment for digital broadcasting in Slovakia and safeguard conditions for an unrestricted provision of content services through digital transmission, which would not thwart development of potential digital platforms. When implemented thoroughly, it should ensure that users with disabilities receive services in standard quality.

332. Under the Act on Payments for Public Services provided by the Slovak Television and the Slovak Radio,<sup>61</sup> exemptions apply to natural persons who live in a single household with a person with severe disability, or who are persons with severe disability. In addition, payments are reduced by 50 per cent for pension beneficiaries who do not share the household with a person with a regular occupational income, and for recipients of material-need benefits or persons assessed along with such a recipient.

333. Audio-visual works, Slovak films from the Slovak Film Institute edition, include foreign language captioning, as well as Slovak subtitles for deaf and hearing-impaired people.

334. From its “Audiovizia” grant scheme, the Ministry of Culture provides financial support for production and development of audiovisual works, post-production, distribution and presentation of audiovisual works. The aforementioned grant scheme could also provide funding for the production of audio descriptions to audiovisual works, or closed and open captioning for hearing-impaired people, but only in direct connection with the production of a particular audiovisual work within the project for which a grant is requested, i.e. a grant applicant may request a subsidy for captioning (item: services related to project implementation, i.e. contracted services, of that e.g. captioning) as part of eligible costs of production (development, production, post-production) of an audiovisual work, or for captioning equipment (item: equipment rental, of that e.g. captioning equipment).

335. In May 2006, the Government approved a project for the systematic protection and recovery of audiovisual cultural heritage with the aim of preserving major repositories of cinematographic and audiovisual works and archive materials and making them available to public. An act on the conditions for registration, public distribution and storage of audiovisual works, multimedia works and audio recordings of artistic performances was

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<sup>61</sup> Act No. 68/2008 Coll. on Payments for Public Services provided by the Slovak Television and the Slovak Radio as amended, approved by the National Council of the Slovak Republic on 15 February 2008.

drafted in compliance with the project objectives.<sup>62</sup> Having adopted the aforementioned legislation, Slovakia created conditions for the safeguarding of Slovak audiovisual heritage as part of the world's cultural heritage in connection with its FIAF membership (International Federation of Film Archives). On 10 May 2007, the Slovak Parliament approved the European Convention for the Protection of the Audiovisual Heritage and the Protocol on the Protection of Television Productions to the European Convention on the Protection of the Audiovisual Heritage. The European Convention became effective on 1 January 2008.

**Right of an individual to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he/she is the author**

336. A new amendment to the Copyright Act,<sup>63</sup> in force since 1 January 2004, is a primary document comprehensively regulating copyright and rights related to copyright, reflecting developments in international copyright agreements and treaties,<sup>64</sup> including the EU laws in this area.

337. It complies with intellectual property laws commonly applied in countries with advanced economy. Emergence of a single market and new technologies for cross-border dissemination of intangible intellectual works have resulted in more intensive efforts for harmonisation of intellectual property rights at the international and regional level. As far as the concept of intellectual property rights is concerned, the Slovak legislation complies with the "continental" interpretation of the law under which a right to products of intellectual activity is awarded to a natural person and included among basic human rights.

338. The intellectual property rights are inalienable by nature and cannot be waived. Unlike the previous legislation, under which personality and property rights constituted an indivisible unit, including in terms of their assignment in the case of death, the new amendment builds on the concept of dualism in personality and property rights. In line with this interpretation, personality rights cease to exist upon death of an individual (*mortis causa*) and property rights are transferred to his heirs.

339. In order to bring together copyright laws, included in two separate legal regulations so far, the amended Copyright Act also governs collective management of rights, thus laying down a uniform legal framework for copyright and rights related to copyright, including a sui generis right to databases content and collective management of rights.

340. The amendment to the Copyright Act, in force from 1 March 2007, resulted from Slovakia's obligation to transpose Directive 2004/48/EC<sup>65</sup> of the European Parliament and of the Council into Slovak legislation. The aim of the Directive is to harmonise national legislations concerning the enforcement of intellectual property rights in general, and pertains primarily to copyright and related rights, and industrial property rights. It also considerably affects civil judicial proceedings. Its purpose is to remove the existing differences in national legislations for the enforcement of intellectual property rights in individual Member States, which represent a major obstacle for the development of the

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<sup>62</sup> Published in the Collection of Laws under No. 343/2007.

<sup>63</sup> Act No. 618/2003 Coll. on Copyright and Rights related to Copyright as amended.

<sup>64</sup> Berne Convention for the Protection of Literary and Artistic Works; International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations; Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), etc.

<sup>65</sup> Directive of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

internal market, and to prevent counterfeiting, piracy and other violations of intellectual property rights.

341. The Copyright Act was amended to ensure a level of protection which complies with the current high standards and attempts at its harmonisation, including the enforcement of intellectual property rights both on the international and regional level, namely in connection with the internal market development and free movement of goods and services involving objects protected by intellectual property rights, which are continuously affected by technological advancement that enables cross-border dissemination of intellectual works in an intangible format.<sup>66</sup>

### **The development of international cultural relations**

342. The basic mission of international activities is presenting Slovak culture abroad, attracting partners for cooperation and initiating projects at the level of the government, the region and the local level. It is a systemic initiative to create a broad facilitating cultural and social environment for Slovak culture within international relations.

343. In bilateral relations, this mainly includes preparing international treaties and agreements both at the governmental and sectoral levels – drafting, implementing and preparing new projects under such instruments with the most important countries through inter-governmental commissions and mixed expert commissions, activities of State cultural institutions as well as facilitating cultural exchanges in all areas of culture at all levels. Activities also include cooperation with neighbouring countries, European Union member States, most important G7 States and presentation of Slovak culture by participating in international festivals, symposia and congresses.

344. Institutions established by and reporting to the Ministry of Culture such as Národné osvetové centrum (National Centre for Culture and Education), Slovenská národná galéria (Slovak National Gallery), Slovenské národné múzeum (Slovak National Museum), Univerzitná knižnica (University Library), Literárne informačné centrum (Literature Information centre), Slovenské centrum dizajnu (Slovak Centre of Design), Slovenské národné divadlo (Slovak National Theatre), Medzinárodný dom pre deti – Bibiana (International House of Art for Children – Bibiana) and also artistic ensembles e.g. Lúčnica, SĽUK, Mladé srdcia – Ifjú Szivek folk ensembles and the like pro-actively

<sup>66</sup> The original harmonization framework for the compliance of the Copyright Act with the Community acquis consisted of:

1. Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs.
2. Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property.

Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission.

Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights as amended by Directive 2001/29/EC of the European Parliament and of the Council.

Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases.

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society.

Directive 2001/84/EC of the European Parliament and of the Council on the resale right for the benefit of the author of an original work of art; Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights was the last EU directive transposed in the area of copyright.

develop international cooperation in the field of research, exchange of experience and promotion of artistic creation.

### **III. Concluding recommendations of the Committee on Economic, Social and Cultural Rights**

**The Committee recommends formulating and implementing a comprehensive national plan of action for the promotion and protection of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action, adopted in 1993. The Committee requests the State party to include a copy of its national plan of action and information on its implementation in its next periodic report.**

345. In the area of prevention and reduction of negative phenomena such as racism, xenophobia, intolerance or discrimination in society, the core systemic instrument available to the Government of the Slovak Republic is the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, anti-Semitism and Other Expressions of Intolerance that has been regularly drawn up since 2000.

346. The action plan is a specific extensive initiative of the Government of the Slovak Republic in the protection and enforcement of human rights and it is also presented as such abroad. In addition to addressing the most urgent problems of society, the action plan also pursues long-term objectives in an effort to combat the abovementioned negative phenomena in society with a view to enhancing the degree of tolerance among all persons living in Slovakia, including foreign nationals. Activities carried out, in parallel to those of State authorities, by non-governmental organizations or other entities active in this field, which significantly promote the dissemination of values of tolerance, multiculturalism and non-discrimination in society, are an important component of the action plan.

347. The 2002–2003 action plan focused on preventing negative phenomena such as discrimination, racism, xenophobia, and other similar intolerance in society and on strengthening the legal awareness of Slovak citizens in the area of effective use of protective measures.

348. The 2004–2005 action plan mainly focused on systemic education of persons belonging to professional groups who are able to influence the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance in the exercise of their profession; systemic education and opinion-making activities of the representatives of State administration and self-governments and primary school pupils and secondary school students with respect to migrants; social and cultural activities on human rights and prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance. This action plan is the response by the Slovak Republic to the declaration of the Second 2005–2014 United Nations Decade for Human Rights Education and to Slovakia's obligations arising from its membership in the European Union and other international organizations.

349. The 2006–2008 action plan (see annex 2) is targeted to raising knowledge among the citizens of the Slovak Republic on human rights; effective implementation of antidiscrimination legislation; addressing the status of migrants in Slovakia as well as other specific activities in the field of prevention of negative phenomena in society. Its priorities are complemented with activities in the area of preventing extremism and anti-Semitism mainly by educating professional groups. The focus on education builds on the current Decade for Human Rights Education.

350. The 2006–2008 action plan priorities include:



- Regular training for members of professional groups who, in the discharge of their professional duties, can have an impact on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance
- Regular training and opinion-making activities in the area of prevention of discrimination in relation to migrants among professional groups and general public
- Intensifying the fight against extremism by preparing legislative proposals and applying legislation, improving the effectiveness of identifying, clarifying, taking evidence of and punishing criminal acts motivated by racial or other intolerance, and through regular training and opinion-making activities in the area of extremism prevention
- Intensifying monitoring, regular training and opinion-making activities in the area of anti-Semitism prevention
- Carrying out activities aimed at addressing the needs of disadvantaged groups of the population
- Supporting cultural and social sciences activities on compliance with human rights and the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism, and other expressions of intolerance
- Work of the inter-ministerial group for implementing the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance in the period from 2006 to 2008

351. The action plan proved to be a very adequate instrument for ensuring cooperation between non-governmental organizations and State authorities in their common goal of preventing discrimination, xenophobia, racism, anti-Semitism and other expressions of intolerance, pursued through joint efforts of all components of civil society.

352. The Section for Human Rights and Minorities of the Slovak Government Office is responsible for the implementation and coordination of the action plan. Funding for projects carried out by non-governmental non-profit organizations comes from the budget chapter of the Slovak Government Office allocated to “Programme 06P0201 – Support Activities of the Government Office – the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance”. (The 2007 allocation amounted to SKK 4,500 thousand; the allocation earmarked for 2008 amounts to SKK 9,500 thousand).

**The Committee recommends that the State party take into account its obligations under the Covenant in the formulation of its social welfare, housing, health and education policies.**

353. See paragraphs 137 to 307 above.

**The Committee recommends to the State party that human rights, including economic, social and cultural rights, be reflected in its official development assistance policy (ODA).**

354. See paragraphs 21 to 30 above.

**The Committee urges the State party to take concrete measures, including the adoption of a comprehensive anti-discrimination law, in accordance with article 2, paragraph 2 of the Covenant, to combat and eliminate discrimination against minority groups, in particular against Roma people.**

355. See paragraphs 5 to 20 above.

**The Committee requests the State party to provide, in its next periodic report, detailed information on any government policies, programmes and measures adopted to contribute to the effective implementation of the legislation on equality between men and women, including the representation of women at the various levels of Government and public administration.**

356. Important documents in the area of gender equality adopted in the previous period were the National Action Plan for Women in the Slovak Republic and the Policy Document on Equal Opportunities for Women and Men. Both documents included measures aimed at enforcing gender equality in practice. The National Strategy on the Prevention and Elimination of Violence against Women and in Families and the National Strategy on the Prevention and Elimination of Violence against Women for the period 2005–2008 are the relevant documents targeted to violence against women. The Measures for Reconciliation of Work and Family Life is a document with relevance for employment issues.

357. The “Strengthening of Administrative Capacity in the Field of Gender Mainstreaming in the Slovak Republic” PHARE project was an important effort with effective outcomes in the practical implementation of gender equality through the gender mainstreaming strategy. Within this project, civil and public servants at various levels were trained in introducing the gender aspect into governance.

358. Several strategies such as quotas, mentoring and coaching, networking, reconciliation of work and family life can be used to change the image of dominance and hierarchy, to eliminate barriers in society that deny women access to the top levels of governance in policy and management in economy. Gender correct role models, working place culture, change of work culture and company organization may help to change preference for men in leading positions. The anti-discrimination law does not allow introduction of quotas and the adoption of other special temporary measures to achieve de facto equality of women and men. Current legislation does not include the obligation of proportional representation of men and women in nominating candidates for election tickets.

359. Most activities for increasing the number of women in decision-making positions were implemented through projects conducted in cooperation of the political party in power and NGOs. Within the MATRA project, the 2001–2004 “Empowering Women for Functions in Public and Political Life in the Slovak Republic”, platforms to create alliances of political parties for supporting the idea of defining own internal rules for increasing the number of women on the tickets of political parties were formed mainly before the 2002 elections. Courses and training for women interested in working in political parties were also held.

360. In the context of equality between men and women, it is necessary to mention that under the “Employment and Social Inclusion” operational programme, measures were adopted to support creation of equal opportunities in access to the labour market, integration of disadvantaged groups and facilitation of reconciliation of work and family life.

Table 26

**The 2004 European Parliament elections**

	<i>Total</i>	<i>Women</i>	<i>% of women</i>
Number of member candidates	<b>187</b>	47	25.13
Number of elected members	<b>14</b>	5	35.71

Table 27  
**2005 elections to higher territorial units**

	<i>Total</i>	<i>Women</i>	<i>% of women</i>
Number of deputy candidates	<b>2 833</b>	526	18.57
Number of elected deputies	<b>355</b>	57	16.06
Number of chairmen candidates	<b>64</b>	7	10.94
Number of elected deputies	<b>8</b>	0	0.00

Table 28  
**2006 elections to the bodies of municipal self-governments**

	<i>Total</i>	<i>Women</i>	<i>% of women</i>
Number of lord mayor/mayor candidates	<b>8 358</b>	1 884	22.54
Number of elected lord mayors/mayors	<b>2 905</b>	597	20.55

Table 29  
**2006 Elections to the National Council of the Slovak Republic**

	<i>Total</i>	<i>Women</i>	<i>% of women</i>
Number of member candidates	<b>2 352</b>	535	22.75
Number of elected members	<b>150</b>	24	16.00

**The Committee calls upon the State party to take effective measures, including increasing the resources allocated to reducing the unemployment rate, in particular among women, Roma people and other disadvantaged and marginalized groups, especially in rural areas.**

361. Long-term unemployment, in particular the employment of disadvantaged and marginalized groups of population is a continuing problem in the labour market of the Slovak Republic. Existing measures of the new active labour market policy targeted and applied to these groups proved to be an effective tool in integration and employment support. Support to social inclusion of multiple disadvantaged job seekers who are most remote from the labour market is aimed at their inclusion through the labour market and by educating and training for the labour market. By implementing activities and measures, the Slovak Republic will continue to promote integrating rather than segregating measures and enforce a consistent antidiscrimination policy.

362. The European Union considers the quality of jobs the best tool in fighting poverty and social exclusion. Work offers the possibility of developing human potential and the capacity of social inclusion. The European Union member States increasingly apply "active inclusion" as means for achieving social and labour market inclusion. In addition to standard active labour market policy, specific assistance tailored to the particular needs and subsequent support to access to standard employment services are needed in the Slovak Republic.

363. The Slovak Republic will continue to give support to stronger targeting of the European Social Fund means to demand oriented projects of pilot verification and implementation of active labour market policy for multiple disadvantaged and marginalized groups of population, implement, and enlarge national projects of programmes that have

proved their effect. These measures will be compliant with the employment policy guidelines in the member States of the European Union.<sup>67</sup>

364. Enlargement of existing support programmes to employability improvement specifically targeted to labour market integration of disadvantaged job seekers will continue.<sup>68</sup> The national project pursuing the creation of a comprehensive programme of support to independence and labour market inclusion of young adults will be launched in selected regions of Slovakia in September 2008.

365. The main challenges in the Slovak labour market characterised mainly by low employment rate, high unemployment rate, highly structured unemployment manifested in the mismatch between supply and demand in the labour market will be addressed through the “Employment and Social Inclusion in the 2007–2013 Programming Period” operational programme. The reasons behind this mismatch are the disproportion between workforce qualifications and the requirements of employers as well as long-term unemployment that contributes to the deepening of regional disparities in the Slovak Republic. Therefore, it was necessary to adopt appropriate measures for achieving a balanced situation in the labour market.

366. The key task has been and continues to be the support to equal opportunities in access to the labour market and support to the integration of disadvantaged groups of population at risk of labour market exclusion with a particular attention being paid to marginalized Roma communities. Activities aiming at social inclusion oriented on employment and employability of groups at risk of social exclusion and on growth of job opportunities for persons belonging to these groups will continue. One of the tools for implementing activities addressing social inclusion today is the Social Development Fund through which social inclusion measures in underdeveloped regions of Slovakia are supported.

367. Creating systems for labour market change forecasting is an inseparable part of these measures. Social enterprise is a new tool of active labour market policy.<sup>69</sup> In March 2008, the Ministry of Labour, Social Affairs and Family published the call for the “Social Enterprise Formation and Networking” pilot project. In compliance with the global objective of the Employment and Social Inclusion operational programme and the European Employment Strategy, verification of a new tool for addressing unemployment with a particular emphasis on disadvantaged job seekers is proposed. The intention of the project is to create favourable conditions for social enterprises development. Through their economic activity, these enterprises will also accomplish a social goal, i.e. creating job opportunities for disadvantaged persons in the labour market and, thus, to contribute to their new social inclusion. Their social benefit will also include support to municipalities by providing services to local communities and regional development programmes implementation. The objective of social enterprises networking is exchange of information and experience, cooperation in addressing employment issues with a view to mainly disadvantaged persons in the labour market, cooperation in the implementation of activities

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<sup>67</sup> Guideline No. 17 “Implement employment policies intended to achieve full employment, improve quality and productivity at work, and strengthen social and territorial cohesion” and Guideline No. 19 “Ensure inclusive labour markets, enhance work attractiveness, and make work pay attractive for job-seekers, including disadvantaged people and the inactive”.

<sup>68</sup> They include education and vocational training programmes for the labour market, programmes supporting job creation, second chance programmes, etc.

<sup>69</sup> Social enterprise is a legal entity or a natural person that gives employment to at least 30% of its employees who were disadvantaged job seekers, gives support and help to these persons to find job in the open labour market, spends at least 30% of income from its business on job creation and on improvement of work conditions annually, is entered in the registry of social enterprises.

which are needed in municipalities and which are of benefit for the development of the region.

368. In the context of employment and access to the labour market, the situation of immigrants and ethnic minorities requires special attention. As they belong to the disadvantaged job seekers, they need more support in their integration and improvement of employability conditions. In the framework of integration strategy, consistent inclusion of migrants into all general support schemes in health care, housing policy, employment and other areas of social life, the migration office promotes a full inclusion strategy.

**The Committee urges the State party to ensure that the minimum wage enables all workers to secure a decent standard of living for themselves and their families.**

369. Adjustments of the minimum monthly wage for the next calendar year are negotiated by the representatives of employers and employees. When negotiating an increase of the minimum wage, social partners should consider the overall economic and social situation in the last two calendar years preceding the calendar year in question, in particular, they should consider the development of consumer prices, employment, average monthly wages in the economy of the Slovak Republic and of the subsistence level.

370. The final amount of the minimum wage depends on the results of negotiations between the representatives of social partners and the Government of the Slovak Republic at the highest tripartite level in the Economic and Social Council of the Slovak Republic. If this body fails to achieve an agreement on the adjustment of the amount of the minimum monthly wage, the ministry shall draft a governmental decree which will set the amount of the minimum monthly wage as the multiplication of the effective monthly minimum wage by the index of the year-on-year average monthly nominal wage increase of an employee in the previous year.

371. The final amount of the minimum wage for the next year shall be decided by the Government of the Slovak Republic before 20 October of the calendar year considering also the development of the ratio of the net minimum wage to the net average wage in at least two last previous calendar years, the expected forecast of the development of indicators of the economic and social situation in the Slovak Republic in the current year.

372. On 15 October 2008, the Government of the Slovak Republic approved a draft governmental decree that laid down the minimum wage of euro 295.50 per month for 2009, which is SKK 8,900 per month, according to this mechanism. The approved net minimum wage after conversion into euro at the conversion exchange rate is € 255.83 per month (SKK 7,707).

373. According to the forecasts of the Statistical Office of the Slovak Republic, the 2008 average monthly wage of an employee in the national economy is expected to be SKK 22,060, which is a net amount of SKK 17,032 per month (€ 565.36). The proportion of net minimum wage approved for 2009 on the expected 2008 net average wage per month is 45.25 per cent. Compared with this index for the previous period an increase by 0.41 point was noted.

**The Committee urges the State party to effectively implement measures recently adopted to ensure equal pay for work of equal value and to reduce the wage gap between men and women.**

374. On 1 September 2007, an amendment to the Labour Code<sup>70</sup> that introduced a separate § under the title “Wage for equal work and work of equal value” to the Labour Code entered into effect.

375. According to this provision, the employer has the obligation to pay women and men equal wage not only for equal work but also for work of equal value, i.e. when a woman or a man performs work of comparable difficulty, the terms and conditions of pay of employees must also be agreed without any gender based discrimination. This principle applies to any performance for work as well as to any performance paid or to be paid in the context of employment under other provisions of this law or under specific legislation.

376. Equal work or work of equal value means work of identical or comparable difficulty, responsibility and complexity performed under identical or comparable working conditions while achieving identical or comparable performance and results of work under an employment contract with the same employer. When assessing the value of work of women and men, the employer may use other criteria that can be objectively measured and that can be applied to all employees regardless of their gender, in addition to these criteria.

377. According to the information system on average pay, the average wage of women and its percentage on the average wage of men in the 1st quarter of 2008 was:

- In the business sector, SKK 19,691 per month in absolute figures, which was 76.1 per cent
- SKK 17,802 per month, which was 84.3 per cent on the average wage of men, in the non-business sector

**The Committee recommends that the State party revise its legislation on the right to strike, in line with Article 8 of the Covenant and the relevant Conventions of the International Labour Organization.**

378. Legal provisions governing the constitutional right to strike have been amended to prevent any restrictions of the rights of employees. Current legislation governing collective bargaining and its ultimate tool, the strike, in the Slovak Republic is not fully compliant with European Union instruments. According to the view of experts of the Council of Europe, the “right to strike” in the meaning of the European Social Charter is an individual right, however, the Constitution of the Slovak Republic as well as the collective bargaining act stipulate the right to strike as a collective right.

379. The right to strike is really used in the Slovak Republic. Strikes occur mostly at company level when used as the ultimate tool for addressing industrial disputes concerning the conclusion of collective agreements under the collective bargaining act. For instance, strikes were announced in 2007 (Slovenská autobusová doprava, a.s.; Poprad, HDO s.r.o.; Myjava) and in 2008 (Kromberg & Schubert, s.r.o., Kollárovo).

380. Outside the collective bargaining act, air traffic dispatchers of the Letové služby, š.p. Bratislava, made use of the right to strike under the Constitution and went on strike in 2007. Dispatchers from other Slovak airports also joined them.

381. In addition, other forms of protest such as protest assembly, performance of essential duties only, are used to support wage and social requirements and employment conditions. Considering the above information, we do not recommend any amendment to the legal provisions governing the right to strike.

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<sup>70</sup> Act No. 348/2007 Coll. amending Act No. 311/2001 Coll., the Labour Code as amended and amending and supplementing other relevant acts.

**The Committee requests the State party to provide detailed information on the National Programme in Poverty Combating and Social Exclusion and on the Social Protection National Programme. The Committee urges the State party to fully integrate human rights, including economic, social and cultural rights, in its poverty-reduction strategies. In this regard, it draws the attention of the State party to the Committee's Statement on Poverty, adopted by the Committee on 4 May 2001.**

382. The National Action Plan for Social Inclusion ("NAP/SI") is a social inclusion policy oriented strategic document. It has been drafted according to the methodological guidelines of the European Commission and the principles of open method of coordination. The document describes priority objectives and the measures for achieving them that built on the previous NAP/SI and that continue to be considered the key issues by the Slovak Republic in achieving the goals of preventing and eliminating poverty and social exclusion. It covers the area of social inclusion and defines priority objectives for the relevant period reflecting the long-term vision in this field.

383. Based on the analyses of experience from and development in the previous NAP/SI periods, the measures will be targeted to disadvantaged groups of population most at risk of poverty and exclusion – i.e., in particular children, juvenile, young adults, families with children, the unemployed (mainly the long term unemployed), disabled persons, marginalized Roma communities, homeless persons, persons released from prison, and drug and other addicts.

384. The 2008–2010 NAP/SI has identical priority goals to the 2006–2008 NAP/SI while enlarging and adjusting only specific indicators. Out of the four NAP/SI goals, three address social inclusion and poverty. The priority goals have been set as follows:

- Reducing child poverty and addressing inter-generational reproduction of poverty with preventive measures and support to families with children
- Increasing inclusion of and combating discrimination against vulnerable groups of population by supporting availability of public services, developing local solutions and increasing participation of excluded groups in the life of society
- Improving access to labour market and increasing employment and employability of disadvantaged job seekers and groups of population at risk of exclusion
- Enhancing management, implementation and monitoring of political measures at the national, regional and local levels

385. Tools were defined and partial quantifiable targets and indicators were set within the individual goals. The tools include structural reforms implemented in the Slovak Republic and the use of complex multi-tool approaches. Structural reforms have affected the whole area of social inclusion and social protection policies. They have required and will continue to need assessment of their impacts as well as of the effectiveness of proposed measures with a view to strengthening those areas of development, which need it. It can be concluded that the most effective measures are those that are invested into the development of human resources and job creation.<sup>71</sup> Complex, multi-tool approaches combine the efforts of several

<sup>71</sup> Improving Slovakia's competitiveness by enhancing human resources development has been of pivotal importance in recent years. The Ministry of Economy of the Slovak Republic considers them the decisive factor in the field of poverty reduction. The concept of the 2008 Education, Training and Counselling Programme for Selected Groups Interested in Starting Business supports this conclusion. It is an indirect assistance of free courses and training as well as counselling to persons interested in starting a business. A budget of SKK 4 million has been approved and granted for this initiative of the Ministry of Economy by the National Agency for the Development of Small and Medium Enterprises.

policies. Cross-cutting issues and key areas include the labour market, social assistance and protection, education, housing, public services and equal opportunities. In this area, they cover mainly direct transfers (assistance in material need, State social benefits) and measures aimed at reducing the expenditures of individuals and households (material assistance, school subsidies for children, provision of services) and measures aimed at supporting active inclusion such as access to education, employment and participation in social life.

386. The need of including long-term disadvantaged job seekers in the labour market called for the introduction of a new tool supporting active labour market policy – the support to disadvantaged job seekers inclusion.<sup>72</sup> The objective is to introduce a system of approaches, procedures and active measures conducive for the successful inclusion of long term disadvantaged job seekers in the labour market by assisting them with job seeking, supporting them in their vocational training, supporting their start of employment and supporting them in maintaining the job.

**The Committee calls upon the State party to enforce its legislation on domestic violence and to take appropriate preventive measures in order to give the required assistance to victims of domestic violence.**

387. In 2004, the Government of the Slovak Republic started to address violence against women and domestic violence by adopting the National Strategy on the Prevention and Elimination of Violence against Women and in Families.<sup>73</sup> With a view to promoting effective implementation of the national strategy, the Government approved the 2005–2008 National Strategy on the Prevention and Elimination of Violence against Women.<sup>74</sup> The fundamental goal of the national action plan is to implement adequate and effective procedures for preventing and eliminating violence against women.

388. The 2005–2008 National Strategy on the Prevention and Elimination of Violence against Women emphasised interpreting violence against women as a gender-related problem and included specific measures and proposed solutions with different deadlines. It included mainly the implementation of basic steps in prevention, education, research and building an institutional framework of coordinated assistance to women who had been victims of violence including the very important area of improving the legislation applicable to this matter.

389. The Progress Report on the 2005–2008 National Strategy on the Prevention and Elimination of Violence against Women has just been finished. A new 2009–2013 national action plan will be drafted and it should be submitted to the Government for approval in December 2008. This action plan will pursue continuing work in those areas where foundations for helping women, victims of violence, have already been developed. It is also necessary to formulate new tasks that could not be included in the first 2005–2008 action plan.

390. Proposed framework measures will focus on developing a national institutional framework of coordinated assistance, amending legislation, implementing activities in the area of assistance to victims of violence,<sup>75</sup> prevention, education and research. Other

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This measure will be in place until the end of 2013.

<sup>72</sup> Amendment to Act No. 5/2004 Coll. on employment services and on amending and supplementing other relevant acts as amended in effect from 1 May 2008.

<sup>73</sup> Resolution of the Government of the Slovak Republic No. č.1092 /2004 of 16 November 2004.

<sup>74</sup> Resolution of the Government of the Slovak Republic No. č.635 of 24 August 2005.

<sup>75</sup> Improvement of work of supporting profession through intervention teams, improvement of safety of women at risk by PC technologies, ensuring emergency shelter in the so-called women' homes,



measures will address work with offenders. Main emphasis will be on ensuring funding for the implementation of individual activities.

391. As regards the legislation in the area of violence against women, amendments to the Criminal Code, the Criminal Procedure Code, the infraction act, the Civil Procedure Code, the Civil Code, the act on compensation to victims of violent crimes, and the social assistance act that were adopted in Slovakia in the 1999–2002 period have the potential to significantly contribute to improving the effectiveness of the process of eliminating violence against women. A review of the effects of these amendments that has already started and seems to suggest that the situation in addressing domestic violence issues has improved.

392. The most substantial changes have taken place in what is referred to more broadly as “domestic violence”. The Criminal Code extended the definition of the terms “a significant other” and “a person in one’s care”, thus broadening the applicability of the provisions relative to acts constituting the criminal offence of ill-treatment of a significant other or of a person in one’s care to a wider category of entities, introduced the so-called protective treatment that the court may impose on the offender who committed a violent offence against a significant other or a person in his or her care and when the offender can be expected to continue such violent actions.

393. The amendments to the original Criminal Code introduced restraining orders barring from coming to the victim within a radius of 5 metres and the prohibition from staying close to the dwelling of the victim. Under the amended Criminal Procedure Code, criminal prosecution of the offender can be initiated even without the consent of the victim. Newly adopted provisions stipulate that no consent of the victim is required in criminal offences that are characteristic of domestic violence (such as ill-treatment of a significant other or of a person in one’s care, rape, sexual violence, etc.). Moreover, they make it possible to grant a new consent in case the consent was denied or withdrawn, where such denial or withdrawal were not made by free expression of will. A new criminal offence of “sexual violence” was introduced in 2001. The perpetrator of this type of criminal offence may be a man and also a woman.

394. In the reported period, several amendments were adopted to the social assistance act,<sup>76</sup> which is the basis for building a network of specialized facilities for women affected by violence, offering them specialized social help and social assistance, social and psychological counselling, access to legal counselling and to other forms of specialized counselling. The act assigns responsibility for administering and financing the facilities that assist women-victims of violence to self-governing regions. Specific forms of social assistance and the breakdown of funds allocated to individual facilities for the above purposes were outlined in the assessment report on the National Action Plan on the Prevention and Elimination of Violence against Women submitted to the Government in June 2008.

395. The most important information and awareness-raising effort with the aim of enhancing the awareness of the population of gender-related violence involving experts on these issues was a national campaign on “Let’s stop domestic violence against women” responding to the appeals and implemented along the lines of the all-European campaign of the Council of Europe.

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available and quality counselling and support services, overall improvement of the quality of social services performance while respecting European standards in proposed measures.

<sup>76</sup> Act No. 195/1998 Coll. on social assistance as amended.

396. The Ministry of Labour, Social Affairs and Family initiated and coordinated this campaign while also cooperating with the Information Office of the Council of Europe in view of its European dimension, representatives of several churches in Slovakia, NGOs associated in the initiative called Every Fifth Woman that attracted media attention by organising first media campaigns intended to lift the taboo on domestic violence in Slovakia. Other sectors, for instance education, health care, the interior, joined the activities of the campaign and cooperated in certain selected activities of the campaign. Cooperation with media was important.

397. The campaign was launched with a press conference attended by the minister of labour, social affairs and family and the representatives of the Parliamentary Assembly Committee of the Council of Europe for the Equality between Women and Men on 22 November 2007. The event included a moderated discussion on “Let’s Engage Men in the Fight against Domestic Violence”. The exhibition called “Silenced Witnesses” displayed in the building of the Ministry of Labour, Social Affairs and Family and the Ministry of Health, and later, in several other health care facilities, was a part of this campaign. Further, the [www.zastavmenasilie.sk](http://www.zastavmenasilie.sk) website was created, competition of draft national posters of the campaign was organized (two of these works were exhibited at the national posters exhibition of all Council of Europe member states in the foyer of the Parliamentary Assembly of the Council of Europe in Strasbourg). The campaign will continue with distributing thematic leaflets and educational materials for selected medical professions.

398. Interested sectors and institutions were given posters; Council of Europe posters with an appeal “We Can’t Afford to Not Hear the Call for Help” were presented on billboards and city lights proportionally in all regions of Slovakia. In the framework of the campaign, radio and TV spots and movie by director Nina Kusturica called Sign of Escape were broadcast. Several media presented programmes on violence against women where experts discussed the issue and shared relevant information.

399. During the campaign, experts from NGOs prepared information leaflets and brochures for various target groups and cooperating professions such as the leaflet and brochure “Act against Violence against Women”, publication “Act against Violence against Women and Children”, comics “Game Over” explaining the children violence, brochure for politicians and political parties and a brochure on political aspects of violence. The X Human Rights Olympiad held in 2008 included prevention of and zero tolerance for domestic violence and violence against women as a separate theme.

400. According to the Criminal Code (para. 208), ill-treatment of a significant other or of a person in one’s care is considered a criminal offence. This provision grants protection not only to minors but also to all significant others who, for any reason, depend on care provided by other persons (old age, disability, disease, etc.). A significant other means relatives in direct descent, adoptive parents, adoptees, siblings and spouses; other persons in family or other similar relations are considered significant others only if they would perceive the harm suffered by one of them as their own harm.

401. Ill-treatment in the meaning of the Criminal Code means inflicting physical or mental suffering by repeated beating, kicking, hitting, causing wounds and burns of various kinds, humiliation, contempt, stalking, threatening, causing fear or stress, enforced isolation, emotional blackmail and other conduct that puts at risk physical or mental health of the person and restricts person’s safety, unfounded denial of food, deprivation of rest or sleep and denial of necessary personal care, clothes, hygiene, health care, housing, raising and education, forcing to beg and/or repeated performance of activities requiring disproportional physical or mental effort considering the age or health or capable of causing damage to health, exposure to the effect of substances that could damage person’s health and unjustified restriction on access to property the person is authorized to use.

402. The Criminal Code stipulates a sentence of imprisonment between three to eight years for this crime. An offender, who committed this crime out of special motive, in an aggravated manner or when sentenced for such crime and discharged from the sentence of imprisonment for such crime in the previous 24 months or caused severe bodily harm or death, shall be punished by a stricter sentence. An offender shall be liable to imprisonment for a term of fifteen to twenty five years or a life imprisonment when causing several persons serious bodily harm or death while committing such crime.

403. The Criminal Code also establishes as criminal offences other forms of conduct that violate the above article, depending on specific circumstances of the case. This includes, for instance, injury to health, deprivation of personal liberty, restriction of personal liberty, extortion, racketeering, duress and others.

Table 30

**Number of persons convicted of selected crimes: OCC – old Criminal Code  
NOCC – new Criminal Code<sup>77</sup>**

<i>Criminal offence</i>	<i>§OCC</i>		<i>Year</i>						
	<i>§NCC</i>	<i>2004</i>	<i>Of which women</i>	<i>2005</i>	<i>Of which women</i>	<i>2006</i>	<i>Of which women</i>	<i>2007</i>	<i>Of which women</i>
Pandering	§204 OCC	6		9	0	10	3	3	1
	§367 NCC	x	x	x	X	0	0	4	0
Ill-treatment of a significant other	§215 OCC	322		336	14	243	19	96	5
	§208 NCC	x	x	x	X	38	1	160	1
Unauthorized abortion	§227–229 OCC	2		1	0	0	0	0	0
	§150–153 NCC	x	x	x	X	4	0	4	0
Rape	§241 OCC	64		70	1	47	0	22	0
	§199 NCC	x	x	x	X	4	0	21	0
Sexual violence	§241a OCC	9		21	0	11	0	12	0
	§200 NCC	x	x	x	X	3	0	20	0
Sexual abuse	§242–243 OCC	185		168	9	105	4	55	1
	§201–202 NCC	x	x	x	X	68	4	114	5
Trafficking in human beings	§201–202	6		6		15			
	§179 NTZ					1		2	

<sup>77</sup> E.g., Act No. 140/1961 Coll. as amended.

Table 31  
**Statistics of imposed sentences and protective measures related to domestic violence (ill-treatment of significant other) imposed in 2007<sup>78</sup>**

	2007	
	§215 OCC	§208 NCC
Number of convicts	96	160
Number of imposed protective measures	24	53
Number of conditional sentences with probation oversight	1	45

**The Committee urges the State party to adopt effective measures, including through regional cooperation, to combat trafficking in women and to adopt preventive programmes to combat the sexual exploitation of women, adolescents and children.**

404. Victims of trafficking in human beings are mostly women aged 18 to 25 mainly from regions of Slovakia hit by high unemployment. The victims are not only single women and single mothers but also married women with several children who come usually from socially disadvantaged families.

405. Abroad, the victims seek help from embassies or the local police contacts embassies with a request for cooperation when apprehending a woman, who is a Slovak national. The International Organization for Migration (IOM) participates in the return of these persons in cooperation with the embassies under the Return and Reintegration Programme for Trafficked Persons.

406. Victims mostly seek help only when they get into trouble. In many cases, it is difficult to determine whether it is voluntary or forced prostitution because the women do not want to report true information and the reasons for seeking help. Partially, it is because they fear potential consequences from organizers of the trafficking or because they want to continue their activity after the problem is solved. After returning home, only a negligible percentage of victims informed the police that they were victims of trafficking in human beings. When they really need help, they prefer to contact an NGO. They usually refuse to cooperate with the police either because of fear of reprisal from dealers, though, the main reason, however, is that they do not want their community to know that they were engaged in prostitution.

407. Prevention projects aimed at preventing crime, focused on the Schengen context and prevention of trafficking in human beings, were organized under the “Information campaign on impacts of Schengen on the citizens of the Slovak Republic and the risks of trafficking in human beings”. The objective of the campaign was to inform the representatives of State administration, self-governments, primary and secondary school teachers and students, NGO representatives, municipal police, churches and community centres and to train coordinators at primary and secondary schools on this issue.

408. The information campaign was organized by the Council of the Slovak Republic for Crime and Other Anti-Social Behaviour Prevention in cooperation with the coordinators of crime and other anti-social behaviour prevention of the Regional Office at Košice and the Regional Office at Prešov, the International Office for Migration (IOM), the Office of Border and Alien Police of the Ministry for the Interior of the Slovak Republic and the Department of Criminal Law of the School of Law of Pavol Jozef Šafárik University at

<sup>78</sup> Act No. 300/2005 Coll. as amended, effective from 1 January 2006.

Košice. In the information campaign, 2,030 persons from target groups and 24 representatives of print and electronic media, thus, indirectly also the public of the whole of Slovakia, were addressed.

409. Statistical data on the crime of trafficking in human beings provided by the police do not reflect the actual picture because of the high latency of this kind of crime. In view of the situation, the Council of the Government of the Slovak Republic for Crime Prevention has promoted the need to initiate research of latent crime through victim surveys that would give a “more realistic” picture of the situation represented only through criminal statistics until now. On the initiative of the Council of the Slovak Republic for Crime and Anti-Social Conduct Prevention, the department for criminology and crime prevention was established at the Ministry of the Interior. This department, in cooperation with the Centre of Science of Bratislava School of Law, the Institute for Public Opinion Research at the Statistical Office of the Slovak Republic started to study the incidence of latent crime in Slovakia. This step makes the Slovak Republic one of the countries where the development of research is measured in particular by orientation on latent crime. Final research results will be published as a book that will be used in training of crime prevention staff at all levels and also the public will be informed of the findings.

410. Under the “Reaction of Criminal Justice to Trafficking in Human Beings in the Slovak Republic” joint project of the Ministry for the Interior and the United Nations Office on Drugs and Crime, an independent research institute, the Slovak Governance Institute has carried out activities to ensure availability of basic data on illegal trafficking in human beings in the Slovak Republic, collection of existing data on captured cases of trafficking including data on investigation, prosecution, suspects and convicts. In this context, another activity is surveying the situation in the flows of illegal trafficking in human beings from and through the Slovak Republic including the profiles of victims, perpetrators and their manner of operation.

411. In 2003–2007, the “Trafficking in Human Beings” project was carried out in the framework of Dutch-Slovak cooperation under the Memorandum of Understanding between the Slovak Republic and the Kingdom of the Netherlands. The project aimed at improving mainly the professionalism of the staff taking part in clarifying the crimes of trafficking in human beings and other Police Corps officers who come into contact with the victims of this crime and at offering them a possibility of learning from practical experience of their Dutch colleagues.

412. The International Organization for Migration (IOM) implements the “Return and Reintegration of Trafficked Persons” project under the EQUAL Community Initiative. The objective of the project is to provide practical assistance in the return and reintegration of trafficked persons coming from Slovakia who are in a target country and who want to return voluntarily to Slovakia or who are already in Slovakia and who either personally or via a third person or organization, express interest in reintegration assistance. The implementation of the programme was launched in August 2006. From August 2006 until the end of 2007, twenty persons, who were granted various types of assistance in cooperation with experts from NGOs, were registered in it. In addition, the “Programme for the Return and Reintegration of Trafficked Persons” provides consultations, counselling and crisis assistance to potential clients or external reporting organizations and persons.

413. The “Trafficking in Human Beings Prevention for Secondary School Teachers and Students” project was implemented by the International Organization for Migration (IOM) through the Accenture Foundation and the Pontis foundation in January and February 2007. The objective of the project was to raise awareness among young people — 14–19 years old students — on the threat of trafficking in human beings and the possibilities of its prevention through discussion groups at secondary boarding schools. The project also tested a new form of prevention within a group of young people through the so called peer

activists trained in disseminating prevention information by working with peer groups in the dormitories, at schools, etc. The target group are 14–19 years old secondary school students. Peer activities attracted 449 participants, 17 peer activists and three supervisors engaged in the discussion groups activity.

414. In the prevention of trafficking in human beings, sexual exploitation and support to victims, prevention activities of the Police Corps were also targeted to secondary school youth. Under the “Crisis Intervention and Social Inclusion of Victims of Trafficking in Human Beings in Cooperation with the Police Corps Officers, State Administration and Self-Governments” project, Police Corps officers visited secondary schools and showed and lectured on the Lilja 4ever film.

415. The counselling information centres formed at regional directorates of the Police Corps, which provide counselling services, and assistance to citizens, have also information materials and leaflets on assistance to victims of trafficking in human beings in different languages. During lectures at schools, leaflets issued by the department for security strategy and counselling activities of the Office of the Minister for the Interior of the Slovak Republic in cooperation with the International Organization for Migration (IOM) and the Dotyk – Beckov, Slovak crisis centre, were distributed.

Table 32

**Statistical data on criminal offences related to trafficking in human beings**

<i>Trafficking in human beings</i>	2003	2004	2005	2006	2007	Till 30 April 2008
<b>Total number of cases</b>	<b>28</b>	<b>27</b>	<b>14</b>	<b>19</b>	<b>13</b>	<b>4</b>
Clarified cases	16	18	4	6	4	1
Additionally clarified cases	0	5	2	1	5	0
<b>Total number of offenders</b>	<b>46</b>	<b>21</b>	<b>6</b>	<b>11</b>	<b>9</b>	<b>1</b>
Of them: Men	37	14	6	8	8	1
Women	9	7	0	3	1	0
<b>Total number of victims</b>	<b>43</b>	<b>33</b>	<b>18</b>	<b>31</b>	<b>15</b>	<b>4</b>
Of them: Men	1	4	2	2	0	0
Women	42	29	16	29	15	4
Of them under: 15 and/or 14 years	0	3	0	1	1	0
Younger than 18 years	5	6	4	7	4	3

Table 33

**Statistical data on the crime of pandering**

<i>Pandering</i>	2003	2004	2005	2006	2007	Till 30 April 2008
<b>Total number of cases</b>	<b>13</b>	<b>22</b>	<b>22</b>	<b>10</b>	<b>18</b>	<b>6</b>
Clarified cases	9	16	13	2	12	3
Additionally clarified cases	2	1	3	0	2	1
<b>Total number of offenders</b>	<b>11</b>	<b>24</b>	<b>11</b>	<b>3</b>	<b>18</b>	<b>5</b>
Of them: Men	9	19	7	3	14	4
Women	2	5	4	0	4	1
<b>Total number of victims</b>	-	-	-	-	-	-

**The Committee calls upon the State party to adopt effective measures, including public awareness campaigns, to reduce tobacco smoking and alcohol consumption.**

**Smoking**

416. The Slovak Republic has implemented mass media campaigns to reduce the number of smokers at national level. Tobacco smoking related death toll is estimated at 11,000 in Slovakia today. If no measures for reducing tobacco products consumption are adopted in near future, mortality may grow significantly. From this point of view, the Stop and Win media campaign is one of effective tools for quitting smoking.

417. This competition has been regularly organized on a biennial basis in Slovakia since 1996. Then, 715 participants took part in the competition. Since then, their number has constantly grown. In 1998, they were 844 and 2000, as many as 1,656. This year, 370 participants applied for the competition. The objective pursued with the Stop and Win competition is to motivate smokers to change their lifestyle and to promote non-smoking among those who fail in their attempts to quit consuming tobacco products.

418. In addition to having better health, the participants are also encouraged to take part in the competition by the possibility of winning interesting and valuable prizes. An important motivation tool is also awarding prizes to those drawn participants who stopped smoking for a period of one month.

419. Since 1994, the Statistical Office of the Slovak Republic has conducted periodic biennial surveys of a representative sample of population on drug and tobacco products consumption. Since 1994, non-smokers are in majority in all samples. Since 2000, the share on non-smokers is also on increase among youth. Since 1998, the share of non-smokers among the Bratislava youth is unchanged – 53 per cent. The number of respondents who report daily smoking increases with age. On the other hand, occasional smokers have the highest proportion among the youngest ones.

420. In 2006, the most numerous group of adults among three surveyed samples are non-smokers, when the number of non-smokers hit the 60 per cent limit the first time. The drop in daily smokers to its historic minimum since 1994 is closely linked with this finding. The share of irregular smokers remains constant compared with other years.

421. In Slovakia, the situation in incidence of smokers among 15–29 years old youth is stabilised. In contrast with adults, no increase in the non-smokers was observed in the reported 1994–2006 period. It is estimated that 43 per cent of men and 16 per cent of women older than 18 years smoke in Slovakia.

Table 34  
**The share of smokers and non-smokers in adults**

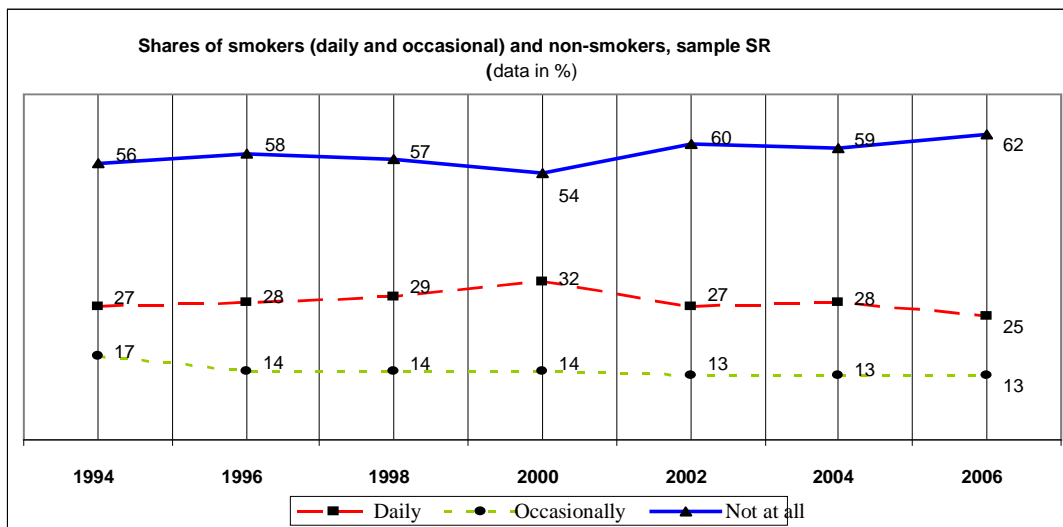
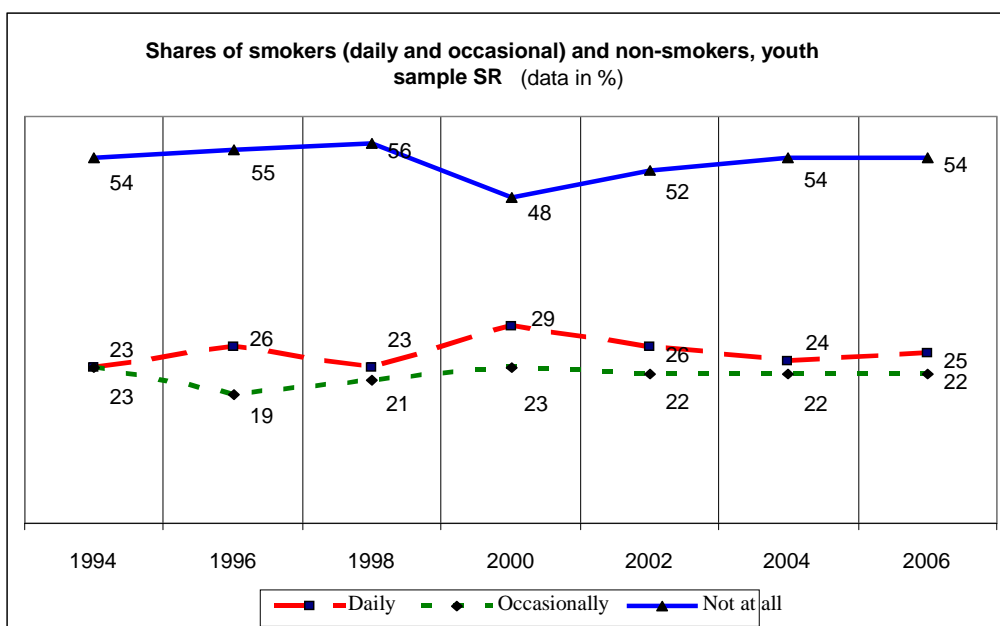


Table 35  
**The share of smokers and non-smokers in youth**



422. ESPAD (European School Project on Alcohol and Other Drugs), GYTS (Global Youth Tobacco Survey) and regular surveys conducted by the Institute of Information and Prognoses of Education monitor the experience with tobacco products consumption in 16-year old children in Slovakia. One of the surveyed features is smoking during the last 30 days (The ESPAD Report, 2007).



Table 36  
**Smoking in 16-year old children during the last 30 days in the 1995–2007 period**

	1995	1999	2003	2007
Boys	34%	40%	39%	51%
Girls	20%	34%	36%	43%

423. These data show that according to ESPAD, the situation in Slovakia deteriorates. An alarming 23 per cent increase of girls who took a cigarette in the last 30 days (1995–2007) was registered. The situation concerning boys, where a 17 per cent increase (1995–2007) is observed, is not better.

424. The GYTS survey organized by the US National Center for Chronic Disease Prevention and Health Promotion also studied the occurrence of tobacco products smoking and consumption among 13 to 15 years old youth in Slovakia. Its results revealed these most important data (GYTS, Report, 2007):

**Prevalence:**

- 64.9 per cent had already smoked cigarettes (Boys = 69.3 per cent, Girls = 60.2 per cent)
- 27.9 per cent consume tobacco products currently\* (Boys = 30.0 per cent, Girls = 25.1 per cent)
- 26.4 per cent smoke cigarettes currently (Boys = 28.0 per cent, Girls = 24.1 per cent)
- 8.3 per cent daily smoke cigarettes currently (Boys = 9.8 per cent, Girls = 6.2 per cent)
- 11.2 per cent smoke cigars currently (Boys = 12.4 per cent, Girls = 9.3 per cent)
- 29.1 per cent started to smoke younger than 10 years of age (Boys = 34.8 per cent, Girls = 22.3 per cent)
- 24.6 per cent non-smokers susceptible to start smoking (Boys = 17.7 per cent, Girls = 29.6 per cent)

**Accessibility of tobacco products – current smokers:**

- 30.7 per cent usually smoke in public areas (parks, shopping malls, streets and the like)
- 50.8 per cent purchase cigarettes in shops
- 83.3 per cent of those who purchased cigarettes in a shop were not refused service because of their young age

**Passive smoking:**

- 46.3 per cent live in households where people smoke in their presence
- 69.3 per cent are exposed to passive smoking outside their household
- 79.8 per cent believe that smoking should be forbidden in public areas
- 75.6 per cent believe that passive smoking is harmful to them
- 50.9 per cent have at least one parent who is a smoker
- 24.1 per cent have most or all friends who are smokers

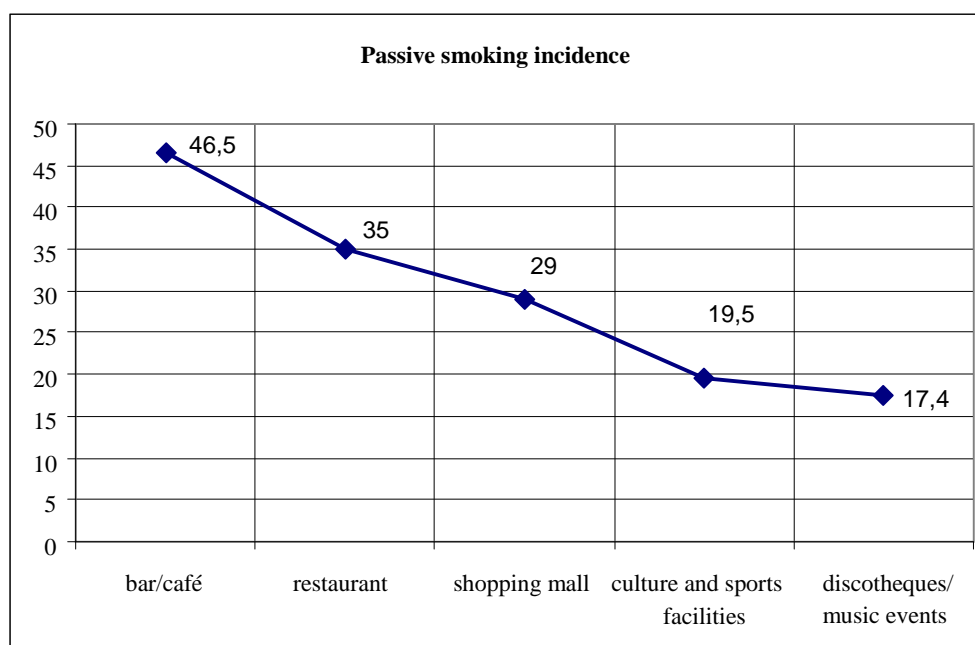
**Quitting smoking – smokers:**

- 65.1 per cent want to quit smoking
- 78.0 per cent tried to quit smoking last year
- 66.4 per cent accepted help in their effort to quit smoking
- 16.8 per cent think of cigarette as the first thing when they wake up in the morning

**Incidence of passive smoking**

425. In Slovakia and worldwide, several surveys targeted to passive smoking incidence were conducted. In Slovakia, the last survey on passive smoking exposure was carried out among the inhabitants of Bratislava (Prevalencia vystavovania, 2006). The survey concluded that the most frequent place where adult non-smokers are exposed to passive smoking was a bar or a café followed by a restaurant, shopping malls ranked third.

Table 37

**Incidence of passive smoking**

426. From the passive smoking perspective, the worst situation in the European Union, according to the survey of the European Statistical Office, is in Malta where as many as 64 per cent of adult population over 18 years of age are often exposed to passive smoking. Cyprus, Italy and Slovakia with a level of exposure of 54 per cent of adult population follow (Attitudes of Europeans, 2006).

**The National Action Plan for Alcohol Problem**

427. The Slovak Republic adopted its Plan For Action on Alcohol Problems in 2006. The main objective is to reduce health, family and broader negative social problems linked with alcohol consumption. Reducing alcohol consumption mainly among youth is considered one of the most important means for achieving these goals. In spring 2008, a broad, practically society-wide discussion together with extensive media coverage of the proposed new act on children and youth protection against the consumption of alcoholic beverages took place.

428. Young people are the group of population group most at risk of starting and developing alcohol addiction. The group, which influences attitudes and behaviour of young people, is the family and peers. Considering this aspect, regional public health offices intervene with parents, relatives, teachers, drug addiction prevention coordinators, school psychologists. Educational approaches and counselling are based on scientific knowledge and, thematically, they focus on prevention and reduction of problems linked with alcohol and other habit forming substances consumption and abstinence support in children.

429. The main principles of activities of the Public Health Authority of the Slovak Republic:

- Change of ignorant social attitude to the alcohol related problems in Slovakia — sensitivity of politicians and the whole society to problems related to excessive and harmful alcohol drinking — emphasising facts on unhealthy attitudes of the society leading to support of harmful and excessive alcohol consumption
- Change of social attitudes to drinking of individuals, to abstinence, to respecting individual's right not to drink, to improve the image of a non-drinking person as a positive example of behaviour and health.
- To provide information on the risks of long-term and excessive alcohol consumption in adults through counselling (a facilitating counselling interview) and health education

430. The objectives of the Plan For Action on Alcohol Problems:

- To emphasize person's responsibility for their health
- To focus on the change of negative social stereotypes with respect to alcoholic beverages consumption in Slovakia — as a priority, to emphasise person's "right" to refuse offered alcohol and not to drink — the right to respect for situational abstinence
- To develop health education of citizens with the aim of achieving a change in alcoholic beverages drinking patterns by education to sobriety and controlled drinking
- To develop a monitoring system for indicators of alcohol consumption in Slovakia and its negative impact on people

431. Since 1996, the shares of respondents who reported daily drinking and drinking 2–3 times a week of 10 degree and stronger beer has not changed in the sample of the Slovak Republic according to the survey conducted by the Statistical Office of the Slovak Republic, the share of those who drink beer occasionally has again slightly decreased (by two percentage points compared with 2004). Today, the share of absolute non-consumers of 10 degree and stronger beer in the all-Slovakia sample is coming close to two fifth, which is the largest group ever.

Table 38

**Beer drinking in adult population sample in 1996–2006 (data in %)**

<i>Year</i>	<i>Daily</i>	<i>2–3 times a week</i>	<i>Only occasionally</i>	<i>Not drinking at all</i>
1996	9	16	41	34
1998	7	16	41	36
2000	8	17	43	32
2002	7	14	45	34

<i>Year</i>	<i>Daily</i>	<i>2–3 times a week</i>	<i>Only occasionally</i>	<i>Not drinking at all</i>
2004	8	15	42	35
2006	8	15	40	37

432. In the adult population, 1 per cent of respondents admitted daily consumption of wine according to the Statistical Office of the Slovak Republic, which confirms a stabilised trend with the exception of 2004; 6 per cent of respondents drink wine 2–3 times a week. On the other hand, the share of occasional consumers grew by five percentage points and currently, it is seven out of ten respondents. Since the commencement of the survey, wine non-consumers represented approximately one quarter of the adult population and this figure has been almost stable since 1996.

Table 39

**Wine drinking in adult population sample in 1996–2006 (Data in %)**

<i>Year</i>	<i>Daily</i>	<i>2–3 times a week</i>	<i>Only occasionally</i>	<i>Not drinking at all</i>
1996	1	8	67	24
1998	1	6	70	23
2000	1	7	69	23
2002	1	6	69	24
2004	2	8	64	26
2006	1	6	69	24

433. The share of liquor consumers in adult population group grew by two percentage points compared with 2004. The survey also identified two percentage points more of occasional liquor consumers. The number of daily consumers and those who drink “hard” alcohol two – three times a week is the same as in the last measurements. Compared with 1996, the number of persons not drinking liquor at all increased from 28 per cent to 33 per cent.

**The Committee requests the State party to provide, in its second periodic report, information about the mentally ill, including the number of those hospitalized, the facilities available to them and the legal safeguards for the protection against abuse and neglect of patients.**

434. In the Slovak Republic, psychiatric care is provided according to Article 17(6) of the Constitution of the Slovak Republic and the health care act, services linked with health care.

435. A person may be admitted to an institutional health care facility providing psychiatric care without informed consent, when such person is a threat to themselves and their surroundings or when at risk of serious deterioration of their health as a consequence of mental illness. In these cases, the health-care provider is obliged to notify the court that has the territorial jurisdiction over the institutional health-care establishment of having admitted a person for institutional treatment within 24 hours. The court decides on the lawfulness of the reasons for admission to institutional care. Until the court makes that decision, the only authorized medical interventions are those that are essential for saving the life and health of the person or for ensuring the security of his or her surroundings. When the reasons for admitting a person into institutional care, which does not require informed consent, disappear, the provider has the obligation to release the person from institutional care or to seek informed consent.

436. In 2006, altogether 1,600,000 out-patient psychiatric examinations were carried out in 267 out-patient adult departments and 45 out-patient child departments of which approximately 78,000 were examined the 1x in their life and 250,000 were examined the first time in the surveyed year. Psychiatric departments are established within general hospitals, psychiatric clinics and psychiatric sanatoria. Out-of-hospital care is provided in 17 day hospitals. No community facilities for patients suffering from mental disorders exist in the Slovak Republic.

437. It is the first time in modern Slovak psychiatry that the Ministry of Health approves optimum out-patient department prescriptions based on the Reform of Psychiatric Care. In practice, this means that the number of psychiatric out-patients departments will be increased by 85 medical doctor positions, old age psychiatry will get 67 medical doctor positions more, child psychiatry 37 new medical doctor positions, out-patient departments for alcoholism and other addictions treatment will get 33 medical doctor positions more and psychiatric sexology will be added 18 medical doctor positions, i.e. a total increase by 240 medical doctor positions compared with the current situation where the total is 261 medical doctor positions.

438. New out-patient positions are opened on the basis of regional distribution of the number of examinations. It will be a multi-annual process. Already today, it faces significant limitations due to restricted funding possibilities of facilities with beds available for recruiting graduates interested in psychiatry and for their training. The approval of increasing the capacity of the day hospital from current 280 places to 900 is also important. Here, the regional principle also applies. As the out-patient, day hospital and clinical psychological care will develop, decreasing bed capacity, in particular in psychiatric establishments, has to be expected in the institutional care context.

439. Transformation of psychiatric care into community care, which takes into account the satisfaction of social needs of our patients in a better way than it is currently done, cannot be implemented in a radical way and without necessary sensitivity. It is an evolutionary process taking into account individual needs and possibilities of each of our patients in long-term care.

**The Committee urges the State party to intensify its efforts to increase the school attendance of Roma children, especially at the primary level, and to address the problem of dropouts among secondary school pupils. The Committee also recommends that the State party collect and develop data, disaggregated by gender and ethnic origin, as stated in the Committee's General Comment No. 13, for inclusion in its next periodic report.**

440. Education policy has become one of the key tools in combating inter-generational reproduction of poverty. By ensuring equal opportunities in access to education and the possibility of attaining quality education regardless of child's socio-economic environment, integration of children from risk and marginalized groups into standard school environment has been ensured. This measure has been implemented mainly by fine-tuning education policies and by granting assistance during studies (starting with supporting access to pre-school education). The essential task was the adoption of the school act in May 2008 that has become a systemic tool in this area. This law considers, inter alia, equal access to education and training, prohibition of all forms of discrimination (in particular segregation), life-long learning, preparation for responsible life in free society in the spirit of understanding and tolerance, equality between men and women, friendship among nations, national and ethnic groups and religious tolerance, integration of the education system of the Slovak Republic into the European educational area with a view to own experience and tradition, ban on providing and making available information or misuse of information means that could disturb morals or incite national, racial and ethnic hatred and other forms of intolerance, to be the principles of education and training.

441. In addition, inclusion policies have been implemented in education through financial support programmes such as contributions and subsidies to supporting access to education for children and pupils from low income families and subsidies to food, school aids and an motivation allowance for children from kindergartens and primary schools, subsidies to scholarship for secondary school students from the European Social Fund, social scholarship for university students as well as transport allowances for primary school pupils. The system of subsidies has continued to be used for supporting access to education for children from low-income families starting already with pre-school education.

442. Tools and integration programmes for children from excluded, endangered and marginalized groups into standard school environment were supported and developed. These tools include the zero grade,<sup>79</sup> transition grades, counselling tools, out-of-school education, preparation courses, tutoring, various types of innovative and acceleration programmes and programmes of work with parents carried out at schools, community centres, in field, etc.

443. In education of children with special educational needs, the legislation made individual integration in the regular school system, education through social integration in special classes in regular schools, education in special schools possible in the system of education. Educational and psychological counselling centres, educational and psychological prevention centres, diagnostic centres, therapeutic and educational sanatoria and special educational counselling establishments (i.e. establishments of school counselling and specialized educational establishments) assist these children and their legal guardians. Education received at special schools except the education from special schools for mentally handicapped pupils, is equal to the education received at primary and secondary schools.

444. The European Social Fund significantly contributed to the implementation of the development of inclusive education. Priority support of the 2007–2013 programming period is given to ensuring access to education including building of educational infrastructure. Today, emphasis is put on consistent implementation of tools for preventing segregated education mainly of children from marginalized Roma communities.

445. In 2006, the decree on granting social scholarship to university students that increased the maximum amount of scholarship for the 2006–2007 school-year, was adopted.<sup>80</sup> In 2008, the Concept of Upbringing and Education of Roma Children and Pupils Including the Development of Secondary and Tertiary Education was adopted. The Strategy of Life-long Learning and Life-long Counselling were approved by government resolution. The objective is to create conditions for acquiring qualifications during active life. Developing key competences and improving chances in the labour market are the priority. This strategy pays particular attention to supporting gender equality and creating conditions for disabled persons. In its new lifelong learning act, the Slovak Republic also envisage creating conditions for recognition of results of informal and non-instructional education for attaining qualification. This would enhance social inclusion and reintegration into the labour market.

446. The Office of the Plenipotentiary of the Government for Roma Communities runs a scholarship programme for secondary school and university students in cooperation with the Open Society Foundation within its grant scheme. Within this programme, the Office of

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<sup>79</sup> Zero grade of primary schools is designed for children who reached six years of age on 1 September, who are not mature for school attendance, who come from socially disadvantaged environment and because of social and language environment it can be believed that they would not be able to cope with the curriculum of the 1<sup>st</sup> grade in one school-year.

<sup>80</sup> From SKK 2,500 for disabled students to SKK 7,200.

the Plenipotentiary of the Government for Roma Communities granted scholarships to 112 secondary school students and 25 university students in 2007. Within its grant scheme, grants amounting to 42 millions were given to several projects, among them also to 39 projects for improving the quality of life of socially disadvantaged groups, community centres in 16 municipalities, education (17 projects) and drafting of project documentation for the construction of municipal rental flats (for 19 entities).

447. Of the whole surveyed sample of Roma population, which finished education, as much as 35 per cent were persons who have not completed primary school. Individuals who completed their education at the level of primary school had approximately the same share (36,6 per cent). Only one quarter of the surveyed sample (24,3 per cent) continued their education after completing primary school. Of which almost 9 per cent failed (they interrupted their vocational studies at secondary schools and have the status of not-completed secondary education) and only 15,4 per cent of surveyed Roma population attained secondary and higher education. Out of the whole sample, less than 4 per cent were graduates of special schools.<sup>81</sup>

448. The surveyed sample showed certain gender-related differences. Compared to men, the group of women showed higher representation of not-completed primary education and primary education, women had a lower proportion in higher levels of educations. The share of persons completing special schools was approximately identical in both men and women (4 per cent). In total, the structure of education in the surveyed Roma women can be assessed as slightly lagging behind the structure of education of men.

449. Differences that are more distinctive were identified with respect to age. The share of not-completed primary education was the highest in the oldest age group over 50 years of age and it gradually dropped with decreasing age. However, the share of not completed primary education exceeded one quarter (25.8 per cent) in the youngest group. Compared with other age categories, higher share of primary (almost 41 per cent) and not completed secondary education (11.5 per cent) was established in the youngest age group. It is interesting to find that completed secondary education had the highest representation in the middle age group and not in the youngest age group. While in the youngest age group, individuals with secondary education had a share of 13.7 per cent, in the middle age generation of 30 to 49 years of age it was almost 20 per cent. In the oldest age group, less than 10 per cent attained secondary education. The highest share of individuals attending a special school was in the youngest age group – 7.5 per cent. In the two older age groups, this difference did not exceed 2 per cent.

450. It looks as if there were two tendencies in the education of the surveyed Roma population: towards younger generation, the level of education increases, however, only till the level of “not completed secondary school”. Completed secondary education has the largest representation in the middle age generation. On the other hand, the number of special school graduates increased in the youngest generation.

451. These tendencies are also confirmed by the average age in individual levels of education. The average age in the category of not completed primary education was almost 40 years, in the group with completed primary education it was 35 years and in the category of not completed secondary education the average age dropped below 31 years. In the group with completed secondary education the average age again came closer to 35 years.

452. Altogether 495 students of Roma nationality studied at all types of secondary schools in the 2006/2007 school year. According to the 2007 statistical yearbook, the number of pupils was 292 on 15 September 2007. According to this year-book, altogether,

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<sup>81</sup> UNDP study performed in a sample of 720 Romany households.

3,910 pupils and students of Romany nationality attended primary and secondary schools and institutions of higher learning.

453. The comparison of data for 2006 and 2007 available in the statistical yearbook shows that the share of pupils of Romany nationality has declined at the secondary school level. It has significantly dropped at lower types of secondary schools such as secondary vocational schools and joined secondary schools and the number of these students increased at secondary technical schools. The number of students at comprehensive secondary schools – gymnasia slightly dropped (<http://web.uips.sk/statis/rocenka.html>).

454. Only one quarter of the surveyed sample (24.3 per cent), which comprised 720 Roma households on the basis of the UNDP survey, continued their education after completing primary school. Of which almost 9 per cent failed (they interrupted their vocational studies at secondary schools and have the status of not-finished secondary education) and only 15.4 per cent of surveyed Roma population attained secondary and higher education.

**The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.**

455. Human rights education and multiculturalism based education are addressed in the 2005–2014 National Plan of Action for Human Rights Education drawn up by the Ministry of Education. Based on UN guidance on public human rights awareness programmes (annex to the UN Decade for Human Rights Education (1995–2004), the National Commission for Human Rights Education was established at the Slovak National Centre for Human Rights beginning of 2006.

456. The core part of the national human rights education plan includes continuing education of teachers, issuing of methodological publications and textbooks and a monitoring and evaluation system for the quantity and quality of human rights education. The Ministry of Education monitors achievement of tasks under the national plan annually, followed by drawing up a plan of activities for the next year with financial coverage (amounting to some SKK 3 million). The national plan builds on the Migration Policy Concept Detailed Down to the Level of the Ministry of Education.

457. Acquiring knowledge, skills and attitudes important for enhancing human dignity, informed and independent participation in the development of a democratic society in compliance with such values as human rights, equality, plurality and justice are the objective of human rights education at schools.

458. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society and, in particular, among State officials and the judiciary and to inform the Committee, in its next periodic report, of all steps taken to implement them. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of the report.

459. The Ministry of Foreign Affairs published the Report on the Consideration of the Initial Report by the Slovak Republic on the Implementation of the International Covenant on Economic, Social and Cultural Rights together with the concluding observations by the Committee on Economic, Social and Cultural Rights of November 2002 on its website – [www.mzv.sk](http://www.mzv.sk).